

CHAPTER XVII. TRAFFIC

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ARTICLE 1. STANDARD TRAFFIC ORDINANCE

17-101

STANDARD TRAFFIC ORDINANCE INCORPORATED.

There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Lawrence, Kansas, that certain standard traffic ordinance known as the "2024 Standard Traffic Ordinance for Kansas Cities," 51st Edition, prepared and published in book form by the League of Kansas Municipalities, save and except such articles, sections, parts or portions as are omitted, deleted, modified or changed by this Ordinance or by Chapter 17 of the Code of the City of Lawrence, Kansas, 2018 Edition, and amendments thereto. At least one copy of the 2024 Standard Traffic Ordinance for Kansas Cities shall be marked "Official Copy as Adopted by Ordinance No.10075," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of the incorporating ordinance, and filed with the City Clerk, to be available for inspection any time the City Clerk's office is open to the public.
(Ord. 6242; Ord. 6365; Ord. 6462; Ord. 6574; Ord. 6695; Ord. 6805; Ord. 6936; Ord. 7151, Ord. 7258, Ord. 7378, Ord. 7556, Ord. 7674, Ord. 7811, Ord. 7915, Ord. 8031, Ord. 8150, Ord. 8314, Ord. 8450, Ord. 8558, Ord. 8649, Ord. 8779, Ord. 8902, Ord. 9028, Ord. 9149, Ord. 9282, Ord. 9383, Ord. 9522, Ord. 9713, Ord. 9873, Ord. 9935, Ord. 10004, Ord. 10075)

17-102

SAME; TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES.

- (A) An ordinance traffic infraction is a violation of any Section of this Article that prescribes or requires the same behavior as that prescribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. 8-2118.
- (B) All traffic violations which are included within this Article, and which are not ordinance traffic infractions as defined in Subsection (A) of this Section, shall be considered traffic offenses. (Code 1987)

17-102.1

PENALTY FOR SCHEDULED FINES.

The fine for violation of an ordinance traffic infraction or any other traffic offense for which the Municipal Judge establishes a fine in a fine schedule shall not be less than \$80.00 nor more than \$400 except for: (Ord. 7363, Ord. 8051, Ord. 8420, Ord. 8558, Ord. 8897)

- (A) speeding infractions which shall be not less than the amount in the following schedule:

	Normal Zone	Construction or School Zone
Miles Per Hour Over the Posted Limit		
1	\$50	\$100
2	\$50	\$100
3	\$50	\$100
4	\$50	\$100
5	\$50	\$100
6	\$50	\$100
7	\$50	\$100
8	\$50	\$100
9	\$50	\$100
10	\$80	\$160
11	\$86	\$172
12	\$92	\$184
13	\$98	\$196
14	\$104	\$208
15	\$110	\$220
16	\$119	\$238
17	\$129	\$256
18	\$137	\$274
19	\$146	\$292
20	\$155	\$310
21	\$164	\$328
22	\$173	\$346
23	\$182	\$364
24	\$191	\$382
25	\$200	\$400
26	\$209	\$418
27	\$218	\$436
28	\$227	\$454
29	\$236	\$472
30	\$245	\$490
30 +	\$245 plus \$15 per mph over 30 (double in construction or school zone)	

- (B) any provision of this article that contains a specific penalty for its violation, which shall be punished pursuant to that specific provision.

A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the court not to exceed \$1000.00.

- 17-103 **AMENDMENTS TO STANDARD TRAFFIC ORDINANCE (STO).**
The Standard Traffic Ordinance incorporated by Section 17-101 is amended as provided in the following Sections in this Article.
- 17-103.1 **AMENDMENTS TO STO. DEFINITIONS.**
Section 1 is amended to include the following words and phrases: (Ord. 7906)
- Circular Intersection.** An intersection that has an island or other area not designed for the operation of vehicular traffic, generally circular in design, located in the center of the intersection.
- Roundabout.** A circular intersection characterized by channelized approaches and yield control of entering traffic. A roundabout encompasses the area bounded by the outermost curb line or, if there is no curb, the edge of the pavement, and includes crosswalks on any entering or exiting roadway.
- Traffic Calming Circle.** An uncontrolled circular intersection without channelized approaches or splitter islands.
- 17-104 **AMENDMENTS TO STO; SPEED LIMITS ESTABLISHED.**
Section 33 of the STO is amended by adding the following.
Section 33.1. Schedule of Speed Limits.
Speed limit designations shall be established by ordinance. A listing of speed limit designations shall be maintained on the Schedule of Speed Limits, a copy of which shall be on file and available for public viewing in the office of the City Engineer. (Ord. 7044, Ord. 9812)
- 17-104.5 **AMENDMENTS TO STO; PROVISIONS OF ORDINANCE REFER TO VEHICLES UPON THE STREETS AND HIGHWAYS; EXCEPTIONS.**
Section 2 is amended to read as follows: (Ord. 7542)
- Sec. 2. Provisions of Ordinance Refer to Vehicles Upon the Streets and Highways; Exceptions. The provisions of this ordinance relating to the operation of vehicles refer exclusively to the operation of vehicles upon streets and highways within this city except:
- (a) Where a different place is specifically referred to in a given section.
- (b) The provisions of Sections 29 to 31, inclusive, of this ordinance, and the provisions of Article 10 of Chapter 8 of the Kansas Statutes Annotated, and any acts amendatory thereof, shall apply upon streets and highways and elsewhere throughout the city. (K.S.A. 8-1501)
- (c) All traffic control signs placed on private property open to the general public shall comply with the "*Manual on Uniform Traffic Control Devices*" and "*Standard Highway Signs*," published by the Federal Highway Administration, with respect to size, shape, color, retroreflectivity, and position.
- 17-104.7 **ALLEYS AND ALLEYWAYS.**
Section 33 of the STO is amended by adding the following.
Section 33.2. Maximum Speed Limits: Alley and alleyways.
- (A) No person shall drive a vehicle on any alley or alleyway in this City at a speed in excess of ten (10) miles per hour;
- (B) As used in this Section, "alley or alleyway" shall include all public

dedications or reservations primarily for vehicular traffic not more than twenty (20) feet in width affording only secondary means of access to abutting traffic.

17-104.8

SCHOOL ZONE.

Section 33 of the STO is amended by adding the following.

Section 33.3. Maximum Speed Limits: School Zones.

- (A) No person shall drive a vehicle on any street in this City designated by signage as a school zone at a speed in excess of twenty (20) miles per hour when appropriate signs or beacons, or both, are in place giving notice of such speed limit.
- (B) This limit shall apply when appropriate signs reading "7:30 a.m. to 4:30 p.m., on School Days, When Children Are Present" or similar wording have been installed for such school zones. (Ord. 5469; Ord. 5851; Ord. 6174, Sec. I ; Ord. 6691)
- (C) As an alternative to the limit requirements set forth in (B), this limit shall apply when appropriate signs have been installed indicating the limit applies in conjunction with a beacon. (Ord. 6691)

17-104.9

CITY PARKS.

Section 33 of the STO is amended by adding the following.

Section 33.4. Maximum Speed Limits: City Parks.

No person shall drive a vehicle in any City park in excess of twenty (20) miles per hour, unless otherwise posted by law. (Ord. 6242, Sec. III)

17-104.10

AMENDMENTS TO STO; DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS OR MARKINGS.

Section 17 is amended to read as follows: (Ord. 7542)

Sec. 17. Display of Unauthorized Signs, Signals or Markings.

- (a) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.
- (b) No person shall place or maintain nor shall any public authority permit upon any highway any official traffic control device bearing thereon any commercial advertising, except for business signs included as part of official motorist service panels or roadside area information panels approved by the secretary of transportation.
- (c) No person shall place or maintain upon private property open to the general public any traffic control sign that does not comply with the "*Manual on Uniform Traffic Control Devices*" and "*Standard Highway Signs*" published by the Federal Highway Administration with respect to size, shape, color, retroreflectivity, and position.
- (d) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.
- (e) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the governing body is hereby empowered to remove the same or

cause it to be removed without notice. (K.S.A. 8-1512)

17-105 **AMENDMENTS TO STO; DESIGNATION OF CROSSWALKS AND SAFETY ZONES.**

Section 19. Designation of Crosswalks is amended to read as follows:

The City Manager or his or her designee is authorized, on the basis of an engineering and traffic investigation, to designate and maintain by appropriate devices, marks or lines on the surface of the roadway, crosswalks at intersections where there is particular danger to pedestrians crossing the roadway and at such other places as may be deemed necessary. (Ord. 6936, Ord. 9576)

17-106 **AMENDMENTS TO STO; PLAY STREETS.**

Section 20 is hereby deleted.

17-107 **AMENDMENTS TO STO; TRAFFIC LANES.**

Section 21. Traffic Lanes is amended to read as follows:

The City Manager or his or her designee is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is deemed necessary.

(Ord. 6936, Ord. 9577)

17-107.1 **AMENDMENTS TO STO; DRIVING ON ROADWAYS LANED FOR TRAFFIC.**

Section 46 of the Standard Traffic Ordinance is hereby changed to read as follows: (Ord. 7674)

Sec. 46. Driving on Roadways Laned for Traffic. Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

- (a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
- (b) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driving in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.
- (c) Official traffic-control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device.
- (d) Official traffic-control devices may be installed prohibiting the changes of lanes on sections of roadway and drivers of vehicles shall obey the direction of every such device. (K.S.A. 8-1522)
- (e) A vehicle shall not move from a single lane of traffic in order to park or stop in a stall intended for traffic traveling in the opposite direction.

17-107.2

AMENDMENTS TO STO; ONE-WAY ROADWAYS, ROUNDABOUTS AND TRAFFIC CALMING CIRCLES.

Section 45 is amended to read as follows: (Ord. 7906)

Sec. 45. One-Way Roadways, Roundabouts, and Traffic Calming Circles.

- (a) When official traffic control devices indicate that vehicular traffic shall proceed in one direction upon any highway, roadway, part of a roadway or specific lanes a vehicle shall be driven only in the direction designated at all or such time as shall be indicated by such device.
- (b) A vehicle passing through a roundabout shall be driven only to the right of the center of the circular intersection.
- (c) Whenever practicable a vehicle intending to turn left at a traffic calming circle shall drive to the right of the center of the circular intersection until reaching the desired street, however, a vehicle may make a left-turn in front of the center of the intersection after yielding the right-of-way to pedestrians and all traffic lawfully using the intersection, or to traffic so close to the intersection as to constitute an immediate hazard.

17-108

AMENDMENTS TO STO; RIGHT, LEFT AND U TURNS AT INTERSECTIONS; OBEDIENCE TO.

Section 50. Right, Left and U Turns in Intersections; Obedience To is amended to read as follows: (Ord. 9578)

- (A) The City Manager or his or her designee is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U turn, and shall place or cause to be placed proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or the signs may be removed when such turns are permitted.
- (B) Whenever authorized signs are erected or temporarily displayed on a movable standard indicating that no right or left or U turn is permitted, no driver of a vehicle shall disobey the directions of any such sign. (Ord. 6936)

17-108.1

AMENDMENTS TO STO; VEHICLES APPROACHING OR ENTERING INTERSECTION.

Section 57(a). Vehicles Approaching or entering Intersection is amended to read as follows:

- (a) When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right, except, the driver of a vehicle entering a roundabout (rotary traffic island) intersection shall yield the right-of-way to a vehicle circulating within the roundabout.

17-109

AMENDMENTS TO STO; DRIVING THROUGH SAFETY ZONES PROHIBITED.

Section 70 is hereby deleted. (Ord. 6936)

17-109.1

AMENDMENTS TO STO; STALL PARKING.

Section 89 of the Standard Traffic Ordinance is hereby changed to read as follows: (Ord. 7674)

Sec. 89. Stall Parking. Where parking stalls or spaces are marked or designated on the pavement or curb, vehicles shall be parked or stopped within such stalls or spaces in the direction of the flow of traffic or at the

angle indicated by the markings.

Sec. 89.1. Metered Parking. Where parking stalls or spaces are metered no vehicle shall be backed into the parking stall or space.

This section shall not apply to stalls designated as Accessible Parking Spaces. (Ord. 8855)

17-110

AMENDMENTS TO STO; PARKING, NARROW STREETS; SIGNS.

Section 91 is hereby amended to read as follows:

When signs prohibiting parking are erected on narrow streets, no person shall park or stand a vehicle in any such designated place. The City Manager or his or her designee is authorized to erect signs indicating "no parking" upon both sides of any street when the width of the roadway does not exceed 20 feet, or upon one side of a street when the width of the roadway does not exceed 30 feet.

(Ord. 6936, Ord. 9579)

17-111

AMENDMENTS TO STO; PARKING; ADJACENT TO SCHOOLS; SIGNS.

Section 94 is hereby amended to read as follows:

When official signs or markings are placed indicating no parking upon any street adjacent to any school property, no person shall park a vehicle in any such designated place. The City Manager or his or her designee is authorized to erect signs indicating "No Parking" upon either or both sides of any street adjacent to any school property when such parking would unreasonably interfere with traffic or create a hazard to traffic in such places.

(Ord. 6936, Ord. 9580)

17-112

AMENDMENTS TO STO; STOPPING OR PARKING IN HAZARDOUS OR CONGESTED PLACES; SIGNS.

Section 95 is hereby amended to read as follows:

When signs are erected upon approach to hazardous or congested places, no person shall stop, stand, or park a vehicle in any such designated place. The City Manager or his or her designee is authorized to determine and designate by proper signs those places where the stopping or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

(Ord. 6936, Ord. 9580)

17-113

AMENDMENTS TO STO; DRIVING THROUGH PROCESSION.

Section 120 shall be amended to read as follows:

It shall be unlawful for the driver of any vehicle to drive between the vehicles comprising a funeral or other authorized procession while they are in motion provided such vehicles are conspicuously so designated. (Ord. 5588, Sec. II; Ord. 6936)

17-114

AMENDMENTS TO STO; RIDING ON ROADWAYS AND BICYCLE PATHS.

Section 131 of the Standard Traffic Ordinance, incorporated in Section 17-101 of this Article, and amendments thereto, is hereby amended to read as follows:

Riding on Roadways and Bicycle Paths.

(a) Every person operating a bicycle or a moped upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing

shall ride as near to the right side of the roadway as practicable, except under any of the following situations when:

- (1) Overtaking and passing another bicycle or vehicle proceeding in the same direction;
- (2) Preparing for a left turn at an intersection or into a private road or driveway;
or
- (3) Reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving bicycles, bicycles, pedestrians, animals, surface hazards or narrow width lanes that make it unsafe to continue along the right-hand edge of the roadway.

(b) Any person operating a bicycle or a moped upon a one-way highway with two or more marked traffic lanes may ride as near to the left side of the roadway as practicable.

(c) It shall be unlawful for any person riding a bicycle upon any street, alley or sidewalk to ride more than two abreast of any other person riding upon another bicycle except on paths or parts of roadways set aside for the exclusive use of bicycles. It shall not be unlawful for police officers or other law enforcement personnel assigned to bicycle patrol units to ride two abreast while in the performance of their official duties.

(d) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

(Code 1983, 17-108; Ord. 6936, Ord. 7556, Ord. 8615)

17-115

AMENDMENTS TO STO; CARELESS DRIVING.

Additions to the Standard Traffic Ordinance incorporated in Section 17-101 of this Article shall be as follows:

endanger,

- (A) Careless Driving. No person shall operate or halt any vehicle in such a manner as to indicate a careless or heedless disregard for the rights or the safety of others, or in such a manner as to endanger or be likely to endanger, any person or property.
- (B) Any person found, upon conviction, to have violated any provision of this Section shall be subject to the general penalties provided in Article 20 of the Standard Traffic Ordinance as incorporated by reference into this Code by Section 17-101 of this Article. (Ord. 5470; Code 1983, 17-107; Ord. 6936)

17-116

AMENDMENTS TO STO; LOUD SOUND AMPLIFICATION.

Additions to the Standard Traffic Ordinance incorporated in Section 17-101 of this Article shall be as follows:

Definitions. For the purposes of this section:

- (A) Audible means any sound produced by a sound amplification system from within a vehicle which can be heard at a distance of 50 feet or more. Measurement standards shall be by the auditory senses, based upon a direct line of sight. Words or phrases need not be discernible and bass reverberations shall be included.
- (B) Sound amplification system means any radio, tape player, compact disc player, loudspeaker, or other electronic device used for the amplification of

sound.

All other definitions shall be those in the Standard Traffic Ordinance adopted by the City pursuant to Section 17-101 of the Code of the City of Lawrence, Kansas, 1997 Edition, as amended. (Ord. 7056)

17-116.1 **PROHIBITION OF THE CERTAIN OPERATION OF LOUD SOUND AMPLIFICATION SYSTEMS.**

No person or persons operating or occupying a motor vehicle on any street, highway, alley, parking lot or driveway shall operate or permit the operation of any sound amplification system from within or upon the vehicle so that the sound is audible at a distance of fifty (50) feet or more from the vehicle. Nothing in this ordinance shall require the witnessing law enforcement officer to physically measure the distance from the officer to the allegedly offending vehicle operator and vehicle prior to the issuance of a citation. (Ord. 7056)

17-116.2 **DEFENSE TO PROSECUTION.**

It shall be an affirmative defense to a charge issued pursuant to this ordinance that the operator of the vehicle was not otherwise prohibited by law from operating the sound amplification system, and that any of the following apply: (Ord. 7056)

- (A) The sound amplification system was being operated by a law enforcement officer, fire fighter personnel, emergency medical personnel in the lawful performance of their public safety duties;
- (B) The sound amplification system was being operated by a person to request medical or vehicular assistance or to warn of a hazardous road condition;
- (C) The sound amplification system was being operated pursuant to an authorized public activity or event requiring the broadcast of auditory information or music beyond fifty (50) feet to reach a receptive and invited audience, including such public activities and events as parades, fireworks events, sporting events, musical productions with all necessary City approvals allowing the operation of a vehicle with a sound amplification system.

17-116.3 **VIOLATIONS.**

Any person who violates the provisions of this ordinance shall, upon conviction, be guilty of a traffic offense. Each violation of this section shall constitute a separate offense and shall be punishable as a separate offense. (Ord. 8051, Ord. 8420, Ord. 8558)

17-117 **HAULING; LOOSE MATERIAL.**

Additions to the Standard Traffic Ordinance incorporated in Section 17-101 of this Article shall be as follows:

No person shall haul over the streets or alleys of this City any loose material of any kind, except in a vehicle having a tight box so constructed as to prevent the splashing or spilling of any of the substances therein contained upon such streets or alleys. (Code 1979, 14-706)

17-118 **AMENDMENTS TO STO: UNLAWFUL USE OF LICENSE OR NONDRIVER'S IDENTIFICATION CARD.**

Section 199 of the Standard Traffic Ordinance is hereby amended to read as follows:

Section 199. Unlawful Use of License or Non-driver's Identification Card. (Ord. 7091, Ord. 7556)

- (A) It shall be unlawful for any person, for any purpose to:
- (1) Display or cause or permit to be displayed or have in possession any fictitious or fraudulently altered driver's license or non-driver's identification card.
 - (2) Lend any driver's license or non-driver's identification card to any other person or knowingly permit the use thereof by another.
 - (3) Display or represent as the person's own, any driver's license or non-driver's identification card not issued to the person.
 - (4) Fail or refuse to surrender to any police officer upon lawful demand any driver's license or non-driver's identification card which has been suspended, revoked or canceled.
 - (5) Permit any unlawful use of driver's license or non-driver's identification card issued to the person.
 - (6) Photograph, photostat, duplicate or in any way reproduce any driver's license or non-driver's identification card or facsimile thereof in such a manner that it could be mistaken for a valid driver's license or non-driver's identification card or display or have in possession any such photograph, photostat, duplicate, reproduction or facsimile unless authorized by law.
 - (7) Display or possess any photograph, photostat, duplicate or facsimile of a driver's license or non-driver's identification card unless authorized by law.
 - (8) Display or cause to permit to be displayed any canceled, revoked or suspended driver's license or non-driver's identification card.
- (B) Violation of paragraphs one (1) or eight (8) or subsection (A) is punishable by a fine of not less than \$300.00 and not more than \$1,000.00 or by imprisonment for not more than six months or by both such fine and imprisonment. Violation of paragraph two (2), three (3), four (4), five (5), six (6) or seven (7) of subsection (A) is punishable by a fine of not less than \$300.00 and not more than \$2,500.00 or by imprisonment for not more than one year or by both such fine and imprisonment.
- (C) It shall be unlawful for any person to:
- (1) Lend any driver's license to or knowingly permit the use of any driver's license or non-driver's identification card by any person under 21 years of age for use in the purchase of any alcoholic liquor.
 - (2) Lend any driver's license to or knowingly permit the use of any driver's license or non-driver's identification card by a person under the legal age for consumption of cereal malt beverage for use in the purchase of any cereal malt beverage.
 - (3) Display or cause to be displayed or have in possession any fictitious or fraudulently altered driver's license or non-driver's

identification card by any person under 21 years of age for use in the purchase of any alcoholic liquor or cereal malt beverage.

- (D) (1) Upon a first conviction of a violation of any provision of subsection (C) a person shall be sentenced to not less than 100 hours of public service and fined not less than \$300.00 nor more than \$500.00. The Municipal Judge shall have no authority to suspend the fine or any portion thereof.
- (2) On a second or subsequent conviction of a violation of any provision of subsection (C), a person shall be punished by a fine of not less than \$500.00 and not more than \$2,500.00 or by imprisonment for not more than one year or by both such fine and imprisonment.
- (E) The provisions of this section shall apply to any driver's license or non-driver's identification card, whether issued under the laws of this state or issued under the laws of another state or jurisdiction.

17-119 **reserved.**

17-120 **AMENDMENTS TO STO: STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.**

Section 85 of the Standard Traffic Ordinance is hereby amended to read as follows: (Ord. 7365, Ord. 9041)

Section 85. STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

- (a) Stop, stand or park a vehicle:
 - (1) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - (2) On a sidewalk;
 - (3) Within an intersection;
 - (4) On a crosswalk;
 - (5) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone; unless a different length is indicated by signs or markings;
 - (6) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
 - (7) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
 - (8) On any railroad tracks;
 - (9) On any controlled-access highway;
 - (10) In the area between roadways of a divided highway, including

crossovers;

- (11) At any place where official signs prohibit stopping; or
 - (12) In any area designated by signs as a no parking and tow zone.
- (b) Stand or park a vehicle, whether occupied or not except momentarily to pick up or discharge a passenger or passengers:
- (1) In front of a public or private driveway;
 - (2) Within 15 feet of a fire hydrant;
 - (3) Within 20 feet of a crosswalk at an intersection;
 - (4) Within 30 feet upon the approach to any flashing signal; stop sign or traffic-control signal located at the side of a roadway;
 - (5) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance, when properly sign-posted;
 - (6) At any place when official signs prohibit standing; or
 - (7) Within a marked bicycle lane. (Ord. 9041)
- (c) Park a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading property or passengers;
- (1) Within 50 feet of the nearest rail of a railroad crossing;
 - (2) At any place where official signs prohibit parking.
- (d) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.
- (e) No person shall stand or park a vehicle in areas designated as fire lanes upon public or private property. (K.S.A. 8-1571).

ARTICLE 2. LOCAL TRAFFIC REGULATIONS

17-201

IMPOUNDMENT OF VEHICLES.

- (A) The Police Department is hereby authorized and empowered to cause a vehicle to be removed and towed to and stored in a public garage or other depository provided by the City for such purposes when: (Ord. 8109)
- (1) A vehicle is parked in violation of this chapter and is likely to become an obstruction on a public way or is an obstruction or hazard in the event of fire or other emergency.
 - (2) A vehicle appears to be stolen, evidence of a crime or abandoned, provided the Police Department has made a reasonable effort to contact the owner for immediate removal of the vehicle.
 - (3) A vehicle is driven by a person who has been arrested and taken into custody, provided no other authorized person is readily

available to remove the vehicle or the vehicle is not lawfully parked at the time of the arrest.

- (4) A vehicle is disabled by an automobile accident; or
 - (5) A vehicle is creating a serious safety hazard.
 - (6) Other reasonable grounds exist for impoundment of a vehicle following an arrest.
- (B) Such garage or other depository shall not release a towed vehicle except upon receipt of written authorization from the Police Department. (Ord. 5057, Sec. 1, Ord. 8109)
- (C) Within two hours of any towing or removal of a vehicle under the authority of this section, the tow operator shall inform the Police Department of the location where the vehicle has been towed for storage. (Ord. 8421)
- (D) The owner of any vehicle towed pursuant to this section shall have access to personal property in such vehicle on or before 48 hours after the vehicle is towed. (Ord. 8421)

17-202

SAME; PARKED VEHICLES.

- (A) Except for vehicles parked in compliance with Section 17-411, any vehicle parked for more than forty-eight (48) consecutive hours on a public street or parking lot in the City, and not included within the provisions of 17-201(A) may be removed and towed and stored in a public garage or other designated depository only after the owner or authorized operator has been given forty-eight (48) hours prior notice and an opportunity for hearing. If the owner or authorized operator requests a hearing within the forty-eight (48) hour notice period, impoundment is prohibited pending an order of the court.
- (B) Such notice shall be placed on a conspicuous spot on the vehicle in question and shall include:
- (1) A declaration of the intent to impound;
 - (2) The basis for impoundment;
 - (3) The right to contest impoundment by request for a hearing; and
 - (4) The right to post bond for release of a towed and impounded vehicle pending a hearing to contest the towing and impoundment.

(Ord. 5057, Sec. 1; Ord. 5434, Sec. 2, Ord. 8109)

17-202.1

SAME, PARKED VEHICLE IN A DESIGNATED NO PARKING AND TOW ZONE.

The police department is authorized to immediately impound and tow a vehicle when such a vehicle is parked in a designated no parking and tow zone and to which a uniform traffic citation has been affixed to said vehicle or presented to the owner or operator of said vehicle. (Ord. 7365)

17-203

SAME; RELEASE OF VEHICLE.

Upon the posting of bond as established by the Municipal Judge and the showing of proof of valid registration and ownership of the motor vehicle to the Police Department, the Police Department shall issue written authorization to release an

impounded vehicle to the vehicle's owner or other person lawfully entitled to the custody of the vehicle. The amount of the bond shall be substantially based on the costs of towing and storing the vehicle that were incurred prior to the posting of the bond. If the person who posts bond fails to appear for a tow hearing as provided in this article then the bond shall be forfeited. Additionally and concurrently, the Police Department shall indicate in writing to the owner or authorized operator of a towed vehicle the right to contest the tow and impoundment in Municipal Court. The written notification of the right to contest the tow and impoundment shall indicate that failure to appear at such date and time will result in bond forfeiture. (Ord. 5057, Sec. 1, Ord. 8109)

17-203.1 **TOW AND STORAGE COSTS.**

- (A) The maximum tow fee for two, three and four wheeled passenger vehicles towed under the authority of this Article shall be \$150.00. The maximum tow fee for all other vehicles, including trucks with more than 4 wheels, shall be \$600.00. (Ord. 8421)
- (B) The maximum storage fee for vehicles stored after being towed under the authority of this Article shall be \$40.00 per day. (Ord. 8421)

17-204 **SAME; CONTACT OWNER.**

Within forty-eight (48) hours after impoundment, the Chief of Police, or his authorized representative, shall diligently inquire as to the ownership of any unredeemed vehicle, and shall mail notice of vehicle impoundment to the registered owner thereof by certified mail. (Ord. 5057, Sec. 2, Ord. 8109)

17-204.1 **SAME; TOW HEARINGS.**

- (A) Owners or persons entitled to the lawful possession of a vehicle posted with a notice of intent to impound as set forth in Section 17-202(B) of this code or towed and impounded pursuant to this article may utilize the following procedure to request a hearing to contest the towing or impoundment of the vehicle in question. (Ord. 8109)
- (B) Hearings to contest a tow or impoundment shall be held in the Municipal Court. A request for such a hearing must be filed in writing with the Clerk of the Municipal Court within the time limits specified below. Hearings for vehicles that have been impounded and that have not been subsequently released to the vehicle's owner or other person lawfully entitled to the possession of the vehicle shall be held within three business days of the filing of the request for hearing. All other hearings under this article shall be held within ten business days unless continued for good cause. (Ord. 8109)
- (C) A request for hearing to contest a notice of intent to impound shall be filed prior to the expiration of the 48 hour notice period provided in Section 17-202(A). In the event that an individual desires to request a hearing and if the Municipal Court will not open for business prior to the expiration of the 48 hour notice period, the request for hearing may be filed with a patrol supervisor of the Lawrence Police Department. Such supervisor will forward the request to Municipal Court on the first day the Municipal Court is in session following receipt of the notice. A request for hearing for a vehicle that has been towed or impounded shall be filed within ten days of the impounding of the vehicle or the mailing of the notice provided for in Section 17-204, whichever occurs last. (Ord. 8109)
- (D) At any hearing under this section, the judge shall determine whether a sufficient factual basis exists to justify the towing and impoundment or the

intended impoundment of the vehicle under the ordinances of the City of Lawrence. (Ord. 8109)

- (1) In the case of the intended impoundment of a vehicle, if the judge determines that there is a sufficient factual basis to legally justify the intended impoundment of the vehicle under the ordinances of the City of Lawrence then the costs of any tow and impoundment based upon the facts and circumstances presented at the hearing shall be paid by the owner or other person entitled to the lawful possession of the vehicle before it will be released. If the facts presented are found to be insufficient to justify the pending action then no City of Lawrence employee shall impound or order the impound of the vehicle based solely upon the facts and circumstances presented at the hearing.
 - (2) If a vehicle has been towed or impounded and the judge determines that there is a sufficient factual basis to legally justify the decision to tow and impound the vehicle under the ordinances of the City of Lawrence then the costs of the tow and impoundment shall be paid by the owner or other person entitled to the lawful possession of the car prior to its release. If the facts presented are insufficient to lawfully justify the towing and impoundment of the vehicle then the vehicle shall be immediately released without the necessity of additional payment, and any bond posted in conjunction with the hearing shall be released.
 - (3) The costs of the impoundment shall include the towing charge, storage fees, publication fees, court costs and any other amounts reasonably incurred by the City in conjunction with the towing and impoundment of the vehicle.
- (E) If a person requests and receives a hearing to contest the intended impoundment of a vehicle and the court finds that a sufficient factual basis for the intended impoundment exists, then that person is not entitled to subsequently contest at hearing the factual justification for a towing or impoundment of the vehicle ordered on the basis set forth in the intent to impound. Further, no more than one hearing shall be held pursuant to this section for each incident where a vehicle has been towed. (Ord. 8109)
- (F) Owners of vehicles that are stolen and impounded under the provisions of this article shall be responsible for paying any charge for the towing or storage of the vehicle incurred by the City of Lawrence. (Ord. 8109)

17-205

SAME; MAIL NOTICE.

Any unredeemed motor vehicle which has been impounded as provided in this article for 30 days or more shall be disposed of in the following manner:

If such motor vehicle has displayed thereon a registration plate issued by the Kansas Division of Vehicles and has been registered with said division, or if the vehicle bears no registration plate, the Chief of Police or his authorized representative shall request verification from the division of vehicles of the last registered owner and any lienholders. Such verification request shall be submitted to the Division of Vehicles not more than 30 days after the vehicle is impounded pursuant to this article. The Chief of Police or his authorized representative shall, not more than 10 days after receipt of such verification mail a notice by certified mail to the last registered owner of the vehicle, addressed to the address as shown on the certificate of registration, and to the lienholder, if any, of record in the county in which the title shows the owner resides, if registered in this state, stating that if the

owner or lienholder does not claim such motor vehicle and pay the removal and storage charges incurred on the same within fifteen (15) days from the date of the mailing of the notice, the vehicle will be sold at public auction to the highest bidder for cash. If the vehicle displays thereon a registration plate issued by any other state, the Chief of Police or his authorized representative shall use reasonable diligence in determining the title owner or if from a non-title state, the registered owner, of the vehicle, and shall reasonably attempt to provide the same notice specified above as for vehicles that are registered within the State of Kansas. (Ord. 5057, Sec. 2, Ord. 8109)

17-206

SAME; ADVERTISE SALE.

- (A) After fifteen (15) days from the date of mailing notice, if the motor vehicle is more than four model years of age, or after thirty (30) days from the date of mailing notice, if the motor vehicle is four (4) model years of age or less, the Chief of Police or his authorized representative shall publish a notice for two (2) consecutive weeks in a newspaper of general circulation in the county where such motor vehicle was found which notice shall describe the motor vehicle by name of maker, model, serial number and owner, if known, and stating that the same has been impounded by the Lawrence Police Department and that the same will be sold at public auction to the highest bidder for cash if the owner thereof does not claim the same within ten (10) days of the date of the second publication of the notice and pay the removal and storage charges and publication costs incurred. (Ord. 8109)
- (B) If such motor vehicle does not display a registration plate issued by the Kansas Division of Vehicles and is not registered with said Division, the Chief of Police or his authorized representative after fifteen (15) days from the date of impoundment, may publish a notice in a newspaper of general circulation in the county where such motor vehicle was found, which notice shall describe the motor vehicle by maker, model, color and serial number and shall state that the same has been impounded and will be sold at public auction to the highest bidder for cash, if the owner thereof does not claim the same within ten (10) days of the date of the second publication of the notice and pay the removal and storage charges incurred. (Ord. 5057, Sec. 2)

17-207

SAME; SALE.

Whenever the Chief of Police or his authorized representative shall have complied with the foregoing provisions of Sections 17-202:206 with respect to any such motor vehicle and the owner thereof does not claim the same within the time stated in the notice and pay the removal and storage charges and publication costs incurred on such motor vehicle, the Chief of Police or his authorized representative may sell the motor vehicle at public auction to the highest bidder for cash. The sale of any motor vehicle pursuant to this section shall be deemed a sale at retail within this state as prescribed by K.S.A. 8-1102 et seq., but the responsibility for obtaining a certificate of approval for such vehicle prior to its registration in this state shall be upon the purchaser. (Ord. 5057, Sec. 2)

17-208

SAME; JUNKED VEHICLE.

- (A) Any unredeemed motor vehicle which has been impounded as provided in Sections 17-201:202 and which has been determined by the Chief of Police or his authorized representative to be wrecked, discarded, worn out, extensively damaged, dismantled or in any apparently inoperative condition and of a fair market value of less than \$100 may be disposed of in the following manner:

If the owner of such vehicle is known, the Chief of Police, or his authorized representative, shall mail a notice by certified mail to such owner stating that if the owner does not claim such vehicle and pay the removal and storage charges incurred on the same within ten (10) days from the date of the mailing of the notice, that the same will be sold. If the owner of such vehicle is not known, the Chief of Police, or his authorized representative shall publish a notice once in a newspaper of general circulation in the county where such vehicle was found which notice shall specifically describe the vehicle and shall state that the same has been impounded and that the same will be sold if the owner thereof does not claim the same within ten (10) days of the date of publication of the notice and pay the removal and storage charges and publication costs incurred.

- (B) Whenever the Chief of Police, or his authorized representative, shall have complied with the foregoing provisions of this Section with respect to any such motor vehicle and the owner thereof does not claim the same within the time stated in the notice and pay the removal and storage charges and publication costs incurred on such motor vehicle, the Chief of Police, or his authorized representative, may sell the motor vehicle. Vehicles sold hereunder may be sold individually or in lots to the owner or operator of an automobile graveyard or junkyard, or to the highest bidder for cash at a public auction. (Ord. 5057, Sec. 2)

17-209 **DISPOSITION OF SALES PROCEEDS.**

All moneys derived from the sale of motor vehicles pursuant to this Section, after payment of the costs of towing, storage, and fines, shall be returned to the rightful owner or authorized operator if said person has made his or her whereabouts known to the Police Department in writing within ten (10) days of said sale. If the owner or authorized operator cannot be located, the overage shall be paid into the general operating fund of the City of Lawrence. (Ord. 5057, Sec. 3)

17-210 **USE OF LOUDSPEAKERS ON STREETS.**

The use and operation of any loudspeaker upon the streets and thoroughfares of the City is hereby prohibited, excepting on authorized police cars used in the enforcement of this Chapter and on Fire Department equipment. (Code 1979, 17-204)

17-211 **GARAGE KEEPER TO REPORT DAMAGED VEHICLES.**

The person in charge of any garage or repair shop to which is brought any vehicle which shows evidence of having been involved in a serious accident or struck by any bullet shall report to the Police Department immediately after such motor vehicle is received, giving the engine number and the name and address of the owner or operator of such vehicle. (Code 1979, 17-205)

17-212 **TRUCK ROUTES AND TRUCK DELIVERY ROUTES ESTABLISHED.**

- (A) Truck Route and Truck Delivery Route designations shall be established by the City Manager or his or her designee. A map of truck routes and truck delivery routes shall be posted on the City website. It shall be unlawful for any person, firm or corporation to operate a truck, trailer, or semi-trailer with a registered gross vehicle weight in excess of 26,000 pounds, on any street within the corporate limits of the City, other than the designated truck routes. (Ord. 7719, Ord. 9582)
- (B) Notwithstanding any provision to the contrary, trucks making deliveries or providing services in which the delivery or service originates within the corporate limits of the city or the destination for the truck making the delivery or service is within the corporate limits of the city shall travel the

most direct route between origin and destination using truck routes whenever possible. Trucks may leave truck routes using truck delivery routes following the most direct route to a stop and back to a truck route. Trucks making multiple deliveries shall use truck routes whenever possible to reach their initial destination. Intracity deliveries shall be made via the most direct route between origin and destination using truck routes whenever possible. Trucks making multiple deliveries shall use truck routes whenever possible to reach their initial destination; trucks may leave truck routes using truck delivery routes following the most direct route between stops and back to a truck route. (Ord. 7719, Ord. 8311, Ord. 9582)

17-213 **Reserved.**

17-214 **SPECIAL PARKING AND TRAFFIC DESIGNATIONS: LOCATION, MAINTENANCE OF RECORDS.**

The Department of Municipal Services and Operations (MSO) shall maintain a list or map of the location of all time limit parking, no parking, reserved parking zones for persons with disabilities, loading zones, bus loading zones, taxicab stands, and stop or yield intersections. A copy of any such list or map shall be available through the City Clerk's Office upon written request. (Ord. 9609)

17-215 **Reserved.**

17-216 **MOTORIZED VEHICLES; PARKS, PARKWAYS, LEVEES.**

It shall be unlawful to operate or park a motorized vehicle, other than those specifically authorized for maintenance purposes, in any City park, upon any parkway or levee not designated for use or parking by such vehicles. Designated areas for motorized vehicular traffic shall be roadways and parking lots not including any foot path or bicycle path. Any person found guilty of violating the provisions of this Article shall be guilty of a misdemeanor. (Code 1979, 17-211; Ord. 6853)

17-217 **VEHICLE LICENSE; ILLEGAL TAG.**

It shall be unlawful for any person to park, stop, or stand a vehicle, motor vehicle or motorized bicycle on the streets, alleys, public areas, park grounds, public or private parking lots or other publicly accessible areas of the City if such vehicle, motor vehicle or motorized bicycle displays an unlawful state license plate. (Ord. 6286)

17-217.1 **SAME; DISPLAY.**

The display of an unlawful state license plate shall be defined to be any one or more of the following:

- A. Any license plate not lawfully issued to such vehicle;
- B. Any expired license plate;
- C. Any suspended, revoked or canceled license plate;
- D. Any stolen license plate;
- E. Any altered, defaced or fictitious license plate;
- F. Any license plate without the current registration decal attached to it as required by State law;
- G. Any license plate that is not securely attached to the rear of the vehicle, with the correct side up and in a manner that makes it clearly visible and legible. (Ord. 6286)

17-217.2

SAME; STANDARD TRAFFIC ORDINANCE.

Nothing in this section shall be interpreted as conflicting with Section 198 of the Standard Traffic Ordinance, as adopted by the City in 17-101 of the City Code. (Ord. 6286)

17-217.3

SAME; PENALTY PROVISION.

Violation of this ordinance shall be considered a parking infraction, and upon conviction the violator shall receive a fine of not less than \$55 or more than \$100. (Ord. 7363, Ord. 8051, Ord. 8420)

17-218

OPERATION OF WORK-SITE UTILITY VEHICLES.

(Ord. 8431)

(A) Definitions.

- (1) "Slow-moving vehicle emblem" has the same meaning as contained in K.S.A. 8-1717 and amendments thereto.
- (2) "Work-site utility vehicle" means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 135 inches, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more low pressure tires, a steering wheel and bench or bucket type seating allowing at least two people to sit side-by-side, and may be equipped with a bed or cargo box for hauling materials. "Work-site utility vehicle" does not include a micro utility truck as defined in the Standard Traffic Ordinance adopted by Section 17-101 of this code, and amendments thereto.

(B) Operation

- (1) Work-site utility vehicles may be operated upon the public highways, streets, roads and alleys within the corporate limits of the City of Lawrence.
- (2) No work-site utility vehicle shall be operated on any public highway, street, road or alley between sunset and sunrise unless such vehicle is equipped with lights as required by law for motorcycles.
- (3) No work-site utility vehicle shall be operated on any interstate highway, federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a work-site utility vehicle from crossing a federal or state highway.
- (4) No work-site utility vehicle shall be operated on any public highways, streets, roads and alleys within the corporate limits of the City of Lawrence with posted speed limits greater than 30 miles per hour; provided, however, that the provisions of this subsection shall not prohibit a work-site utility vehicle from crossing any public highways, streets, roads and alleys within the corporate limits of the City of Lawrence with posted speed limits greater than 30 miles per hour.
- (5) Every person operating a work-site utility vehicle on the public highways, streets, roads and alleys of the City of Lawrence shall be subject to all of the duties applicable to a driver of a motor vehicle imposed by law, including but not limited to the applicable provisions of the Standard Traffic Ordinance adopted by section 17-101 of this code, and amendments thereto.

(C) Drivers license requirements

No person shall operate a work-site utility vehicle on any public highway, street, road or alley within the corporate limits of the city unless such person

has a valid driver's license. Violation of this section is punishable by a fine of not more than \$1,000 or by imprisonment for not more than six months or by both such fine and imprisonment.

(D) Insurance requirements

- (1) Every owner of a work-site utility vehicle shall provide liability coverage in accordance with Section 200 of the Standard Traffic Ordinance, adopted by Section 17-101 of this code, and amendments thereto, and the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101, *et seq.*, and amendments thereto prior to operating such vehicle upon the public highways, streets, roads and alleys within the corporate limits of the City of Lawrence.
- (2) All provisions of Section 200 of the Standard Traffic Ordinance, adopted by Section 17-101 of this code, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of work-site utility vehicles.

(E) Display of slow moving vehicle emblem

It shall be illegal to operate a work-site utility vehicle on any public highway, street, road or alley within the corporate limits of the city unless such vehicle displays a slow moving vehicle emblem on the rear of the vehicle. The slow-moving vehicle emblem shall be mounted and displayed in compliance with K.S.A. 8-1717 and amendments thereto.

(F) Penalty

Unless specifically provided for herein, a violation of this ordinance shall be deemed an ordinance traffic infraction. Upon an entry of a plea of guilty or no contest or upon being convicted of such violation, the penalty imposed shall be in accordance with Section 201 of the Standard Traffic Ordinance, adopted by Section 17-101 of this code, and amendments thereto, or such other similar provision as the city may then have in effect.

**ARTICLE 3. PAID PARKING
(Ord. 10076)**

17-301

DEFINITIONS.

The following words, terms, and phrases, when used in this Article, shall, except where the context clearly indicates otherwise, have the following meanings:

- (a) **Administrative Hearing Examiner** shall mean a person appointed by the City Manager or City Manager's designee to conduct administrative hearings and determine whether parking violations occurred and whether extenuating circumstances exist that justify dismissal of any parking violation notice.
- (b) **Appeal** shall mean a written challenge by a person who received a parking violation notice, contesting its merits, to:
 - (1) The Parking Services Manager or the Parking Services Manager's designee, for a first-tier Appeal;
 - (2) The Administrative Hearing Examiner, for a second-tier Appeal; and

- (3) The Municipal Judge, for a third-tier Appeal.
- (c) **Chief of Police** shall mean the person employed by the City whose job title is Chief of the Police Department.
- (d) **City** shall mean the City of Lawrence, Kansas.
- (e) **City Manager** shall mean the person employed by the City whose job title is City Manager.
- (f) **Delinquent Parking Violation** shall mean a parking violation that has received late fees and has remained unpaid for over 60 days.
- (g) **Designated Area** shall mean an area, marked space, metered area, or facility established by the Governing Body where parking is restricted or subject to assessment of a parking fee or time limits during certain times and days.
- (h) **Exceeding Parking Boundaries** shall mean a violation that occurs when a vehicle is parked across any line or marking of a parking space, or in a manner such that the vehicle is not entirely within the marked boundaries of a parking space, within a Designated Area.
- (i) **Fire Department** shall mean the Lawrence-Douglas County Fire and Medical Department.
- (j) **Municipal Judge** shall mean the person employed by the City whose job title is Municipal Judge.
- (k) **Off-street Parking** shall mean a violation that occurs when a vehicle that remains parked in a space within a Designated Area over the allowed time limit or beyond the time for which valid payment of the assessed parking fee was made for that space by the registered owner, lessee or operator of the vehicle.
- (l) **Overtime Parking** shall mean a violation that occurs when a vehicle that remains parked in a space within a Designated Area beyond the time for which valid payment of the assessed parking fee was made for that space by the registered owner, lessee or operator of the vehicle.
- (m) **Parking Services** shall mean the City's Parking Department.
- (n) **Parking Services Manager** shall mean the person employed by the City whose job title is Parking Services Manager.
- (o) **Permit** shall mean a physical, digital e-permit, or authorization issued or purchased from the City that is linked to a vehicle's license plate that authorizes the vehicle to be parked, without making payment, in any long-term metered space, parking lot, parking garage, or long-term zone, in a Designated Area.
- (p) **Police Department** shall mean the Lawrence, Kansas, Police Department.
- (q) **Police Officer** shall mean an officer of the Police Department.
- (r) **Unpaid Parking** shall mean a violation that occurs when a vehicle is parked in a space within a Designated Area without the registered owner, lessee or

operator of the vehicle having made valid payment of the assessed fee for parking in that space.

- (s) **Unpaid Parking Violation** shall mean a parking violation that has not been paid.

17-302

PARKING IN DESIGNATED AREAS.

- (a) The Governing Body is authorized to establish Designated Areas in the City within which parking is restricted or subject to the assessment of parking fees to be paid through parking meters or by other means, as indicated in such locations. Designated Areas will be specified on the "Parking Maps" available on the City's website. Minor changes to the days and times when parking in Designated Areas is restricted or subject to the assessment of parking fees can be made by the City Manager or City Manager's designee, upon updating the meters or signage in the Designated Areas, and the Parking Maps on the City's website.
- (b) Except for Fire Department and Police Department vehicles, it shall be a violation of this Article for any person to park a vehicle in a Designated Area except during the times allowed and upon valid payment of the assessed fee for parking in the space, as indicated on meters or signage in the Designated Area.
- (c) At all times Vehicles must not obstruct traffic flow, block emergency access, or impede pedestrian walkways outside of Designated Areas

17-303

PARKING VIOLATIONS.

- (a) Except in a period of emergency, as determined by the Fire Department or Police Department, or in compliance with the directions of a Police Officer or traffic control sign or signal, when any vehicle is parked within a Designated Area, the registered owner of that vehicle shall be responsible for ensuring valid payment of the assessed parking fee is immediately made for the space occupied. Failure to ensure valid payment is made for parking in a space in a Designated Area shall constitute an Unpaid Parking violation by the registered owner or lessee of the vehicle.
- (b) Upon valid payment of the assessed parking fee being made for a space within a Designated Area, the vehicle may continue to be parked in the space for the length of time authorized, in accordance with the corresponding meter or signage in the Designated Area. Allowing the vehicle to remain parked in the space beyond the time for which valid payment of the assessed parking fee was made shall constitute an Overtime Parking violation by the registered owner or lessee of the vehicle.
- (c) Whenever a vehicle is parked in a space within a Designated Area, the registered owner or lessee of the vehicle shall ensure it is not parked across any line or marking of the parking space, or in a manner such that the vehicle is not entirely within the marked boundaries of the parking space. Parking a vehicle across any line or marking of the parking space or in a manner that the vehicle is not entirely within the marked boundaries of the parking space shall constitute an Exceeding Parking Boundaries violation by the registered owner or lessee of the vehicle.
- (d) If a person fails to pay the \$10.00 assessment within fourteen (21) days of the assessment becoming due, the violation shall be punished by an additional fine of \$15.00, If violations remains unpaid at (42) days, a

secondary late fine of \$15.00 will be added, and violation will become delinquent.

17-304 **TAMPERING WITH PARKING METERS, SPACES, OR SIGNAGE.**

It shall be a violation of this Article for any person to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter, space or signage in a Designated Area.

17-305 **USE OF SLUGS OR SUBSTITUTE COINS.**

It shall be a violation of this Article for any person to deposit or cause to be deposited in any parking meter any slug, device or metal substance or other substitute for lawful coins.

17-306 **DUTIES OF PARKING SERVICES; FINES AND PENALTIES.**

- (a) It shall be the duty of Parking Services employees or others, as designated by the Parking Services Manager, to issue parking violation notices within Designated Areas indicating:
 - (1) The location of the space and, if applicable, corresponding parking meter number where a vehicle was found parked in violation of this Article;
 - (2) The issuing state and plate number of the license tag on a vehicle found parked in violation of this Article;
 - (3) The date, time and manner in which a vehicle was found parked in violation of this Article;
 - (4) Any additional information necessary for a thorough understanding of the circumstances attending such violation;
 - (5) The applicable fine for the parking violation;
 - (6) The monetary penalty that will be assessed, in addition, if the applicable fine is not timely paid and no Appeal is timely made on the parking violation notice; and
 - (7) Information about how a registered owner or lessee of a vehicle found parked in violation of this Article may contest the parking violation notice, and the time limitations for making an Appeal.

17-307 **VEHICLES PARKED WITHIN MARKED SPACES.**

It shall be a violation of this Article for any person to park any vehicle across any line or marking of a parking meter space or in such position that the vehicle shall not be entirely within the area designated by such lines or markings.

17-308 **PARKING IN THE 1100 BLOCKS OF MISSISSIPPI STREET AND INDIANA STREET.**

- (a) It shall be a violation of this Article for any person to cause, allow, permit, or suffer any vehicle registered in the name of or operated by such person to park overtime, exceeding the posted two-hour limit, in the 1100 blocks of Mississippi Street and Indiana Street without concurrently depositing in the appropriate parking meter the parking fee of \$1.50 per hour. Violators of this

subsection shall be prosecuted and adjudicated pursuant to Section 17-304 and 17-305 of this Article, except that:

- (1) The penalty for any violation of Sections 17-305 and 17-306 in the 1100 Blocks of Mississippi Street and Indiana Street shall be an assessment in the amount of \$10.00 except that:
 - (2) If a person fails to pay the \$10.00 assessment within fourteen (21) days of the assessment becoming due, the violation shall be punished by an additional fine of \$15.00,
 - (3) If violations remains unpaid at (42) days, an additional fine of \$15.00 will be added, and violation will become delinquent.
- (b) The provisions of Section 17-304 shall apply to this Section to the extent that they are not inconsistent with the preceding Subsection.

17-309

APPEALS OF PARKING VIOLATIONS.

- (a) The Parking Services Manager, or the Parking Services Manager's designee, shall:
- (1) Adopt a standard form for use in issuing parking violation notices;
 - (2) Collect payments of monetary fines for parking violations;
 - (3) Establish procedures for the prompt, fair and efficient administrative adjudication of Appeals contesting parking violations on their merit; and
 - (4) Adopt for use practices, protocols and procedures for first-tier Appeals, including all Appeal forms and business processes to be utilized in adjudicating such Appeals.
- (b) Violations of Sections 17-303, 17-304, 17-305, or 17-308 shall be punishable by a monetary fine and no criminal penalties shall be imposed for such violations.
- (c) Parking fees and fines for violations of Sections 17-303, 17-304, 17-305, and 17-308 shall be established by the Governing Body and posted on the City's website.

17-310

PARKING VIOLATION APPEAL PROCESS.

- (a) Any person to whom a parking violation notice is issued pursuant to Section 17-303, 17-304, 17-305, or 17-308 shall, within 21 days of the notice date:
- (1) Pay to the City in full the fine indicated on the notice; or
 - (2) Submit an Appeal contesting the parking violation on the merits, through a designated online Appeal portal or other accepted appeal method.
- (b) If an Appeal is submitted pursuant to subsection (a)(2), and the Parking Services Manager or the Parking Services Manager's designee is satisfied that no violation of Section 17-303, 17-304, 17-305, or 17-308 occurred, or

that extenuating circumstances justify dismissal of the parking violation notice in the interests of justice, the Parking Services Manager or the Parking Services Manager's designee shall notify the person who made the Appeal that their Appeal was granted, the parking violation has been dismissed, and there is no fine to be paid.

- (c) If an Appeal is submitted pursuant to subsection (a)(2) and the Parking Services Manager or the Parking Services Manager's designee determines a violation of Sections 17-303, 17-304, 17-305, or 17-308 occurred, and no extenuating circumstances justify dismissal of the parking violation, the Parking Services Manager or the Parking Services Manager's designee shall notify the person who made the Appeal that their first-tier Appeal was denied, but the person may make a second-tier Appeal if they have additional information to present in contesting the violation on the merits. Within 21 days of the City notifying the person their first-tier Appeal was denied, the person must pay the fine in full or complete waiver form, but still may make a second-tier Appeal, either through a designated online Appeal portal or other accepted appeal method.
- (d) Any second-tier Appeal received by the Parking Services office shall be referred to the Administrative Hearing Examiner. The Administrative Hearing Examiner shall conduct a fair and impartial review of information provided by the person to contest the parking violation on the merits, and may offer the person a chance to appear before the Administrative Hearing Examiner. Upon concluding review of the Appeal, the Administrative Hearing Examiner shall either grant or deny the person's Appeal. The City shall notify the person in writing of the Administrative Hearing Examiner's decision on the second-tier Appeal. If their Appeal was granted, the notification will indicate the parking violation has been dismissed, and the fine refunded. If their Appeal was denied, within 21 days of the City notifying the person, they may make a third-tier Appeal by written request to Parking Services, for referral to the Municipal Judge.
- (e) A third-tier Appeal shall be reviewed by the Municipal Judge, whose decision to grant or deny the Appeal shall conclude City appeal process. Final right to appeal Municipal Court findings to the District Court (KSA 22-3609). The City shall notify the person in writing of the Municipal Judge's decision. If their Appeal was granted, the notification will indicate the parking violation has been dismissed, and the fine refunded. If their Appeal was denied, and the fine previously was paid, the case is closed. In the event the fine was not previously paid, it must be paid within 21 days to avoid late fees.

17-311

USES AND PURPOSES OF PARKING FEES, FINES AND PENALTIES.

The parking fees assessed in Designated Areas, fines assessed for violations of this Article, and penalties imposed when fines are not timely paid and no timely Appeal of a parking violation notice has been made and is still pending, shall be for the following uses and purposes:

- (a) To provide for the proper regulation and control of traffic upon public streets, including employment of Parking Services employees and law enforcement officers;
- (b) To acquire and maintain off-street parking locations and facilities in the City as authorized by law;

- (c) To cover the cost of supervising and regulating the parking of vehicles in Designated Areas; and
- (d) To cover the cost of purchasing, leasing, acquiring, installing, operating, maintaining, supervising and regulating the Designated Areas.

17-312

IMMOBILIZATION OF VEHICLES WITH UNPAID FINES AND PENALTIES

- (a) Parking Services employees are hereby authorized to use a vehicle immobilizer ("boot") to immobilize any vehicle that has three or more Delinquent Parking Violations issued by the City.
- (b) When a vehicle has accrued three or more Delinquent Parking Violations, the registered owner or lessee shall be sent a final warning that the vehicle is subject to immobilization. All such notices will be sent by U.S. mail to the registered owner's or lessee's last known address, and shall be deemed served as of the date of deposit in the U.S. mail.
- (c) If a vehicle subject to immobilization cannot be fitted with a boot because of the vehicle's size or shape, then the vehicle may be impounded in accordance with the procedures for impoundment set forth in Section 17-201 and 17-209.

17-313

UNAUTHORIZED TAMPERING WITH OR REMOVAL OFIMMOBILIZER.

- (a) It shall be unlawful for any person to move or attempt to move any vehicle that has a boot attached to it by Parking Services, except as authorized by Parking Services or a Police Officer.
- (b) It shall be unlawful for any person to tamper with, remove or attempt to remove from a vehicle a boot attached to it by Parking Services.
- (c) Any person violating this section may be punished by:
 - (1) A fine of not more than \$499.00; and
 - (2) Imprisonment in jail for not more than 179 days; and
 - (3) Restitution in the amount of the replacement cost of any boot damaged through the unlawful movement of or attempt to move the vehicle to which the boot was attached, or through unlawful removal of or attempt to remove the boot from the vehicle.

17-314

PROCEDURES FOR REMOVAL OF BOOT FROM VEHICLE.

- (a) When Parking Services immobilizes a vehicle, a notice shall be affixed to the vehicle, advising the registered owner or lessee of the procedures for having the boot removed. Such notice shall include:
 - (1) Instructions not to move or attempt to move the vehicle while it is immobilized by the boot, and not to tamper with, attempt to remove or remove the boot, without City authorization;
 - (2) The date and time when the boot was attached to the vehicle;

- (3) The state registration number, if known, and make of the vehicle;
 - (4) A link to the parking violation portal, which includes the amount owed;
 - (5) The contact number and business hours of the City office where information regarding boot processes and procedures and for contesting the immobilization can be obtained; and
 - (6) A warning that if the vehicle remains immobilized for 48 hours, it will be subject to impoundment, in accordance with Section 17-201.
- (b) The registered owner or lessee may secure removal of the boot by paying the City all unpaid parking fines and penalties, as well as the boot removal charge, within 48 hours of the vehicle being immobilized. Paying the unpaid parking fines, penalties and boot removal charge within 48 hours does not preclude the registered owner or lessee from subsequently contesting the immobilization by submitting an Appeal.
 - (c) Once the boot is removed, the person removing it shall ensure that it is delivered, undamaged, to a designated drop location.
 - (d) After the City has received payment of all unpaid parking fines, penalties and the boot removal charge, the registered owner or lessee may contest the immobilization by submitting an Appeal along with an affidavit, signed by the registered owner or lessee and notarized, if the person denies that there were three or more unpaid parking fines against the license plate on the vehicle at the time it was immobilized. The Appeal and affidavit may be submitted through a designated online Appeal portal or in person, in the Parking Services office.
 - (e) Any Appeal must be submitted within five business days of the date the boot was attached to the vehicle. Failure to timely submit an Appeal shall bar any contest regarding the immobilization and the fines, penalties and boot removal charge paid to secure removal of the boot.
 - (f) The notice affixed to the vehicle or a copy thereof shall be prima facie evidence of the correctness of the facts specified therein.
 - (g) The only issue for determination on the Appeal is whether there were three or more unpaid parking violations outstanding against the license plate on the vehicle at the time of immobilization.
 - (h) The Parking Services Manager or Parking Services Manager's designee will determine whether there is proof by a preponderance of the evidence that immobilization of the vehicle was warranted.
 - (i) Following review of the registered owner or lessee's Appeal of the immobilization, the Parking Services Manager or Parking Services Manager's designee shall determine whether the immobilization was warranted and shall notify the person, in writing, of the determination.

17-315

IMPOUNDMENT OF VEHICLES

- (a) If a vehicle immobilized pursuant to Section 17-310 remains immobilized after 48 hours from when notice of immobilization was affixed to the vehicle, it is subject to impoundment in accordance with Section 17-201.

- (b) When a vehicle is subject to immobilization pursuant to Section 17-310, but that vehicle previously was immobilized, and in the previous instance the vehicle was moved with the boot attached, or the boot was tampered with or removed from the vehicle, the vehicle is subject to impoundment, in accordance with Section 17-201.
 - (c) The owner of a vehicle may appeal the decision to impound it pursuant to Section 17-204.1 of the Code of the City of Lawrence, Kansas.
 - (d) Once a vehicle has been impounded, the registered owner, lessee or lienholder may regain possession by paying all charges associated with the impoundment, including but not limited to the removal fee, parking fines, towing fees, and storage charges;
- (1) Personal property found in the vehicle may be released at any time to the owner of such property upon presentation of proof of ownership or right to possession of such personal property.
 - (2) Disposition of vehicles which remain unclaimed by the registered owner or lienholder of record for a period of 30 days or more shall be done in compliance with the procedures for impoundment, notice and public auction provided by K.S.A. 8-1102(a)(2) and amendments thereto.

ARTICLE 4. VEHICLE PARKING

17-401

LOADING, UNLOADING AND SPECIAL ZONES.

(Code 1979, 17-401; Ord. 6175; Ord. 7019, Ord. 9584)

- (A) No person shall park any vehicle within a loading zone except for the purpose of loading or unloading the vehicle and then only for such length of time as is reasonably necessary to load or unload the vehicle, in no case for longer than thirty (30) minutes.
- (B) No person shall park any vehicle within a taxicab stand or bus loading zone except for the purpose of immediate loading or unloading of passengers. The restriction shall not apply to taxicabs parked in areas designated as taxicab stands or buses parked in areas designated as bus loading zones.
- (C) Any police officer is hereby authorized to remove or cause to be removed any vehicle illegally parked in any loading zone, bus zone, or taxicab stand authorized by ordinance.

17-402

DESIGNATION OF TEMPORARY LOADING ZONES; ENFORCEMENT, PENALTY.

The City Manager or his or her designee may designate temporary loading zones on public streets, alleys and public parking areas. The length of allowed temporary loading shall be posted adjacent to the designated street, alley or public parking area zone. No person shall park a vehicle in a temporary loading zone beyond the time designated for a temporary loading zone. The City shall have the authority to order a vehicle violating the provisions of this section to be towed or otherwise removed with all of the expenses of the towing or removal to be borne by the owner of the vehicle. In addition thereto, a violation of this section shall be a municipal

traffic offense and subject to a fine of a minimum of \$30.00. (Ord. 7273, Ord. 7363)

17-403 **Reserved.**

17-404 **Reserved.**

17-405 **NO PARKING ZONES ESTABLISHED.**

The Governing Body may by ordinance prohibit, or limit, the stopping, standing or parking of a vehicle on any street or alley where deemed necessary and in so doing may designate zones or places where drivers of vehicles shall not park, stand or stop any vehicle at any time or during specified times, and when signs are erected prohibiting the parking, standing or stopping on any street or alley, no person shall stop, stand or park a vehicle in such designated place in violation of any such sign. A listing of no parking anytime designations shall be maintained on the Schedule of No Parking Anytime, a copy of which shall be on file and available for public viewing in the office of the City Engineer. (Ord. 7363)

17-406 **Reserved.**

17-407 **Reserved.**

17-408 **Reserved.**

17-409 **Reserved.**

17-410 **Reserved.**

17-410.28 **PARKING, SIDEWALK.**

No person shall park any vehicle on the sidewalk area, which, for the purposes of this Section, shall mean the area between the streets and the adjacent property line. (Ord. 5470)

17-410.29 **CERTAIN PARKING PROHIBITED NORTH OF CITY HALL.**

No person shall park a vehicle in the parking lot adjacent and north of City Hall at the ground floor entrance, unless:

- (1) The vehicle properly displays identification to use the disabled accessible parking area;
- (2) The vehicle is a City vehicle being used for City purposes; or
- (3) The vehicle is authorized to use the parking area by the City Manager. (Ord. 6315)

17-410.30 **PARKING OFF STREET, IMPROVED PARKING SURFACE REQUIRED.**

No person shall park a vehicle off the street in the front or side yard setback area, which shall be defined as the area between the public right-of-way and the rear line of a building or any projection thereof, unless on parking or driveway surfaces required by the City Code. Violation of this Section shall be punishable by a fine not less than \$30 nor more than \$100 for each offense. Each day's violation shall constitute a separate offense. The City Commission or the City Manager may determine that the provisions of this Section are not to be enforced for a specified location or locations for a period not to exceed twenty-four hours. (Ord. 6325, Ord. 7363)

17-411 **PARKING MORE THAN 48-HOURS.**

It shall be unlawful for any person to park, or permit the parking, storing or standing of any motor vehicle upon any public street or parking in the City for any continuous

period of more than forty-eight (48) hours. (Ord. 5434, Sec. 2; Code 1983; Ord. 5963)

17-412 **Reserved.**

17-413 **ANGLE PARKING ESTABLISHED.**

Angle parking zone designations shall be established by ordinance. A listing of angle parking zone designations shall be maintained on the Schedule of Angle Parking Zones, a copy of which shall be on file and available for public viewing in the office of the City Engineer. (Ord. 7044)

17-414 **OFF-STREET PUBLIC PARKING REGULATIONS.**

- (A) It shall be unlawful for any person to cause, allow, permit or suffer to be parked any motor vehicle on any off-street parking lot or area owned or operated by the City for a longer period of time than the maximum period for parking shown on and permitted by the official sign erected in and about such parking facility.
- (B) Occupancy of the same parking stall in the off-street parking lot for longer than the legal time shall be considered proof of the violation prohibited by Subsection (A).
- (C) It shall not be unlawful for vehicles to be parked in the off-street parking lot beyond the maximum stated parking period on Sundays and official holidays as designated and adopted by the ordinances of the City.
- (D) It shall be unlawful for any person to park any motor vehicle in the Union Pacific Depot parking lot located on the northeast corner of N. 2nd Street and Locust Street or in the parking lot located on the southeast corner of N. 2nd Street and Locust Street from 12:00 a.m. to 6:00 a.m. daily. (Ord. 6386; Ord. 6920)

17-415 **OFF-STREET PUBLIC PARKING; FEES AND FINES.**
(Ord. 9724)

- (A) Whenever any motor vehicle is found parked in violation of Section 17-414 of this Article, the parking control officer, or other person designated by the City Manager, or his or her designee, shall take its registration number and such other information displayed on the vehicle which may identify its owner or user. For violations subject to a \$10.00 assessment, the parking control officer shall attach to such vehicle a notice to the owner or operator thereof that such vehicle is parked contrary to the time parking limitations of this Article and instructing such owner or operator to deposit ten dollars (\$10.00) with the ticket describing the violation into the envelope provided and place the same in the collection box or to make such payment by other accepted payment option including online payment or in-person payment at the Municipal Court. (Ord. 9662)
- (B) The penalty for any violation of Section 17-414 of this Article shall be an assessment in the amount of \$10.00, except that:
 - (1) The penalty for any violation of Section 17-414 committed by a habitual violator, as defined in Section 17-417, and amendments thereto, shall be \$75.00, plus any applicable court costs.
 - (2) If a person fails to pay a \$10.00 assessment before the ticket becomes overdue, as provided in subsection (C) of this section, the

violation shall be punished by a fine of no less than \$20 nor more than \$100, exclusive of court costs.

For violations subject to a \$10.00 assessment, the parking control officer, or other person designated by the City Manager, shall also attach to such vehicle a notice to the owner or operator thereof that such vehicle is parked contrary to the time parking limitations of this Article and instructing such owner or operator to deposit the appropriate amount with the ticket describing the violation into the envelope provided and place the same in the collection box, or to make such payment by other accepted payment option including online payment or in-person payment at the Municipal Court.

- (C) If the necessary payment is not received by the Municipal Court by the end of ten (10) calendar days following the issuance of the notice required by this section, the ticket will be considered overdue. Postal marking will not suffice for proof of intent to pay within the allotted period. At the end of the ten (10) day period after the issuance of the notice required by this section, the Municipal Court shall open a docket to allow prosecution for failure to pay parking fees as specified. (Ord. 9662)

17-416

PARKING OF LARGE VEHICLES RESTRICTED.

- (A) It shall be unlawful for any person to park any vehicle which exceeds eight (8) feet in width, or twenty (20) feet in length, or eight (8) feet in height, on any street in any residence district for more than two (2) hours, except when actively loading and/or unloading or within the performance of a service to or upon property abutting the area where the vehicle is parked.
- (B) Provided, the provisions of subsection (A) shall not apply if the vehicle displays a use of right-of-way permit for the vehicle pursuant to Section 16-801 et seq. of the City Code. A use of right-of-way permit for temporary large vehicle parking shall only be issued pursuant to Section 16-801 et seq. if all of the following conditions are met:
- 1) the permit shall only be valid for a maximum of seven (7) consecutive days;
 - 2) the permit applicant has obtained the consent of adjoining property owners for the temporary use of right-of-way;
 - 3) the vehicle shall be limited to two (2) permits in any consecutive twelve month period; and
 - 4) the permit applicant agrees to comply with any and all City Code provisions and conditions.

Violation of this ordinance shall be punishable by a fine of \$30.00. Each day's violation shall constitute a separate offense. (Ord. 6783, Ord. 7363)

17-416.1

RECREATION VEHICLES; PARKING ON STREET.

No motorized self-propelled camper, nonmotorized travel trailer, or boat or canoe, when on a trailer, shall be parked on a public street for a period of time exceeding 48 hours, and when so parked shall be located no nearer to an intersecting street than 100 feet, from the intersecting curb lines of the two streets nor located so as to obscure any driver's view of approaching traffic. No nonmotorized travel trailer or boat or canoe, when on a trailer, shall be left unattached when parked on a public street. (Code 1979)

17-416.2

LARGE AND RECREATIONAL VEHICLE PARKING.

(Ord. 8725)

- (A) No motorized self-propelled camper, non-motorized travel trailer, recreational vehicle or vehicle or trailer or combination of vehicle and trailer which exceed eight (8) feet in width, or twenty (20) feet in length, or eight (8) feet in height shall be parked at anytime in the following locations except when actively loading and/or unloading or within the performance of a service to or upon property abutting the area where the vehicle is parked:
- (1) Massachusetts Street, 11th Street to South Park Street;
 - (2) South Park Street, Vermont Street to New Hampshire Street;
 - (3) Vermont Street, South Park Street to 11th Street
- (B) Violation of this ordinance shall be punishable by a fine of \$50.00. A new violation shall occur every 24 hours time being measured from the time the initial citation was issued. The second violation within a 10 day period shall contain written notice placed on the vehicle or trailer that any person who violates this ordinance three (3) times within a ten (10) day period is subject to having the vehicle immediately towed. The time shall be measured from date of offense to date of offense.

17-417

HABITUAL VIOLATOR DEFINED.

"Habitual Violator" shall mean any person who in the previous thirty days has done any of the following, in any combination, five or more times: (Ord. 8413)

- (1) Violated Section 17-305 of this code, and amendments thereto.
- (2) Violated Section 17-306 of this code, and amendments thereto.
- (3) Violated Section 17-414 of this code, and amendments thereto.

The thirty day period established above shall be measured from date of offense to date of offense.

17-418

PARKING CONTROL OFFICER; AUTHORITY TO ISSUE NOTICE TO APPEAR.

Pursuant to the provisions of Charter Ordinance No. 31, parking control officers shall have the authority to issue Notice to Appear citations and notices for the violation of any provision of Chapter 17 of the Code of the City of Lawrence, Kansas. The authority of the parking control officers pursuant to this Section shall be regulated by such rules as the Chief of Police shall from time to time prescribe. (Ord. 6813, Ord. 7365)

17-419

CITY MANAGER AUTHORITY TO ISSUE RULES AND REGULATIONS FOR CITY PARKING SYSTEM.

The City Manager shall have the authority to prescribe and promulgate reasonable rules and regulations for the administration and enforcement of the City off-street parking lots and the metered locations on the public streets of the City. (Ord. 6813)

17-420

VEHICLE PARKING VIOLATIONS; PENALTIES

Any person violating any of the provisions of this Article for which no specific penalty is provided shall upon conviction receive a fine of not less than \$55. (Ord. 7363, Ord. 8051, Ord. 8420)

ARTICLE 5. TRAFFICWAYS AND TRAFFIC CONTROL

17-501

MAJOR OR MAIN TRAFFICWAYS.

The following streets are hereby designated and established as major or main through trafficways, the primary function of which shall be the movement of through traffic between areas of concentrated activity within the City:

17-501.1

- (A) Barker Avenue, 15th Street to 23rd Street;
- (B) Bob Billings Parkway, within the corporate limits of the City,
- (C) Clinton Parkway, within the corporate limits of the City;
- (D) Connecticut Street, 7th Street to 15th Street;
- (E) Folks Road, within the corporate limits of the city; (Ord. 7602)
- (F) George Williams Way, within the city limits; (Ord. 8844)
- (G) Harper Street, 19th Street to 23rd Street;
- (H) Haskell Avenue, 11th Street south to the city limits;
- (I) Inverness Drive, 15th Street to Clinton Parkway;
- (J) Iowa Street and North Iowa Street, within the corporate limits of the city;
- (K) Kasold Drive, within the corporate limits of the city;
- (L) Kentucky Street, 6th Street to 23rd Street;
- (M) Lakeview Road, within the corporate limits of the city; (Ord. 7004)
- (N) Lawrence Avenue, within the corporate limits of the city; (Ord. 7663);
- (O) Locust Street, North 2nd Street to North 7th Street;
- (P) Louisiana Street, within the corporate limits of the City; (Ord. 9456);
- (Q) Maine Street, 3rd Street to 11th Street;
- (R) Massachusetts Street, 6th Street to 23rd Street;
- (S) Michigan Street, 9th Street north to City limits; (Ord. 7075)
- (T) Mississippi Street, 6th Street to 11th Street;
- (U) Monterey Way, between 15th Street and Peterson Road; (Ord. 6988)
- (V) Naismith Drive, 19th Street to 23rd Street;
- (W) New Hampshire Street, 6th Street to 11th Street; (Ord. 5940: Ord. 6305)

17-501.2

- (A) Princeton Boulevard, Peterson Road to McDonald Drive;
- (B) Riverridge Road, North Iowa Street to North Michigan Street;
- (C) Rock Chalk Drive, from George Williams Way to E902 Road; (Ord. 8844)

- (D) Tennessee Street, 6th Street to 23rd Street;
 - (E) Trail Road, Kasold Drive to Lawrence Avenue;
 - (F) Vermont Street, 6th Street to 11th Street;
 - (G) Wakarusa Drive, from 6th Street to Clinton Parkway;
 - (H) 2nd Street, Iowa Street to Michigan Street;
 - (I) U.S. 40-59 Highway, from 6th and Massachusetts Streets north to the city limits;
 - (J) 6th Street, within the city limits;
 - (K) 7th Street, New Hampshire Street to New York Street;
 - (L) North 7th Street, Locust Street to North Street;
 - (M) 8th Street, Mississippi Street to the Santa Fe tracks; Holiday Drive to Kasold Drive;
 - (N) 9th Street, Delaware Street to Holiday Drive;
 - (O) 10th Street, Tennessee Street to Connecticut Street;
 - (P) 11th Street, Tennessee Street to Haskell Street;
 - (Q) 15th Street, within the corporate limits of the city;
 - (R) 17th Street, Massachusetts to Barker Avenue; (Ord. 7421)
 - (S) 19th Street, Iowa Street to Harper Street;
 - (T) 23rd Street, within the corporate limits of the city;
 - (U) 27th Street, Louisiana Street to Lawrence Avenue;
 - (V) 31st Street, within the corporate limits of the city;
- (Ord. 5620; Ord. 6550; Ord. 6697)

- 17-501.3
 - (A) 7th Street, Vermont Street to New York Street. (Ord. 8630)
 - (B) North Park Street, Vermont Street to Rhode Island Street. (Ord. 8630)
 - (C) K-10, within the City limits. (Ord. 9025)
- 17-501.4
 - (A) Trail Road from Kasold to Folks Road
 - (B) Ousdahl Road from 26th Street to 23rd Street
 - (C) West 17th Street from Louisiana Street to Alabama Street
 - (D) West 18th Street from Louisiana Street to Alabama Street (Ord. 9353)
- 17-501.5
 - (A) Harvard Road, within the corporate limits of the City.

(B) 21st Street, within the corporate limits of the City.

(Ord. 9474)

17-501.6

(A) Missouri Street, within the corporate limits of the City

(B) Arkansas Street, within the corporate limits of the City

(C) Lincoln Street, within the corporate limits of the City

(D) East 13th Street, within the corporate limits of the City

(E) West 24th Street, within the corporate limits of the City

(Ord. 9483)

17-502

TRAFFICWAY CONNECTION.

Streets designated as main trafficway connecting links under the authority of K.S.A. 12-686 shall be as follows: (Code 1979, 17-502; Ord. 6550; Ord. 6628, Ord. 8123, Ord. 8248)

(A) Cadet Avenue, 15th Street to East Glenn Drive;

(B) East Glenn Drive, Cadet Avenue to Maple Lane;

(C) 4th Street, Maine to McDonald;

(D) Harper Avenue, 23rd Street to 15th Street;

(E) Iowa Street Frontage Roads, east side, within the city limits;

(F) Maple Lane, East Glenn Drive to 19th Street.

(G) 18th Street, Naismith Drive to Louisiana Street.

(H) Ohio Street, 6th Street to 9th Street

17-503

PRINCIPAL ARTERIALS, MINOR ARTERIALS, COLLECTOR STREETS ESTABLISHED.

Principal arterial street designations, minor arterial street designations, and collector street designations shall be established by the current Metropolitan Transportation Plan Major Thoroughfares Map, as incorporated into the Comprehensive Plan, as defined at Section 20-1701 of the Code of the City of Lawrence, Kansas, 2018 Edition and amendments thereto. (Ord. 9593, Ord. 7044).

ARTICLE 6. – ELECTRIC-ASSISTED SCOOTERS

17-601

DEFINITIONS.

As used in this Article: (Ord. 9756)

(A) *Electric-assisted scooter* means a device that has at least two wheels, an electric motor that is capable of propelling the device without human propulsion on a paved level surface, handlebars, a brake, and a deck designed to be stood upon while riding.

- (B) *Geofencing* means the use of Global Positioning Systems (GPS) or Radio-Frequency Identification (RFID) technology to create a virtual geographic boundary.
- (C) *Operator* means a company having a valid and current agreement with the City to provide shared scooter services to the public at large.
- (D) *Micromobility network company* means a corporation, partnership, sole proprietorship, or other entity operating in Kansas that uses a digital network to connect micromobility device users to micromobility devices, such as shared scooters, for transportation.
- (E) *Shared scooter* means an electric-assisted scooter that is made available for rent or public-shared use in the public right-of-way.
- (F) *User* means the person who is in actual physical control of an electric-assisted shared scooter.
- (G) *Sidewalk* means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

17-602

OPERATION.
(Ord. 9756)

- (A) Notwithstanding the provisions provided herein, traffic regulations applicable to bicycles shall apply to electric-assisted scooters.
- (B) Any person operating an electric-assisted scooter shall yield to pedestrians on sidewalks and in cross-walks and give an audible signal before overtaking or passing pedestrians.
- (C) It shall be unlawful for any person to operate an electric-assisted scooter on any interstate highway, federal highway or state highway, except that nothing herein prohibits an electric-assisted scooter from crossing a federal or state highway.
- (D) No person operating or riding upon an electric-assisted scooter shall operate or ride upon sidewalks in the area of the City zoned CD, except that this prohibition does not apply to sidewalks upon the Kansas River bridges.
- (E) Any operation of an electric-assisted scooter shall be in compliance with all laws, including the uniform act regulating traffic on highways.
- (F) It shall be unlawful for any person to operate an electric-assisted scooter on any sidewalk on the University of Kansas campus, as identified on the map on file in the Police Department and the City Engineer's office. A copy of such map shall be available through the City Clerk's Office upon written request.

17-603

SHARED SCOOTER OPERATOR REQUIREMENTS.
(Ord. 9756)

- (A) No micromobility network company, or person acting on behalf of such company, shall deploy, maintain, or allow to be operated any shared scooters, owned or operated by the company, on any city streets,

sidewalks, or right-of-way without first obtaining a valid written agreement approved by the governing body of the City.

- (B) Shared scooters must comply with safety standards established by the Consumer Product Safety Commission and all other federal, state, and city safety standards.

17-604

PARKING.

(Ord. 9756)

- (A) Users shall not park or leave electric-assisted scooters in a manner which impedes pedestrians, bicycles, or motor vehicles or otherwise presents a traffic hazard.
- (B) It is unlawful for any person to park or leave an electric-assisted scooter in the area adjacent to or within the following areas, such that access is impeded:
 - (i) Transit zones, including bus stops, shelters, passenger waiting areas and bus layover and staging zones, except at existing bicycles racks;
 - (ii) Loading zones;
 - (iii) Disabled parking zones;
 - (iv) Driveways and driveway approaches; or
 - (v) Motor Vehicle parking spaces
- (C) It is unlawful for any person to park or leave an electric-assisted scooter in any manner or to impede or interfere with the access to or from any building.
- (D) Electric-assisted scooters may be impounded or taken to any other place of safety by the police department or other authorized city representative:
 - (i) When such scooter is reported or determined to be stolen and is recovered;
 - (ii) When such scooter is abandoned; or
 - (iii) When such scooter is left on public property and blocks pedestrian travel or presents a traffic hazard.
- (E) An impounded scooter shall not be released until all necessary impound fees have been paid and the rightful owner is found and shows proof of ownership.

17-605

SAFETY REQUIREMENTS.

(Ord. 9756)

- (A) No person under the age of fifteen (15) shall operate or ride upon an electric-assisted scooter within the city limits without properly wearing an approved skate or bicycle helmet securely fastened by chin or neck strap. For purposes of this Section, an approved skate or bicycle helmet is headgear which meets or exceeds the impact standard for protective helmets set by the U.S. Consumer Products Safety Commission Safety Standard for Bicycle Helmets.

- (B) No person shall allow or permit any person under the age of 15 years to operate or ride upon an electric-assisted scooter, or to ride upon as a passenger, without being in compliance with the provisions pertaining to helmets of subsection (A) above.
- (C) Vehicle registration and driver's license shall not be required for operation of any electric-assisted scooter.
- (D) Any person who rides or operates any electric-assisted scooter on a city sidewalk shall travel at a speed that is reasonable and prudent under existing conditions, except that such person shall not travel at a speed that exceeds 15 miles per hour.

17-606

PENALTY.

Any person violating any of the provisions of this Article shall upon conviction be punished by a fine not exceeding the sum of thirty dollars (\$30), except that in lieu of a fine, any person fifteen (15) years of age or younger in violation of Section 17-605(D) shall be eligible to receive a coupon from a Lawrence law enforcement officer or a Lawrence/Douglas County Fire Medical Department staff person; such coupon shall be valid for one (1) free approved bicycle helmet redeemable at a designated Lawrence – Douglas County Fire and Medical facility as supplies of helmets are available. (Ord. 9756)

ARTICLE 7. BICYCLES AND SKATEBOARDS

17-701

DUTY TO REPORT BICYCLE ACCIDENTS.

It shall be the duty of every person riding a bicycle to make a report to the Police Department when such bicycle is involved in any accident resulting in injuries to any person or damage to any property in excess of the sum of \$50 and to make such report within twenty-four (24) hours after such accident. (Ord. 5172, 17-701)

17-702

RIDING ON SIDEWALKS.

It shall be unlawful for any person to ride a bicycle upon any sidewalk within any Downtown Commercial District (CD), as established in Chapter 20, the Development Code of the City of Lawrence, Kansas within the City or upon any sidewalk where specifically prohibited by posted sign, except that such prohibition shall not apply to sidewalks upon the Kansas river bridges. It shall not be unlawful for police officers or other law enforcement personnel assigned to bicycle patrol units to ride upon sidewalks while in the performance of their official duties. (Ord. 5172, 17-702, Ord. 7557, Ord. 8615, Ord. 9818)

17-702.1

The governing body of the City of Lawrence, Kansas, hereby finds that the use of coasters, roller skates, skateboards, roller blades and other similar devices (hereafter device) is a public nuisance on the sidewalks and public parking lots in the downtown area as set forth in Section 17-702.2 (A). The governing body finds that the use of such devices on the public sidewalks in the downtown area creates a hazard to the physical safety of the general public due to: the limited setbacks between the sidewalks and the downtown structures fronting the public sidewalks; the inherent hazard of such devices in close proximity to pedestrians in the limited space of the public sidewalks in the downtown area; and the density of pedestrian uses on the public sidewalks in the downtown area.

17-702.2

SKATEBOARDING PROHIBITED.

- (A) It shall be unlawful for any person to ride, skate or use a coaster, roller skates, skateboard, roller blades, or other similar device on sidewalks and public parking lots and facilities in the area which is defined as the following

boundary area: the area bounded by the Kansas River, including the Riverfront Plaza parking garage, on the north; the center line of the right-of-way on Kentucky Street on the west; the center of the right-of-way on New Hampshire Street on the east; the center line of the right-of-way on north Park Street to Massachusetts and the center line of the right-of-way of 11th Street east of Massachusetts on the south.

- (B) It shall be unlawful for any person to ride, skate or use a coaster, roller skates, skateboard, roller blades, or other similar device on sidewalks in the area of Jayhawk Boulevard from West Campus Road to Thirteenth Street including 1000 feet on either side of this corridor on the University of Kansas campus. (Ord. 5820; Ord. 5926; Ord. 6150; Ord. 6330; Ord. 6794)

17-703

BICYCLE PARKING.

It shall be unlawful for any person to: (Ord. 7455)

- (A) Park a bicycle upon the streets, alleys, or sidewalks in such a manner as to cause a significant obstruction to a pedestrian or vehicle such that the pedestrian or vehicle is unable to safely travel upon the streets, alleys or sidewalks or to hinder or restrict access to handrails or ramps; or
- (B) To attach, affix, park, or lock a bicycle to a tree, fire hydrant, traffic control device or sign, street light, utility pole, or parking meter post serving a space designated for disabled parking. Bicycles in violation of this subsection may be removed and stored by the Lawrence Police Department. If the bicycle is not claimed by its rightful owner within a reasonable period, the Police Department may dispose of it in the same manner as it disposes of other unclaimed property.
- (C) It shall not be unlawful to attach, affix, park or lock a bicycle to a parking meter post, other than those parking meter posts serving spaces designated for disabled parking, so long as the person does not violate subsection (a) above.

17-704

REGISTRATION OF BICYCLES.

Bicycle owners may register their bicycles with the Lawrence Police Department on such forms as the Police Department may require. Registration of bicycles assists the Police Department in locating the rightful owners of lost, stolen or mislaid bicycles. The Police Department may charge a reasonable bicycle registration fee. (Ord. 7455).

17-705

PENALTY.

Any person violating any of the provisions of this Article shall upon conviction be punished by a fine not exceeding the sum of thirty dollars (\$30). (Ord. 7455)

17-706

USE OF PROTECTIVE HELMETS.

- (A) No person fifteen (15) years of age or younger shall ride a bicycle, wear, ride or use any roller skates, inline skates, roller blades, skateboards, or scooter, as these things are commonly defined, within the city limits without properly wearing an approved skate or bicycle helmet securely fastened by chin or neck strap. (Ord. 7738)
- (B) An approved skate or bicycle helmet is headgear which meets or exceeds the impact standard for protective helmets set by the U.S. Consumer Products Safety Commission Safety Standard for Bicycle Helmets. (Ord. 7738)

17-707

HELMET COUPON IN LIEU OF A PENALTY

There shall be no fine or jail sentence for violation of Section 17-706. In lieu of a fine, any person fifteen (15) years of age or younger found violating section 17-706 shall be eligible to receive a coupon from a Lawrence law enforcement officer or a Lawrence/Douglas County Fire Medical Department staff person; such coupon shall be valid for one (1) free bicycle helmet redeemable at a designated Lawrence – Douglas County Fire and Medical facility as supplies of helmets are available. (Ord. 7738)

ARTICLE 8. TRAFFIC ON THE UNIVERSITY OF KANSAS CAMPUS

17-801

KU - SPEED LIMITS ESTABLISHED.

Speed limit designations shall be established by ordinance. A listing of speed limit designations shall be maintained on the Schedule of Speed Limits, a copy of which shall be on file and available for public viewing in the office of the City Engineer. (Ord. 7044)

17-802

Reserved.

17-803

Reserved.

17-804

Reserved.

17-805

Reserved.

17-806

Reserved.

17-807

Reserved.

17-808

SKATEBOARDING PROHIBITED.

It shall be unlawful for any person to use a coaster, roller skates, skateboard, or other similar device on sidewalks:

- (a) In the area of Jayhawk Boulevard from West Campus Road to 13th Street including 1000 feet on either side of this corridor on the University of Kansas campus. (Ord. 6862)

ARTICLE 9. OVERWEIGHT VEHICLES

17-901

DEFINITIONS.

The words and phrases used in this article shall have meanings identical to those ascribed to those words and phrases by Section 1 of the Standard Traffic Ordinance as incorporated by Section 17-101 of the City Code, and amendments thereto. (Ord. 7990)

17-902

VIOLATION OF SIZE AND WEIGHT LAWS; EXCEPTIONS.

- (A) It shall be unlawful for any person to drive or move or for the owner or lessee to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles of a size or weight exceeding the limitations stated in this article, or to other wise fail to comply with this article. (Ord.7990)
- (B) Any person violating any of the provisions of this article, except for the provisions of Sections 17-907 of this article, and amendments thereto, and 17-908 of this article, and amendments thereto, shall be fined in an amount not to exceed \$500. (Ord.7990)

- (C) Any person convicted of violating any of the provisions of Sections 17-907 of this article, and amendments thereto, and 17-908 of this article, and amendments thereto, shall be fined pursuant to the following schedule: (Ord.7990)

Pounds Overweight	
up to 1000	\$ 25
1001 to 2000	\$0.03 per pound overweight
2001 to 5000	\$0.05 per pound overweight
5001 to 7500	\$0.07 per pound overweight
7501 or more	\$0.10 per pound overweight

For a second violation of Section 17-907 or 17-908 of this article, and amendments thereto, within two years after a prior conviction, such person, upon conviction shall be fined 1 1/2 times the above scheduled amount. For a third violation of Section 17-907 or 17-908 of this article, and amendments thereto, within two years, such person, shall be fined two times the above scheduled amount. For a fourth or succeeding violation of Section 17-907 or 17-908 of this article, and amendments thereto, within two years, such person shall be fined 2 1/2 times the above scheduled amount.

- (D) Except as otherwise specified in this article, the provisions of this article shall not apply to fire apparatus, road machinery, farm tractors or to implements of husbandry temporarily moved upon a highway, or to a vehicle operated under the terms of a currently valid special permit issued in accordance with K.S.A. 8-1911 and amendments thereto. (Ord.7990)
- (E) Except on highways designated as part of the national system of interstate defense highways, the gross weight limitation prescribed by this article on any axle or tandem, triple or quad axles shall not apply to: (1) Trucks specifically designed and equipped and used exclusively for garbage, refuse or solid waste disposal operations when loaded with garbage, refuse or waste; or (2) trucks mounted with a fertilizer spreader used or manufactured principally to spread animal dung, except that this paragraph (2) shall not apply to truck tractors so equipped. Except that such trucks under this subsection shall not exceed 60,000 pounds for three axles or 40,000 pounds for two axles, regardless of width spacing between axles (Ord.7990, Ord.8749)
- (F) As used in this section, "conviction" means a final conviction without regard to whether sentence was suspended or probation granted after such conviction, and a forfeiture of bail, bond or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, is equivalent to a conviction. (Ord.7990)

17-903

WIDTHS AND LOADS OF VEHICLES.

- (A) The total outside width of any vehicle or the load thereon shall not exceed 8 1/2 feet, except as otherwise provided in this section. (Ord. 7990)
- (B) A farm tractor or a fertilizer dispensing machine shall not be permitted to travel on any highway which is a part of the national system of interstate and defense highways. Whenever a farm tractor or implement of husbandry, and any load on any such vehicle, exceeds the width limitations

prescribed by this section to the extent that the width of such vehicle, including any load thereon, exceeds the width of that portion of a roadway on which such vehicle is driven, which is marked as a single lane of traffic, or, if such roadway has not been marked for lanes of traffic, the width of such vehicle exceeds more than 1/2 the width of such roadway, the driver shall move such vehicle as soon as possible as far to the right side of the highway as is practicable and safe upon the approach of any oncoming or following vehicle and upon approaching the crest of a hill. (Ord. 7990)

(C) Safety and other devices designated by the Kansas Secretary of Transportation may lawfully extend out on either side of the vehicle. (Ord. 7990)

(D)

(1) A vehicle may be loaded with bales of hay which shall not exceed 12 feet in width and a height as authorized by Section 17-905 of this Article, and amendments thereto, but vehicles so loaded shall not be moved on any highway designated as a part of the national network of highways, except as permitted under subsection (j) of K.S.A. 8-1911, and amendments thereto, or under paragraph (2) of this subsection. (Ord. 7990)

(2) A farm vehicle may be loaded with bales of hay which shall not exceed 12 feet in width and a height as authorized by Section 17-905 of this article, and amendments thereto, but vehicles so loaded shall not be moved on any highway designated as a part of the national system of interstate and defense highways, except as permitted under subsection (j) of Section K.S.A. 8-1911, and amendments thereto. As used in this paragraph "farm vehicle" means a truck or truck tractor registered under K.S.A. 8-143, and amendments thereto, as a farm truck or truck tractor. Such farm truck or truck tractor may be used in combination with any type of trailer or semitrailer. (Ord. 7990)

(3) Any such vehicles under paragraphs (1) or (2) so loaded shall not be moved during the period beginning 30 minutes after sunset and ending 30 minutes before sunrise. Any vehicle loaded with bales of hay as authorized by the exception in this subsection, with the load extending beyond 8 1/2 feet, shall have attached thereto a sign which states "OVERSIZE LOAD" and the dimensions of the sign shall be a minimum of seven feet long and 18 inches high. Letters shall be a minimum of 10 inches high with a brush stroke of not less than 1 2/5 inches. The sign shall be readily visible from a distance of 500 feet and shall be removed when the vehicle or load does not exceed the legal width. Each vehicle shall be equipped with red flags on all four corners of the oversized load. (Ord. 7990)

(E) A motor home or travel trailer may exceed 102 inches, if such excess width is attributable to an appurtenance that extends no more than six inches beyond the body of the vehicle, except that in no case shall such motor home or travel trailer exceed a total width of 108 inches. (Ord. 7990)

For the purposes of this subsection the term "appurtenance" shall include:

(1) An awning and its support hardware; and

(2) any appendage that is intended to be an integral part of a motor home or travel trailer coach and that is installed by the

manufacturer or dealer.

The term "appurtenance" shall not include any item that is temporarily affixed or attached to the exterior of a motor home or travel trailer by the owner of such motor home or travel trailer for the purposes of transporting from one location to another.

17-904

LOADS ON PASSENGER VEHICLES EXTENDING TO EITHER SIDE.

No passenger-type vehicle shall be operated on any highway with any load carried thereon extending beyond the left side of such vehicle nor extending more than six (6) inches beyond the right side thereof. (Ord. 7990)

17-905

HEIGHT AND LENGTH OF VEHICLES AND LOADS; EXCEPTIONS TO MAXIMUMS.

- (A) No vehicle including any load thereon shall exceed a height of 14 feet, except that a vehicle transporting cylindrically shaped bales of hay as authorized by K.S.A. 8-1902(e), and amendments thereto, may be loaded with such bales secured to a height not exceeding 14 1/2 feet. Should a vehicle so loaded with bales strike any overpass or other obstacle, the operator of the vehicle shall be liable for all resulting damages. (Ord. 7990, Ord. 9259)
- (B) No motor vehicle including the load thereon shall exceed a length of 45 feet extreme overall dimension, excluding the front and rear bumpers, except as provided in subsection (d). (Ord. 7990)
- (C) Except as otherwise provided in K.S.A. 8-1914 and 8-1915, and amendments thereto, and subsections (d), (e), (f), (g), (h) and (i), no combination of vehicles coupled together shall exceed a total length of 65 feet. (Ord. 7990, Ord. 9259)
- (D) The length limitations in subsection (b) shall not apply to a truck tractor. No semitrailer that is being operated in combination with a truck tractor shall exceed 59 1/2 feet in length. No semitrailer or trailer which is being operated in a combination consisting of a truck tractor, semitrailer and trailer shall exceed 28 1/2 feet in length. (Ord. 7990)
- (E) The limitations in this section governing maximum length of a semitrailer or trailer shall not apply to vehicles operating in the daytime when transporting poles, pipe, machinery or other objects of a structural nature which cannot readily be dismembered, except that it shall be unlawful to operate any such vehicle or combination of vehicles which exceeds a total length of 85 feet unless a special permit for such operation has been issued by the Kansas Secretary of Transportation or by an agent or designee of the secretary pursuant to K.S.A. 8-1911, and amendments thereto. The limitations in this section shall not apply to vehicles transporting such objects operated at nighttime by a public utility when required for emergency repair of public service facilities or properties or when operated under special permit as provided in K.S.A. 8-1911, and amendments thereto, but in respect to such night transportation every such vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of such load. (Ord. 7990)
- (F) The limitations of this section governing the maximum length of combinations of vehicles shall not apply to a combination of vehicles consisting of a truck tractor towing a house trailer, if such combination of

vehicles does not exceed an overall length of 97 feet. (Ord. 7990)

- (G) The length limitations of this section shall not apply to stinger-steered automobile or boat transporters or one truck and one trailer vehicle combination, loaded or unloaded, used in transporting a combine to be engaged in farm custom harvesting operations, as defined in subsection (d) of K.S.A. 8-143j, and amendments thereto. A stinger-steered boat transporter or one truck and one trailer vehicle combination, loaded or unloaded, used in transporting a combine to be engaged in farm custom harvesting operations, as defined in subsection (d) of K.S.A. 8-143j, and amendments thereto, shall not exceed an overall length limit of 75 feet, exclusive of front and rear overhang. A stinger-steered automobile transporter shall not exceed an overall length of 80 feet, exclusive of front and rear overhang. (Ord. 7990, Ord. 9259)
- (H) The length limitations of this section shall not apply to drive-away saddlemount or drive-away saddlemount with fullmount vehicle transporter combinations. A drive-away saddlemount or drive-away saddlemount with fullmount vehicle transporter combination shall not exceed an extreme overall dimension of 97 feet. (Ord. 7990)
- (I) The length limitations of this section shall not apply to a one truck-tractor, two trailer combination or one truck-tractor semitrailer trailer combination used in transporting equipment utilized by custom harvesters under contract to agricultural producers to harvest wheat, soybeans, or milo during the months of April through November, but the length of the property-carrying units, excluding load, shall not exceed 81 1/2 feet. (Ord. 9259)

17-906

PROJECTING LOADS TO THE FRONT AND REAR.

- (A) The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than three (3) feet beyond the front wheels of such vehicle or the front bumper of such vehicle if it is equipped with a bumper. (Ord. 7990)
- (B) Any vehicle or combination of vehicles transporting passenger vehicles or other motor vehicles may carry a load which extends no more than four (4) feet beyond the front and six (6) feet beyond the rear of the transporting vehicle or combination of vehicles. (Ord. 7990, Ord. 9259)

17-907

GROSS WEIGHT LIMITS ON WHEELS AND AXLES.

- (A) The gross weight upon any wheel of a vehicle shall not exceed 10,000 pounds. (Ord. 7990)
- (B) The gross weight upon any one axle, including any one axle of a group of axles, of a vehicle shall not exceed 20,000 pounds. (Ord. 7990)
- (C) Any axle located within seven feet of any adjacent axle shall, when the wheels of such axle are in contact with the road surface, carry its proportionate part of the load permitted on such axles. An axle shall not be used to determine the lawful axle weight under this section or the gross weight under Section 17-908 of this article when the wheels of such axle are not in contact with the road surface. (Ord. 7990)
- (D) As used in this section: (Ord. 7990)
 - (1) "Gross weight on any one axle" means the total load on all wheels

whose centers are included within two parallel transverse vertical planes not more than 40 inches apart.

- (2) "Tandem axles" means two or more consecutive axles, arranged in tandem and articulated from a common attachment to the vehicle or individually attached to the vehicle, with such axles spaced not less than 40 inches and not more than 96 inches apart.
- (3) "Triple axles" means three or more consecutive axles, arranged in tandem and articulated from a common attachment to the vehicle or individually attached to the vehicle, with such axles spaced more than 96 inches and not more than 120 inches apart.
- (4) "Quad axles" means four or more consecutive axles, arranged in tandem and articulated from a common attachment to the vehicle or individually attached to the vehicle, with such axles spaced more than 120 inches and not more than 150 inches apart.

- (E) The gross weight on tandem axles shall not exceed 34,000 pounds. (Ord. 7990)

17-908

GROSS WEIGHT LIMITS FOR VEHICLES; EXCEPTIONS; SAFETY OF CERTAIN VEHICLES FOR OPERATION.

- (A) No vehicle or combination of vehicles shall be moved or operated on any highway when the gross weight on two or more consecutive axles exceeds the limitations prescribed in the following table: (Ord. 7990)

	Maximum load in pounds carried on any group of 2 or more consecutive axles						
Distance in feet between the extremes of any group of 2 or more consecutive axles	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles	7 axles	8 axles
4	34,000						
5	34,000						
6	34,000						
7	34,000						
8 and less	34,000	34,000					
More than 8	38,000	42,000					
9	39,000	42,500					
10	40,000	43,500					
11	..... .....	44,000					
12	..... .....	45,000	50,000				
13	..... .....	45,500	50,500				
14	..... .....	46,500	51,500				

	Maximum load in pounds carried on any group of 2 or more consecutive axles						
15	47,000	52,000				
16	48,000	52,500	58,000			
17	48,500	53,500	58,500			
18	49,500	54,000	59,000			
19	50,000	54,500	60,000			
20	51,000	55,500	60,500	66,000		
21	51,500	56,000	61,000	66,500		
22	52,500	56,500	61,500	67,000		
23	53,000	57,500	62,500	68,000		
24	54,000	58,000	63,000	68,500	74,000	
25	54,500	58,500	63,500	69,000	74,500	
26	55,500	59,500	64,000	69,500	75,000	
27	56,000	60,000	65,000	70,000	75,500	
28	57,000	60,500	65,500	71,000	76,500	82,000
29	57,500	61,500	66,000	71,500	77,000	82,500
30	58,500	62,000	66,500	72,000	77,500	83,000
31	59,000	62,500	67,500	72,500	78,000	83,500
32	60,000	63,500	68,000	73,000	78,500	84,500
33	64,000	68,500	74,000	79,000	85,000
34	64,500	69,000	74,500	80,000	85,500
35	65,500	70,000	75,000	80,500	
36	66,000	70,500	75,500	81,000	
37	66,500	71,000	76,000	81,500	
38	67,500	72,000	77,000	82,000	
39	68,000	72,500	77,500	82,500	
40	68,500	73,000	78,000	83,500	
41	69,500	73,500	78,500	84,000	

	Maximum load in pounds carried on any group of 2 or more consecutive axles						
42	70,000	74,000	79,000	84,500	
43	70,500	75,000	80,000	85,000	
44	71,500	75,500	80,500	85,500	
45	72,000	76,000	81,000		
46	72,500	76,500	81,500		
47	73,500	77,500	82,000		
48	74,000	78,000	83,000		
49	74,500	78,500	83,500		
50	75,500	79,000	84,000		
51	76,000	80,000	84,500		
52	76,500	80,500	85,000		
53	77,500	81,000	85,500		
54	78,000	81,500			
55	78,500	82,500			
56	79,500	83,000			
57	80,000	83,500			
58	84,000			
59	85,000			
60	85,500			

except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the overall distance between the first and last axles is 36 feet or more.

- (1) The gross weight on any one axle of a vehicle shall not exceed the limits prescribed in Section 17-907, and amendments thereto, of this article. (Ord. 7990)
- (2) Except as otherwise provided in subsection (D), for vehicles and combinations of vehicles on the interstate system the table in this section shall not authorize a maximum gross weight of more than 80,000 pounds. (Ord. 7990, Ord. 9259)
- (3) The table in this section shall not apply to truck tractor and dump semitrailer

or truck trailer combination when such are used as a combination unit exclusively for the transportation of sand, salt for highway maintenance operations, gravel, slag stone, limestone, crushed stone, cinders, coal, blacktop, dirt or fill material, when such vehicles are used for transportation to a construction site, highway maintenance or construction project or other storage facility, except that such vehicles or combination of vehicles shall not be exempted from any application of the table as may be required to determine applicable axle weights for triple and quad axles as defined in Section 17-907, and amendments thereto. As used in this paragraph (3), the term "dump semitrailer" means any semitrailer designed in such a way as to divest itself of the load carried thereon. (Ord. 7990)

- (B) It shall be unlawful for any person to operate any vehicle or combination of vehicles with a gross weight in excess of the limitations set forth in this article, except as provided in K.S.A. 8-1911, and amendments thereto. (Ord. 7990)
- (C) As used in this section, "interstate system" means the national system of interstate and defense highways. (Ord. 7990)
- (D) A vehicle, if operated by an engine fueled primarily by natural gas, may exceed any vehicle weight limit under this section, upon to a maximum gross vehicle weight of 82,000 pounds, by an amount that is equal to the difference between:
 - (1) The weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle; and
 - (2) the weight of a comparable diesel tank and fueling system.

17-909

ENFORCEMENT OF VEHICLE WEIGHT LAWS; OFFICERS MAY WEIGH VEHICLES; PORTABLE SCALES; REQUIRED DRIVE TO STATIONARY SCALES; OFF-LOADING OR LOAD REDISTRIBUTION REQUIRED, WHEN.

- (A) Any police officer having reason to believe that the gross weight of a vehicle or combination of vehicles or the gross weight on any axle or sets of axles is unlawful is authorized to require the driver to stop and submit to a weighing of the same by means of either portable or stationary scales and may require that such vehicle be driven to any scales suitable for this purpose within five miles. When portable scales are used for weighing for the purpose of this section, the location of such portable scales shall be not more than 10 miles from any stationary scales whose accuracy is certified in accordance with law. (Ord. 7990)
- (B) Whenever a police officer, upon weighing a vehicle or combination of vehicles, determines that the weight is unlawful, such officer may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle or combination of vehicles or remove or redistribute the gross weight on any axle or sets of axles to such limit as permitted under this article. All material so unloaded shall be cared for by the owner, lessee or operator of such vehicle at the risk of such owner, lessee or operator. (Ord. 7990)
- (C) Any driver of a vehicle or combination of vehicles who fails or refuses to stop and submit such vehicle or combination of vehicles to weighing as provided in this section or who fails or refuses when directed by a police

officer to comply with the provisions of this section shall be guilty of a misdemeanor. (Ord. 7990)

17-910

VEHICLE OPERATION ON NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS.

Nothing in this article shall authorize any gross weight of a vehicle, combination of vehicles, or axle or axles of a vehicle on the national system of interstate and defense highways greater than permitted by laws of the United States Congress, except that this section shall not apply to a truck tractor and dump semitrailer or truck trailer combination authorized under the provisions of subsection (a)(3) of Section 17-908(a)(3), and amendments thereto. (Ord. 7990)

17-911

UNLAWFUL ACTS RELATED TO VEHICLE REGISTRATION.

It shall be unlawful for any person to operate on the highways of the City of Lawrence: (Ord. 7990)

- (A) A vehicle or combination of vehicles whose weight with cargo is in excess of the gross weight for which the truck or truck tractor propelling the same is registered, except as provided by K.S.A. 8-143, and amendments thereto, and subsections (a) to (f), inclusive, of K.S.A. 8-1911, and amendments thereto.
- (B) A farm truck or farm trailer other than to transport: (a) Agricultural products produced by such owner; (b) commodities purchased by the owner for use on the farm owned or rented by the owner of such vehicles; (c) commodities for religious or educational institutions being transported by the owner of such vehicles for charity and without compensation of any kind, except as provided in subsection (c) of K.S.A. 66-1,109, and amendments thereto; or (d) sand, gravel, slag stone, limestone, crushed stone, cinders, black top, dirt or fill material to a township road maintenance or construction site of the township in which the owner of such truck resides.
- (C) A farm truck or truck tractor used in combination with a trailer or semitrailer for a gross weight which does not include the empty weight of the truck or truck tractor or of the combination of any truck or truck tractor and any type of trailer or semitrailer, plus the maximum weight of cargo which will be transported on or with the same; and such farm truck or farm truck tractor used to transport a gross weight of more than 54,000 pounds shall have durably lettered on the side of the motor vehicle the words "farm vehicle--not for hire."
- (D) Any truck or truck tractor without the current quarter of license fees being paid thereon.
- (E) A truck or truck tractor without carrying in the cab a copy of the registration receipt for such vehicle or without having painted or otherwise durably marked on said vehicle on both sides thereof, the gross weight for which said vehicle is licensed and the name and address of the owner thereof, except as provided in K.S.A. 8-143e, and amendments thereto.
- (F) A farm trailer carrying more than 6,000 pounds without being registered and the registration fees paid thereon.
- (G) a truck or truck tractor operated more than 6,000 miles in any calendar year which has been registered and licensed to operate not more than 6,000 miles in such calendar year, as provided in subsection (2) of K.S.A. 8-143, and amendments thereto, unless the additional fee required by said

subsection (2) has been paid.

- (H) A vehicle or combination of vehicles on the national system of interstate and defense highways with a gross weight greater than permitted by the laws of the United States Congress.

17-912

NO TRUCK ROUTE EXCEPTION CREATED.

The provisions of this article should not be construed to limit the application of or exempt any vehicle from the application of Sections 17-212 or 17-213 of the City Code, and amendments thereto, or from any other ordinance limiting the routes on which certain classes of vehicles may be operated. (Ord. 7990)

17-913

CITY POLICY OF COMPLIANCE.

Vehicles owned or operated by the City of Lawrence shall comply with the dictates of this article. Except in the case of emergency and notwithstanding any provision of this article to the contrary, no exception shall be granted from the general requirements of this article to a City vehicle unless such exception would apply to a similarly situated vehicle not owned or operated by the City. In no event, however, does this section repeal the exception for fire apparatus contained in Section 17-902(d) of this article. (Ord. 7990)

ARTICLE 10. FEDERAL MOTOR CARRIER SAFETY REGULATIONS

17-1001

FEDERAL MOTOR CARRIER SAFETY REGULATIONS INCORPORATED.

(Ord. 7991, Ord. 9222)

The following portions of the Federal Motor Carrier Safety Regulations, promulgated by the Federal Motor Carrier Safety Administration as set forth in the November 2015 Edition of those regulations, as prepared and published in book form by J.J. Keller & Associates, Inc., 3003 W. Breezewood Lane, P.O. Box 368, Neenah, Wisconsin 54957-0368 are hereby incorporated by reference and made part of this article except for those articles, sections or parts that are explicitly omitted, changed or added by other sections of this article:

Part	<u>Adopted Subparts and Sections</u>
383	383.5 383.21 383.37 383.51(a)(1) & (2) Subpart F in its entirety
390	All
391	Subpart A in its entirety Subpart B in its entirety Subpart E in its entirety Subpart G in its entirety
392	All
393	All
395	All
396	All

17-1002

MARKED COPIES OF REGULATIONS ON FILE.

There shall be not less than three copies of the regulations adopted by reference in Section 17-1001 kept on file in the office of the City Clerk, to which will be attached a copy of the incorporating ordinance. Each of these copies will be marked or stamped "Official Copies as incorporated by Ordinance 7991" with all sections or portions of sections intended or amended clearly marked to show the deletion or the

change. These copies shall be made available upon request to the public for inspection at all reasonable hours. The municipal judges, police department, and all administrative departments of the City of Lawrence charged with the enforcement of this ordinance shall be supplied with copies of this ordinance at the cost of the City. (Ord. 7991)

17-1003

SECTION 396.9 AMENDED -- INSPECTION OF MOTOR VEHICLES.

Section 396.9 of the Federal Motor Carrier Safety Regulations referenced in Section 17-1001, above, entitled "Inspection of Motor Vehicles" is amended to read as follows: (Ord. 7991)

- (A) **Personnel authorized to perform inspections** – Inspections of motor carriers' vehicles in operation shall be conducted by Commercial Vehicle Safety Alliance (CVSA) certified police officers, and such officers shall have the authority to enter upon and perform inspections of such vehicles.
- (B) **Prescribed inspection report** – A driver/vehicle examination report shall be used to record the results of motor vehicle inspections conducted by authorized City of Lawrence police officers.
- (C) **Motor vehicles declared "out of service".**
 - (1) Authorized personnel shall declare and mark "out of service" any vehicle which by reason of its mechanical condition or loading would likely cause an accident or a breakdown. An "Out of Service Vehicle" sticker shall be used to mark vehicles "out of service".
 - (2) No motor carrier shall require or permit any person to operate nor shall any person operate any motor vehicle declared and marked "out of service" until all repairs required by the "out of service notice" have been satisfactorily completed. The term "operate" as used in this section shall include towing the vehicle, except that vehicles marked "out of service" may be towed away by means of a vehicle using a crane or hoist. A vehicle combination consisting of the emergency towing vehicle and an "out of service" vehicle shall not be operated unless such combination meets the performance requirements of this subchapter except for those conditions noted on the Driver Equipment Compliance Check.
 - (3) No person shall remove the "Out of Service Vehicle" sticker from any motor vehicle prior to the completion of all repairs required by the "out of service notice".
- (D) **Motor carrier disposition.**
 - (1) The driver of any vehicle receiving an inspection report shall deliver it to the motor carrier operating the vehicle upon his arrival at the next terminal or facility. If the driver is not scheduled to arrive at a terminal or facility of the motor carrier operating the vehicle within 24 hours, the driver shall immediately mail the report to the motor carrier.
 - (2) Motor carriers shall examine the report. Violations or defects noted thereon shall be corrected.
 - (3) Within 15 days following the date of the inspection, the motor carrier shall:
 - (i) Certify that all violations noted have been corrected by completing the "Signature of Carrier Official, Title and Date Signed" portions of the form; and
 - (ii) Return the complete roadside inspection form to the issuing agency at the address indicated on the form and retain a copy at the motor carrier's principle place of

business or where the vehicle is housed for 12 months from the date of inspection.

17-1004

EXCEPTIONS TO THE MOTOR VEHICLE SAFETY ACT.

The rules and regulations adopted pursuant to this Article shall not apply to the following while engaged in the carriage of intrastate commerce within the State of Kansas: (Ord. 7991, Ord. 9222)

- (A) The owner of livestock or producer of farm products transporting livestock of such owner or farm products of such producer to market in a motor vehicle of such owner or producer, or the motor vehicle of a neighbor on the basis of barter or exchange for service or employment, or to such owner or producer transporting supplies for the use of such owner or producer, or in the motor vehicle of a neighbor on the basis of barter or exchange for service or employment.
- (B) The transportation of children to and from school, or to motor vehicles owned by schools, colleges and universities, religious or charitable organizations and institutions, or governmental agencies when used in repair, building or construction work, not having been sold or being transported for the purpose of sale, except vehicles transporting hazardous materials which require placards.
- (C) Private motor carriers domiciled in Kansas operating commercial motor vehicles (CMV) with a gross vehicle weight (GVW), gross vehicle weight rating (GVWR), gross combination weight (GCW), or gross combination weight rating (GCWR) of 10,001 to 26,000 pounds and registered pursuant to K.S.A. 8-126 et seq., and amendments thereto. This exception does not apply to commercial motor vehicles, regardless of weight, which are designed or used to transport 16 or more passengers, including the driver, or intrastate public (for hire) motor carriers of property or passengers, or any motor vehicles which are used in the transportation of hazardous materials and required to be placarded pursuant to 49 C.F.R. part 172, subpart F. For the purpose of this subsection, "domicile" shall mean the principal place of business of a motor carrier or a permanent location in Kansas for a vehicle or vehicles annually registered in Kansas.

Private motor carriers domiciled in Kansas operating commercial motor vehicles (CMV) with a gross vehicle weight (GVW), gross vehicle weight rating (GVWR), gross combination weight (GCW), or gross combination weight rating (GCWR) of 10,001 to 26,000 pounds and registered pursuant to K.S.A. 8-126 et seq., and amendments thereto. Such carriers shall comply with 49 C.F.R. part 393, subpart I (load securement) and subpart F (coupling devices); and 49 C.F.R. part 396.17 (annual inspection). Any deficiencies related to the above regulations discovered roadside or any defects identified at the time of the annual inspection shall be corrected prior to returning the commercial motor vehicle to operational status.
- (D) Persons operating motor vehicles which have an ad valorem tax situs in and are registered in the State of Kansas, and used only to transport grain from the producer to an elevator or other place for storage or sale for a distance of not to exceed 50 miles.
- (E) The operation of hearses, funeral coaches, funeral cars or ambulances by motor carriers.
- (F) Motor vehicles owned by the United States, the District of Columbia, any

state, any municipality or any other political subdivisions of this state.

- (G) Any motor vehicle with a normal seating capacity of not more than the driver and 15 passengers when used for vanpooling or otherwise not for profit in transporting persons who, as a joint undertaking, bear or agree to bear all the costs of such operations, or motor vehicles with a normal seating capacity of not more than the driver and 15 passengers for not-for-profit transportation by one or more employers of employees to and from the factories, plants, offices, institutions, construction sites, or other places of like nature where such persons are employed or accustomed to work.
- (H) Motor vehicles used to transport water for domestic purposes, as defined by subsection (c) of K.S.A. 82a-701, and amendments thereto, or livestock consumption.
- (I) The operation of vehicles used for servicing, repairing, or transporting of implements of husbandry, as defined in K.S.A. 8-1427, and amendments thereto, by a person actively engaged in the business of buying, selling, or exchanging implements of husbandry, if such operation is within 100 miles of such person's established place of business in this state, unless the implement of husbandry is transported on a commercial motor vehicle.

(K.S.A. 66-1,129(c))

17-1005

PROHIBITIONS EXTENDED TO INTRASTATE COMMERCE.

- (A) For the purpose of this article, including all regulations incorporated by reference, the term "commerce" shall mean: (Ord. 7991)
 - (1) Any trade, traffic or transportation that takes place within the State of Kansas, or within the jurisdiction of the United States between a place in a State and a place outside of such State, including a place outside of the United States.
 - (2) Trade, traffic, and transportation in the United States which affects any trade, traffic, and transportation within paragraph (1) of this definition.

Any other conflicting definitions of commerce contained in the incorporated regulations shall be without force or effect.

- (B) The definition of "commercial motor vehicle" set forth in § 390.5 of the incorporated Federal Motor Carrier Safety Regulations is amended to read as follows:

Commercial motor vehicle means any self-propelled or towed motor vehicle used on a highway in interstate commerce or intrastate commerce within the State of Kansas to transport passengers or property when the vehicle –

- (1) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001) pounds or more, whichever is greater; or
- (2) Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
- (3) Is designed or used to transport more than 15 passengers,

including the driver, and is not used to transport passengers for compensation; or

- (4) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 C.F.R., subtitle B, chapter I, subchapter C.

- (C) It is the legislative intent of this ordinance to apply the requirements and prohibitions of the Federal Motor Carrier Safety Regulations incorporated by reference to all commerce, both interstate and intrastate within the State of Kansas, unless specifically provided otherwise.

17-1006

CONFLICT OF LAWS; EXCEPTION TO THIS ARTICLE.

The provisions of the Federal Motor Carrier Safety Regulations incorporated by reference in this Article shall not apply when their application would conflict with the Kansas Statutes, and amendments thereto, or other ordinances of the City of Lawrence, and amendments thereto. This article shall not be interpreted to permit any actions or activities otherwise illegal under Kansas law or the ordinances of the City of Lawrence, and in the event that otherwise illegal actions or activities would be permitted under this Article, or would be punished less stringently under this Article, those acts shall be excepted from the prohibitions of this Article. If this Article merely goes farther in its prohibitions than the above referenced Kansas Statutes or ordinances of the City of Lawrence, no conflict shall exist for the purposes of this section. (Ord. 7991)

17-1007

PENALTY.

- (A) It is unlawful for any person to violate any of the provisions of this Article, including all provisions incorporated by reference. (Ord. 7991)
- (B) Upon conviction of a violation of any provision of this Article, the offender shall be sentenced to pay a fine in an amount not to exceed \$500, or to serve a term of imprisonment not to exceed six months, or both. In the case of continuing violations, each day that a violation continues shall constitute a separate offense. (Ord. 7991)
- (C) The municipal judge may, at his or her discretion, establish a schedule of fines for violations of this ordinance. Such fines shall be imposed upon a voluntary entry of appearance and plea of guilty or no contest to a complaint alleging such violation. Any such fine so established shall be not less than \$60. (Ord. 7991)