

Chapter 12.04
OVERLAND PARK TRAFFIC ORDINANCE

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ARTICLE I. DEFINITIONS

12.04.001 Definitions.

The following words and phrases when used in this ordinance shall, for the purpose of this ordinance and other traffic ordinances, have the meanings respectively ascribed to them in this Section unless otherwise defined in the text of the section.

Alcohol Concentration. The number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath.

Alcoholic Liquor. Alcohol, spirits, wine, beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed as a beverage by a human being, but shall not include any beer or cereal malt beverage containing not more than 3.2% alcohol by weight.

Alley or Alleyway. A street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.

All-terrain Vehicle. Any motorized non-highway vehicle 50 inches or less in width, having a dry weight of 1,500 pounds or less, traveling on three or more nonhighway tires, and having a seat designed to be straddled by the operator.

Arterial Street. Any U. S. or state numbered route, controlled access highway or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.

Authorized Emergency Vehicle. Such fire department vehicles, police bicycles or police vehicles which are publicly owned; motor vehicles operated by ambulance services permitted by the emergency medical services board and such other publicly or privately owned vehicles as are designated as emergency vehicles by the Board of County Commissioners, pursuant to K.S.A. 8-2010 and amendments thereto.

Bicycle. Every device propelled by human power upon which any person may ride, having two tandem wheels, either of which is more than 14 inches in diameter.

Bus. Every motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

Business District. The territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks or office buildings, railroad stations and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

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Cancellation of a Driver's License. Cancellation of a driver's license means the annulment or termination by formal action of the division of a person's driver's license because of some error or defect in the license or because the licensee is not entitled to such license, but the cancellation of a license is without prejudice; and application for a new license may be made at any time after such cancellation.

Cereal Malt Beverage. Any fermented but undistilled liquor brewed or made from malt or from a mixture of malt and/or malt substitute, but not including any such liquor which is more than 3.2% alcohol by weight.

Chief of Police. The Chief of Police of the City, or any member of the police department of the City designated by the Chief of Police to act in his place.

City or this City. The City of Overland Park, Kansas.

City Traffic Engineer. The Chief Traffic Engineer for the City or any member of the City Traffic Department designated by the Chief Traffic Engineer to act in his place.

Commission. The Secretary of Transportation.

Compression Release Engine Braking System. An hydraulically operated device that converts a power producing diesel engine into a power absorbing retarding mechanism.

Controlled-Access Highway. Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

Crosswalk.

- (a) That part of a roadway at an intersection included within the connections of the lateral lines of sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or
- (b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Department. Department of Transportation.

Director. The director of vehicles.

Division. The division of vehicles of the department of revenue.

Divided Highway. A highway divided into two or more roadways by leaving an intervening space or by a physical barrier or by a clearly indicated dividing section so constructed as to impede vehicular traffic.

Double Parking. The standing or stopping of a vehicle in the line of traffic and (a) to the rear of a vehicle angle parked, or to the rear of a space where a vehicle may be parked at any angle to the

curb or edge of the roadway, or (b) to the roadway side of a vehicle parked parallel with the curb or edge of the roadway or the roadway side of the space in which a vehicle may be parked parallel to the curb or edge of the roadway.

Drawbar. Drawbar means a bar across the rear of a motor vehicle, or a device securely attached to the motor vehicle, which maintains a fixed position and to which a towbar may be coupled.

Driveaway-Towaway Operations. Any operation in which any motor vehicle, trailer or semitrailer, singly or in combination, new or used, constitutes the commodity being transported, when one set or more of wheels of any such vehicle are on the roadway during the course of transportation, whether or not any such vehicle furnishes the motive power.

Driver. Every person who drives or is in actual physical control of a vehicle.

Driver's License. Driver's license means any license to operate a motor vehicle issued under the laws of this state.

Electric-assisted Bicycle. A bicycle with two or three wheels, a saddle, fully operative pedals for human propulsion, and an electric motor. The electric-assisted bicycle's electric motor must have a power output of no more than 1,000 watts, be incapable of propelling the device at a speed of more than 20 miles per hour on level ground and incapable of further increasing the speed of the device when human power alone is used to propel the device beyond 20 miles per hour.

Electric Personal Assistive Mobility Device. A self-balancing two non-tandem wheeled device, designed to transport only one person, with an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

Essential Parts. All integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation.

Explosives. Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, and which contains any oxidizing and combusive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

Farm Tractor. Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry and such term shall include every self propelled implement of husbandry.

Flammable Liquid. Any liquid which has a flash point of 70 degrees Fahrenheit, or less, as determined by a tagliabue or equivalent closed cup test device.

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Golf Cart. A motor vehicle that has not less than three wheels in contact with the ground, an unladen weight of not more than 1,800 pounds, is designed to be and is operated at not more than 25 miles per hour and is designed to carry not more than four persons including the driver.

Governing Body. The Mayor and Council of this City.

Gross Weight. The weight of a vehicle without load plus the weight of any load thereon.

Highway. See Street or Highway.

House Trailer.

- (a) A trailer or semi-trailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, and is equipped for use as a conveyance on streets and highways; or
- (b) A trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in paragraph (a), but which is used instead permanently or temporarily for the advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

Identifying Numbers. The numbers, and letters, if any, on a vehicle designated by the division for the purpose of identifying the vehicle.

Implement of Husbandry. Every vehicle designed or adapted and used exclusively for agricultural operations, and only incidentally moved or operated upon the highways. Such term shall include, but not be limited to, a fertilizer spreader except as otherwise provided in this Section or any "nurse tank" used in connection therewith, regardless of ownership. A truck mounted fertilizer spreader used or manufactured principally to spread animal dung is not an implement of husbandry for the purpose of this Section or for the purpose of the ordinance of which this Section is a part.

Intersection.

- (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict; or
- (b) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highway shall be regarded as a separate intersection.

The junction of an alley with a street or highway shall not constitute an intersection.

Intoxicating Liquor. Any alcoholic liquor, beer, cereal malt beverage, non-alcoholic malt beverage, spirit or wine.

Laned Roadway. A roadway which is divided into two or more clearly marked lanes for vehicular traffic.

Legal age for consumption of cereal malt beverage means (1) with respect to persons born before July 1, 1966, 20 years of age; and (2) with respects to persons born on or after July 1, 1966, 21 years of age.

License or License to Operate a Motor Vehicle. Any driver's license or any other license or permit to operate a motor vehicle issued under, or granted by, the laws of this state, including:

- (a) Any temporary license or instruction permit;
- (b) the privilege of any person to drive a motor vehicle whether or not such person holds a valid license; and
- (c) any nonresident's operating privilege.

Litter. Rubbish, refuse, waste material, garbage, trash or debris of whatever kind or description and includes improperly discarded paper, metal, plastic or glass.

Low-speed Vehicle. Any four-wheeled electric vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour and is manufactured in compliance with the national highway and traffic safety administration standards for low-speed vehicles in 49 C.F.R. 571.500.

Mail. To deposit in the United States mail properly addressed and with postage prepaid.

Manufacturer. Every person engaged in the business of constructing or assembling vehicles of a type required to be registered in this state.

Metal Tire. Every tire the surface of which, in contact with the highway, is wholly or partly of metal or other hard nonresilient material.

Micro Utility Truck. Any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 160 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab. "Micro utility truck" does not include a work-site utility vehicle.

Motorcycle. Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

Motor-Driven Cycle. Every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower, and every bicycle with motor attached except a

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motorized bicycle or an electric-assisted bicycle.

Motorized Bicycle. Every device having two tandem wheels or three wheels which may be propelled by either human power or helper motor, or by both, and which has: A motor which produces not more than 3.5 brake horsepower; a cylinder capacity of not more than 130 cubic centimeters; an automatic transmission; and the capability of a maximum design speed of no more than thirty miles per hour.

Motorized Wheelchair. Any self-propelled vehicle, designed specifically for use by a physically disabled person, that is incapable of a speed in excess of 15 miles per hour.

Motor Home. Every motor vehicle designed, used or maintained primarily as a mobile dwelling, office, or commercial space.

Motor Vehicle. Every vehicle, other than a motorized bicycle or a motorized wheelchair, which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Nonhighway Tire. Any pneumatic tire six inches or more in width, designed for use on wheels with rim diameter of 14 inches or less.

Nonresident. Every person who is not a resident of this state.

Nonresident's Operating Privilege. The privilege conferred upon a nonresident by the laws of this state pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in this state.

Official Time Standard. Whenever certain hours are specified they shall mean standard time or daylight-saving time as may be in current use in this City.

Official Traffic-Control Devices. All signs, signals, markings, and devices, not inconsistent with this ordinance, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

Owner. A person, other than a lienholder, having the property in or title to a vehicle; and such term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

Park or Parking. Means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

Parkway. The parkway of a street shall be defined as the area extending a maximum of 15 feet back from the edge of the street or curblin, excluding the area improved and used as a parking lot or driveway.

Passenger Car. A motor vehicle with motive power designed for carrying 10 passengers or fewer, including vans, but excluding motorcycles, trailers, or vehicles constructed on a truck

chassis registered for a gross weight of more than 12,000 pounds or a farm truck registered for a gross weight of more than 16,000 pounds or a vehicle constructed with special features for occasional off-road operation.

Passenger Vehicle. Every motor vehicle which is designed to carry 10 or fewer passengers, and which is not used as a truck.

Pedestrian. Any person afoot; any person in a wheelchair, either manually or mechanically propelled, or other low powered, mechanically propelled vehicle designed specifically for use by a physically disabled person; or any person using an electric personal assistive mobility device.

Person. Every natural person, firm, association, partnership or corporation.

Person with a Disability. Person with a disability means any individual who:

- (a) has a severe visual impairment;
- (b) cannot walk 200 feet without stopping to rest;
- (c) cannot walk without the use of or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistive device;
- (d) is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter or the arterial oxygen tension is less than 60 mm/hg on room air at rest;
- (e) uses portable oxygen;
- (f) has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association; or
- (g) is severely limited in such person's ability to walk due to an arthritic, neurological or orthopedic condition.

Pneumatic Tire. Every tire in which compressed air is designed to support the load.

Pole Trailer. Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

Police Officer. Every law enforcement officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Private Road or Driveway. Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

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Queue Jump Lane. A right turn or additional travel lane on the approach to a signalized intersection which is designed to allow higher-capacity vehicles to cut to the front of the queue, reducing the delay caused by the signal.

Railroad. A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

Railroad Sign or Signal. Any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

Railroad Train. A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

Recreational Vehicle. A vehicular-type unit built on or for use on a chassis and designed primarily as living quarters for recreational, camping, vacation or travel use and which has its own motive power or is mounted on or drawn by another vehicle, and which has a body width not exceeding eight feet and a body length not exceeding 40 feet; but such term shall not include a unit which has no electrical system which operates above 12 volts and has no provisions for plumbing, heating, and any other component or feature for which a standard is adopted by K.S.A. 75-1212 et seq.

Registration. The registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of vehicles.

Residential District. Any place or area where the property is zoned for residential occupancy including single family, two family, and multifamily dwellings and territory contiguous thereto for 300 feet in any direction.

Revocation of Driver's License. The termination by formal action of the division of a person's license or privilege to operate a motor vehicle on the highways, which termination shall not be subject to renewal except that an application for a new license may be presented and acted upon by the division after the expiration of the applicable period of time prescribed by state law.

Right-of-Way. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

Road Construction Zone. That portion of the highway which is identified by posted or moving signs as being a construction or maintenance work area. The zone starts at the first sign identifying the zone and continues until a posted or moving sign indicating the construction zone has terminated.

Roadway. That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

Safety Hitch. A chain, cable, or other material of sufficient weight which will prevent the towed vehicle from breaking loose in the event the towbar or drawbar fails or becomes disconnected.

Safety Zone. The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

School Bus. Every bus designed primarily for the transportation of pupils, students or school personnel to or from school or to or from school related functions or activities. This definition includes every such bus which is owned by a school district, or privately owned and contracted for, leased or hired by a school district, and operated for such transportation, and every such bus which is privately owned and operated for such transportation, but does not include within its meaning public transportation leased by a school district for a particular trip or event.

School Crossing Guard. Any person 18 years of age and older or any person under 18 years of age who is being directly supervised by a person at least 18 years of age, acting with or without compensation and who is authorized to supervise, direct, monitor or otherwise assist school children at a street or intersection in the vicinity of a school crosswalk or bus stop.

Secretary. The Secretary of the Kansas Department of Transportation.

Semitrailer. Every vehicle, with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle, and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Sidewalk. 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.

Solid Rubber Tire. Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

Specially Constructed Vehicle. Every vehicle of a type required to be registered in this state, not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.

Special Mobile Equipment. Every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and drag lines, and self-propelled cranes and earth moving equipment. The term does

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not include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

Stand or Standing. Means the halting of a vehicle whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

State. The State of Kansas.

Stop. When required means complete cessation from movement.

Stop or Stopping. When prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

Street or Highway. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. Where the word "highway" or the word "street" is used in this ordinance, it shall mean street, avenue, boulevard, thoroughfare, trafficway, alley and other public way for vehicular travel by whatever name unless the context clearly indicates otherwise.

Suspension of a Driver's License. The temporary withdrawal by formal action of the division of a person's license or privilege to operate a motor vehicle on the highways, which temporary withdrawal shall be for a period specifically designated by the division.

Through Highway. Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such highway in obedience to either a stop sign, yield sign or other traffic-control device, when such signs or devices are erected as provided in this ordinance.

Tow Bar. A rigid piece of material which is structurally adequate to hold any weight vehicle towed and which is properly and securely mounted to the towed vehicle without excessive slack but with sufficient play to allow for universal action of the connection and which is equipped with a suitable locking device to prevent accidental separation of the towing vehicle and the towed vehicle.

Traffic. Pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highway for purposes of travel.

Traffic-Control Signal. Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

Traffic-Control Signal Preemption Device. Any device, instrument or mechanism designed, intended or used to interfere with the operation or cycle of a traffic-control signal.

Trailer. Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle, and so constructed that no part of its weight rests upon the towing vehicle.

Truck. Every motor vehicle designed, used, or maintained primarily for the transportation of property including, but not limited to, motor vehicles or any combination of vehicles that exceed 20 feet in length, or exceed seven feet in height, or exceed eight feet in width, or are registered for a gross vehicle weight of more than 12,000 pounds.

Truck-Camper. Any structure designed, used or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space.

Truck Tractor. Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Urban District. The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses, situated at intervals of less than 100 feet for a distance of a quarter of a mile or more.

Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting electric personal assistive mobility devices or devices moved by human power or used exclusively upon stationary rails or tracks.

Work-site Utility Vehicle. 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.

(History: Ord. TC-1260,SSS §1, 2012; TC-1260,PPP §1, 2009; TC-1260,JJJ §1, 2007; TC-1260,FFF §1, 2006; TC-1260,CCC §1, 2005; TC-1260,BBB §1, 2004; TC-1260,AAA §1, 2004; TC-1260,WW §1, 2002; TC-1260,UU §1, 2000; TC-1260,MM §1, 96; TC-1260,JJ §1, 94; TC-1260,CC §1, 92; TC-1260,C §1, 86; TC-1260,B §1, 85; K.S.A.8-1401 et seq.; Ord. TC-1260 §1, 84)

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ARTICLE II. SCOPE OF ORDINANCE

12.04.002 Provisions of Chapter Refer to Vehicles Upon the Streets and Highways; Exceptions.

The provisions of this Chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon streets, highways, public property, and any location specifically designated in a particular ordinance contained in this Chapter except the provisions of Sections 12.04.023, 12.04.024, 12.04.025, 12.04.026, 12.04.027, 12.04.028, 12.04.029, 12.04.030; 12.04.031, 12.04.033(a), 12.04.037, 12.04.060, 12.04.066, 12.04.080, 12.04.085(a)(12), 12.04.085(c), 12.04.087, 12.04.105, 12.04.106, 12.04.111, 12.04.117, 12.04.118, 12.04.125, 12.04.138, 12.04.191, 12.04.192, and 12.04.196 shall also apply on privately-owned property and elsewhere throughout the City.

(History: Ord. TC-1260,III §1, 2007; TC-1260,XX §1, 2002; TC-1260 §2, 84)

12.04.003 Emergency, Temporary and Experimental Regulations.

The Chief of Police or City Traffic Engineer is hereby empowered to make regulations necessary to make effective the provisions of this and other traffic ordinances of the City, to establish no parking zones on special occasions to expedite traffic or for safety purposes, signs being properly posted, to make and enforce temporary or experimental regulations to cover emergencies or special conditions or to determine the advisability of permanent regulations for recommendation to the governing body, and test traffic-control devices under actual conditions of traffic. No temporary or experimental regulation shall remain in force for more than 90 days.

(History: K.S.A. 8-2002; Ord. TC-1260 §3, 84)

12.04.004 Authority of Police.

Police officers of the City shall at all times be empowered to enforce the provisions of this and other traffic ordinances of this City and temporary and emergency rules and regulations of the Chief of Police, and may at any time direct and control traffic in person or by visible or audible signals: Provided, that in the event of fire, temporary traffic congestion or other emergency, or to expedite the flow of traffic or to safeguard pedestrians, officers may direct traffic as conditions require notwithstanding the provisions of this ordinance and other traffic ordinances.

(History: K.S.A. 8-2001 and 8-2002; Ord. TC-1260 §4, 84)

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ARTICLE III. OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

12.04.005 Required Obedience to Traffic Laws.

It is unlawful for any person to do any act forbidden or fail to perform any act required in this ordinance.

(History: K.S.A. 8-1502; Ord. TC-1260 §5, 84)

12.04.006 Obedience to Law Enforcement Officers.

No person shall willfully fail or refuse to comply with any lawful order or direction of any law enforcement officer invested by law with authority to direct, control or regulate traffic.

(History: K.S.A.8-1503; Ord. TC-1260 §6, 84)

12.04.007 Persons Riding Animals or Driving Animal-Drawn Vehicles.

Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this ordinance, except those provisions of this ordinance which by their very nature can have no application.

(History: K.S.A.8-1504; Ord. TC-1260 §7, 84)

12.04.008 Persons Working On Highways; Exceptions.

Unless specifically made applicable, the provisions of this ordinance, except those contained in 12.04.029 to 12.04.031, inclusive, shall not apply to persons, motor vehicles and equipment while actually engaged in work upon a highway, but shall apply to such persons and vehicles when traveling to or from such work.

(History: K.S.A.8-1505;TC-1260 §8, 84)

12.04.009 Public Officers and Employees to Obey Ordinance; Exceptions.

The provisions of this ordinance applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state or any county, city or any other political subdivision of the state, subject to such specific exceptions as are set forth in this ordinance. (History: K.S.A.8-2103; Ord. TC-1260 §9,84)

12.04.010 Authorized Emergency Vehicles.

- (a) The driver of any authorized emergency vehicle when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.
- (b) The driver of an authorized emergency vehicle may:
 - (1) Park or stand, irrespective of the provisions of this ordinance.
 - (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
 - (3) Exceed the maximum speed limits so long as he does not endanger life or property.
 - (4) Disregard regulations governing direction of movement or turning in specified directions.

- (5) Proceed through toll booths on roads or bridges without stopping for payment of tolls, but only after slowing down as may be necessary for safe operation and the picking up or returning of toll cards.
- (c) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of an audible signal meeting the requirements of 12.04.174 and visual signals meeting the requirements of 12.04.160, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.
- (d) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

(History: K.S.A.8-1506; Ord. TC-1260 §10, 84)

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ARTICLE IV. TRAFFIC SIGNS, SIGNALS & MARKINGS

12.04.011 Manuals and Specifications for Traffic Control Devices.

All traffic control devices shall conform to the manual and specifications as adopted by the state department of transportation with the exception of handicapped parking signs as defined in 12.04.087.

(History: K.S.A.8-132a; K.S.A.8-2003; Ord. TC-1260 §11, 84)

12.04.012 Obedience to and Required Traffic-Control Devices; Presumption of Legality.

- (a) The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this ordinance, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this ordinance.
- (b) No provision of this ordinance for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place.
- (c) Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this ordinance, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.
- (d) Any official traffic-control device placed pursuant to the provisions of this ordinance and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this ordinance, unless the contrary shall be established by competent evidence.

(History: K.S.A.8-1507; Ord. TC-1260 §12, 84)

12.04.013 Traffic-Control Signal Legend.

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word, numeric or symbolic legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(a) Green Indication.

- (1) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left, unless a sign at such place prohibits either such turn; but vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

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- (2) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may enter the intersection cautiously only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
 - (3) Unless otherwise provided by a pedestrian-control signal, as provided in Section 12.04.014, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.
- (b) Steady Yellow Indication.
- (1) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.
 - (2) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in Section 12.04.014, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.
- (c) Flashing Yellow Arrow Indication.
- (1) Vehicular traffic facing a flashing yellow arrow signal is thereby warned that opposing traffic has the right-of-way and that left turns may be made past such signal only with caution.
- (d) Steady Red Indication.
- (1) Vehicular traffic facing a steady circular red or red arrow signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or if none, then before entering the intersection, and shall remain standing until an indication to proceed is shown, except as provided in paragraphs (2), (3) and (4) of this subsection. Any turn provided for in said paragraphs (2), (3) and (4) shall be governed by the applicable provisions of Section 12.04.049.
 - (2) Unless a sign is in place prohibiting a turn, vehicular traffic facing a steady circular red or red arrow signal may cautiously enter the intersection to make a right turn after stopping as required by paragraph (1) of this subsection. After stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of two roadways. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

- (3) Unless a sign is in place prohibiting a turn, vehicular traffic upon a roadway restricted to one-way traffic facing a steady red signal at the intersection of such roadway with another roadway restricted to one-way traffic which is proceeding to the left of such vehicular traffic, may cautiously enter the intersection to make a left turn after stopping as required by paragraph (1) of this subsection. After stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
- (4) The driver of a motorcycle or a person riding a bicycle facing any steady red signal, which fails to change to a green light within a reasonable period of time because of a signal malfunction or because the signal has failed to detect the arrival of the motorcycle or bicycle because of its size or weight, shall have the right to proceed subject to the rules stated herein. After stopping, the driver or rider shall yield the right-of-way to any vehicle in or near the intersection or approaching on a roadway so closely as to constitute an immediate hazard during the time such driver or rider is moving across or within the intersection or junction of roadways. Such motorcycle or bicycle traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
- (5) Unless otherwise directed by a pedestrian-control signal as provided in Section 12.04.014, pedestrians facing a steady circular red or red arrow signal alone shall not enter the roadway.
- (e) Steady White Horizontal Bar.
Transit buses utilizing a queue jump lane and facing a steady white horizontal bar indication shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or if none, then before entering the intersection, and shall remain standing until an indication to proceed is shown.
- (f) Steady White Vertical Bar.
Transit buses utilizing a queue jump lane and facing a steady white vertical bar indication may proceed forward past such signal and move into the adjacent through lane only with caution.
- (g) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this Section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(History: K.S.A. 8-1508; Ord. TC-1260,SSS §2, 2012; TC-1260,RRR §1, 2011; TC-1260,KK §1, 95; TC-1260JJ §2, 94; TC-1260 §13, 84)

12.04.014 Pedestrian-Control Signals.

Whenever special pedestrian-control signals exhibiting the words "walk" or "don't walk" or symbols of "walking person" or "upraised palm" are in place, such signals shall indicate as follows:

- (a) Flashing or steady walk or walking person. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.
- (b) Flashing or steady don't walk or upraised palm. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the "walk" or "walking person" signal shall proceed to a sidewalk or safety island while the "don't walk" signal is showing.

(History: Ord. TC-1260, KK §2, 95; TC-1260, C §1, 86; KSA 8-1509; TC-1260 §14, 84)

12.04.015 Flashing Signals.

Whenever an illuminated flashing red or yellow light is used in a traffic signal or with a traffic sign, it shall require obedience by vehicular traffic as follows:

- (a) Flashing Red (Stop Signal). When a circular red lens or red arrow is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
- (b) Flashing Yellow (Caution Signal). When a circular yellow lens or yellow arrow is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

This Section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossing shall be governed by the rules as set forth in Section 12.04.076.

(History: K.S.A. 8-1510; Ord. TC-1260, SSS §3, 2012; TC-1260 §15, 84)

12.04.016 Lane-Direction Control Signals.

When lane-direction control signals are placed over the individual lanes of a street or highway, such signals shall indicate and apply to drivers of vehicles as follows:

- (a) Green indication. Vehicular traffic may travel in any lane over which a green signal is shown.
- (b) Steady yellow indication. Vehicular traffic is thereby warned that a lane control change is being made.
- (c) Steady red indication. Vehicular traffic shall not enter or travel in any lane over which a red signal is shown.
- (d) Flashing yellow indication. Vehicular traffic may use the lane only for the purpose of approaching and making a left turn.

(History: K.S.A. 8-1511; Ord. TC-1260, KK §3, 95; TC-1260 §16, 84)

12.04.017 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) 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.
- (d) 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.

(History: K.S.A.8-1512; Ord. TC-1260, KK §4, 95; TC-1260 §17, 84)

12.04.018 Interference With Official Traffic-Control Devices or Railroad Signs or Signals.

No person, without lawful authority, shall attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof.

(History: K.S.A.8-1513; Ord. TC-1260 §18, 84)

12.04.019 Designation of Crosswalks and Safety Zones.

The City Traffic Engineer may designate and maintain by appropriate devices, marks or lines on the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway and at such other places as may be deemed necessary. He may also establish and mark safety zones of such kind and character and at such places as may be deemed necessary for the protection of pedestrians.

(History: Ord. TC1260,C §1,86; K.S.A. 8-2001 and 2006; TC-1260 §19, 84)

See: 12.04.070

12.04.020 Play Streets.

- (a) The Chief of Police shall have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.
- (b) Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any such driver shall exercise the greatest care in driving upon any such street or portion thereof.

(History: Ord. TC-1260 §20, 84)

12.04.021 Traffic Lanes.

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

(History: Ord. TC-1260 § 21, 84)

12.04.022 Possession of a Traffic-Control Signal Preemption Device.

- (a) No person shall possess a traffic-control signal preemption device.
- (b) The provisions of this section shall not apply to the operator, passenger or owner of any of the following authorized emergency vehicles in the course of such person's emergency duties:
 - (1) Publicly owned fire department vehicles;
 - (2) Publicly owned police vehicles; or
 - (3) Motor vehicles operated by ambulance services permitted by the emergency medical services board under the provisions of K.S.A. 65-6202 et seq. and amendments thereto.

(History: Ord. TC-1260, BBB §2, 2004)

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ARTICLE V. ACCIDENTS AND ACCIDENT REPORTS; DUTIES

12.04.023 Accident Involving Injury or Attended Vehicle or Property Damage; Penalty.

- (a) The driver of any vehicle involved in an accident resulting in injury to a person, or damage to any attended vehicle or property, shall immediately stop such vehicle at the scene of such accident, or as close thereto as possible, but shall then immediately return to and in every event shall remain at the scene of the accident until the driver has fulfilled the requirements of Section 12.04.025.
- (b) A person convicted of a violation of this Section involving failure to stop and remain at the scene of an accident resulting in total property damaged of \$1,000.00 or over or injury to any person shall be punished by imprisonment for not more than one year or a fine not to exceed \$2,500.00 or both such fine and imprisonment. If no injury to a person results or total property damages are less than \$1,000.00, the person shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in K.S.A. 8-2116, and amendments thereto. The Municipal Court does not have jurisdiction to hear cases involving failure to stop and remain at the scene of an accident involving great bodily harm to any person or death of any person or any other felony violation of K.S.A. 8-1602, and amendments thereto. Violations related to such cases must be charged in the Johnson County District Court.
- (c) The driver shall comply with the provisions of Section 12.04.113(b), and amendments thereto.

(History: K.S.A. 8-1602; Ord. TC-1260,RRR §2, 2011; TC-1260,FFF §2, 2006; TC-1260 §22, 84)

See: 12.04.002 & K.S.A.8-254

12.04.024 Accident Involving Damage to Vehicle or Other Property.

Repealed.

(History: K.S.A. 8-1603; Ord. TC-1260,RRR §18, 2011; TC-1260,PPP §2, 2009; TC-1260 §23, 84)

12.04.025 Duty to Give Information and Render Aid.

- (a) (1) The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any attended vehicle or property shall give such driver's name, address, and the registration number of the vehicle they are driving and shall upon request exhibit such driver's license or permit to drive, the name of the company with which there is in effect a policy of motor vehicle liability insurance covering the vehicle involved in the accident and the policy number of such policy to any person injured in such accident or to the driver or occupant of or person attending any vehicle or other property damaged in such accident and shall give such information and upon request exhibit such license or permit and the name of the insurer and policy number to any police officer at the scene of the accident who is investigating the accident.

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- (2) Such driver, insofar as possible, shall immediately make efforts to determine whether any person involved in such accident was injured or killed, and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.
- (b) If no police officer is present, the driver of any vehicle involved in such accident, or any occupant of such vehicle 18 years of age or older, shall immediately report such accident, by the quickest available means of communication, to the nearest office of a duly authorized police authority if:
 - (1) There is apparently property damage of \$1,000.00 or more;
 - (2) any person involved in the accident is injured or killed; or
 - (3) the persons specified in subsection (a) are not present or in condition to receive such information.
- (c) Unless the insurance company subsequently submits an insurance verification form indicating that insurance was not in force, no person charged with failing to provide the name of such person's insurance company and policy number as required in subsection (a), shall be convicted if such person produces in court, within 10 days of the date of arrest or of issuance of the citation, evidence of financial security for the motor vehicle operated, which was valid at the time of arrest or of issuance of the citation. For the purpose of this subsection, evidence of financial security shall be provided by a policy of motor vehicle liability insurance, an identification card or certificate of insurance issued to the policyholder by the insurer which provides the name of the insurer, the policy number, make and year of the vehicle and the effective and expiration dates of the policy, or a certificate of self-insurance signed by the Commissioner of Insurance. Upon the production in court of evidence of financial security, the court shall record the information displayed thereon on the insurance verification form prescribed by the Secretary of Revenue, immediately forward such form to the Department of Revenue, and stay any further proceedings on the matter pending a request from the prosecuting attorney that the matter be set for trial. Upon receipt of such form the Department shall mail the form to the named insurance company for verification that insurance was in force on the date indicated on the form. It shall be the duty of insurance companies to notify the Department within 30 calendar days of the receipt of such forms of any insurance that was not in force on the date specified. Upon return of any form to the Department indicating that insurance was not in force on such date, the Department shall immediately forward a copy of such form to the office of the prosecuting attorney. Receipt of any completed form indicating that insurance was not in effect on the date specified shall be prima facie evidence of failure to provide proof of financial security and a violation of this Section. A request that the matter be set for trial shall be made immediately following the receipt by the prosecuting attorney of a copy of the form from the Department of Revenue indicating that insurance was not in force. Any charge hereunder shall be dismissed if no request for a trial setting has been made within 60 days of the date evidence of financial security was produced in court.

- (d) If the owner of any vehicle that has been involved in a reportable accident while the vehicle was being driven or was under the physical control of any person other than the owner has reason to believe the accident has not already been reported to the Police Department, the owner shall report the accident to police forthwith upon discovery or knowledge of such accident. Notwithstanding this conditional duty to report the accident, the owner shall cooperate with any police investigation and disclose to the Police Department all known information about the driver of the vehicle at the time of the accident, or any other relevant information.

(History: K.S.A. 8-1604; Ord. TC-1260,RRR §3, 2011; TC-1260 §24, 84)

See: 12.04.002 & K.S.A.8-254

12.04.026 Duty Upon Striking Unattended Vehicle or Other Property.

- (a) The driver of any vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended, resulting in any damage to such other vehicle or property, shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle or other property of such driver's name, address and the registration number of the vehicle such person was driving, or shall attach securely in a conspicuous place in or on such vehicle or other property a written notice giving such driver's name, address and the registration number of the vehicle such person was driving, and without unnecessary delay shall notify the Police Department.
- (b) If possible, the driver shall comply with the provisions of Section 12.04.113(b), and amendments thereto.
- (c) If the owner of any vehicle that has been involved in a reportable accident while the vehicle was being driven or was under the physical control of any person other than the owner has reason to believe the accident has not already been reported to the Police Department, the owner shall report the accident to police forthwith upon discovery or knowledge of such accident. Notwithstanding this conditional duty to report the accident, the owner shall cooperate with any police investigation and disclose to the Police Department all known information about the driver of the vehicle at the time of the accident, or any other relevant information.

(History: K.S.A.8-1605; Ord. TC-1260,RRR §4, 2011; TC-1260,PPP §3, 2009; TC-1260 §25, 84)

See: 12.04.002

12.04.027 Duty to Report Accidents.

Repealed.

(History: K.S.A.8-1606; Ord. TC-1260,RRR §18, 2011; TC-1260,OOO §1, 2009; TC-1260,FFF §3, 2006; TC-1260,BBB §3, 2004; TC-1260,JJ §3, 94; Ord. TC-1260,A §1, 85; TC-1260 §26, 84)

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12.04.028 False Reports.

A person shall not give information in oral or written reports, as required in this ordinance, known or having reason to believe that such information is false.

(History: K.S.A.8-1608; Ord. TC-1260 §27, 84)

See: 12.04.002

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ARTICLE VI. SERIOUS TRAFFIC OFFENSES

12.04.029 Reckless Driving; Penalties.

- (a) Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.
- (b) Upon a first conviction of a violation of this section a person shall be sentenced to not less than five days nor more than 90 days' imprisonment or by a fine of not less than \$25 nor more than \$500, or by both such fine and imprisonment. On a second or subsequent conviction of a violation of this section, a person shall be sentenced to not less than 10 days nor more than six months' imprisonment, or fined not less than \$50 nor more than \$500 or both such fine and imprisonment.

(History: K.S.A.8-1566; Ord. TC-1260 §28, 84)

See: 12.04.002

12.04.030 Driving Under the Influence of Alcohol or Drugs; Penalties

- (a) Driving under the influence is operating or attempting to operate any vehicle within this City while:
 - (1) The alcohol concentration in the person's blood or breath as shown by any competent evidence, including other competent evidence as defined in paragraph (1) of subsection (f) of K.S.A. 8-1013, and amendments thereto, is .08 or more;
 - (2) the alcohol concentration in the person's blood or breath, as measured within three hours of the time of operating or attempting to operate a vehicle, is .08 or more;
 - (3) under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle;
 - (4) under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle;
 - (5) under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely driving a vehicle; or
 - (6) The person is a habitual user of any narcotic, hypnotic, somnifacient or stimulating drug.
- (b)
 - (1) On a first conviction of a violation of this Section, a person shall be sentenced to not less than 48 consecutive hours nor more than six months' imprisonment, or in the court's discretion 100 hours of public service, and fined not less than \$750.00 nor more than \$1,000.00. The person convicted shall serve at least 48 consecutive hours' imprisonment or 100 hours of public service either before or as a condition of any grant of probation or suspension, reduction of sentence or parole. The court may place the person convicted under a house arrest program pursuant to Section 249 of Chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment;
 - (2) On a second conviction of a violation of this Section, a person shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,250.00 nor more than \$1,750.00. The person convicted shall serve at least five

consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 120 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 120 hours.

- (3) On a third conviction of a violation of this Section, a person shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,750.00 nor more than \$2,500.00. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 240 hours of confinement. Such 240 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 240 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 240 hours;
- (c) In addition, for any conviction hereunder, the person shall be placed on supervision for a mandatory one-year period of supervision, which such period of supervision shall not be reduced. Any violation of the conditions of such supervision may subject such person to revocation of supervision and imprisonment in jail for the remainder of the period of

imprisonment, the remainder of the supervision period, or any combination or portion thereof.

- (d) In addition, prior to sentencing for any conviction, the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.
- (e) Prior to sentencing a person convicted of this Section which offense resulted in serious bodily injury or the death of a person, the court shall cause reasonable attempts to be made to notify the victim or the victim's family, who shall be given an opportunity to make a victim's impact statement as to the impact of the offense on the victim's life or the lives of the victim's family members. In addition, the court may require that a person convicted of a violation of this Section which offense resulted in personal injury to a person, the death of a person or injury to a person's property in addition to any other penalty provided by law, that the convicted person pay restitution as a condition of probation or parole; provided such restitution shall be in addition to any other penalties provided by law.
- (f) Any person convicted of violating this ordinance who had one or more children under the age of 14 years in the vehicle at the time of the offense shall have such person's punishment enhanced by one month of imprisonment. This imprisonment must be served consecutively to any other minimum mandatory penalty imposed for a violation of this ordinance. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.
- (g) If a person is charged with a violation of this Section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.
- (h) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this Section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.
- (i) In lieu of payment of a fine imposed pursuant to this Section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5.00 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.
- (j) (1) Except as provided in subsection (j)(5), in addition to any other penalty which may be imposed upon a person convicted of a first violation of this Section, the court may order that the convicted person's motor vehicle or vehicles be impounded or immobilized for a period not to exceed one year and that the convicted person pay all towing, impoundment and storage fees or other immobilization costs.

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- (2) The court shall not order the impoundment or immobilization of a motor vehicle driven by a person convicted of a violation of this Section if the motor vehicle had been stolen or converted at the time it was driven in violation of this Section.
 - (3) Prior to ordering the impoundment or immobilization of a motor vehicle or vehicles owned by a person convicted of a violation of this Section, the court shall consider, but not be limited to, the following:
 - (A) Whether the impoundment or immobilization of a motor vehicle would result in the loss of employment by the convicted person or a member of such person's family; and
 - (B) whether the ability of the convicted person or a member of such person's family to attend school or obtain medical care would be impaired.
 - (4) Any personal property in a vehicle impounded or immobilized pursuant to this subsection may be retrieved prior to or during the period of such impoundment or immobilization.
 - (5) As used in this subsection, the convicted person's motor vehicle or vehicles shall include any vehicle leased by such person. If the lease on the convicted person's motor vehicle subject to impoundment or immobilization expires in less than one year from the date of the impoundment or immobilization, the time of impoundment or immobilization of such vehicle shall be the amount of time remaining on the lease.
- (k) Upon the filing of a complaint, citation or notice to appear, and prior to conviction thereof, the City Attorney shall request and shall receive from the (1) Division of Vehicles a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state, and (2) Kansas Bureau of Investigation Central Repository all criminal history record information concerning such person.
- (l) If the elements of the violation are the same as a felony violation of K.S.A. 8-1567, and amendments thereto, the City Attorney shall refer the violation to the Johnson County District Attorney for prosecution.
- (m) (1) Except as provided in paragraph (3) below, in addition to any other penalty which may be imposed upon a second or subsequent conviction of a violation of this Section, the court shall order that each motor vehicle owned or leased by the convicted person shall either be equipped with an ignition interlock device or be impounded or immobilized for a period of two years. The convicted person shall pay all costs associated with the installation, maintenance and removal of the ignition interlock device and all towing, impoundment and storage fees or other immobilization costs.
- (2) Any personal property in a vehicle impounded or immobilized pursuant to this subsection may be retrieved prior to or during the period of such impoundment or immobilization.
 - (3) As used in this subsection, the convicted person's motor vehicle or vehicles shall include any vehicle leased by such person. If the lease on the convicted person's motor vehicle subject to impoundment or immobilization expires in less than two

years from the date of impoundment or immobilization, the time of impoundment or immobilization of such vehicle shall be the amount of time remaining on the lease.

- (n) The court shall electronically report every conviction of a violation of this Section and every diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of this Section to the Division. Prior to sentencing under the provisions of this Section, the court shall request and shall receive from the Division a record of all prior convictions obtained against such person for any violation of any of the motor vehicle laws of this state.
- (o) For the purpose of determining whether a conviction is a first, second, third, fourth or subsequent conviction in sentencing under this Section:
 - (1) “Conviction” includes being convicted of a violation of this Section or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of this Section;
 - (2) “Conviction” includes being convicted of a violation of a law of another state or an ordinance of any city, or resolution of any county, which prohibits the acts that this Section prohibits or entering into a diversion agreement in lieu of further criminal proceedings in a case alleging a violation of such law, ordinance or resolution;
 - (3) Only convictions occurring on or after July 1, 2001, shall be taken into account when determining the sentence to be imposed for a first, second, third, fourth or subsequent offender;
 - (4) It is irrelevant whether an offense occurred before or after convictions for a previous offense; and
 - (5) A person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of K.S.A. 8-1567, and any amendments thereto, this ordinance or any ordinance which prohibits the acts of this Section, and amendments thereto, only once during the person’s lifetime.
- (p) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this Section, or a violation of any ordinance of a city or resolution of any county in this state which prohibits the acts prohibited by this Section, to avoid the mandatory penalties established by this Section or by the ordinance. For the purpose of this subsection, entering into a diversion agreement pursuant to K.S.A. 12-4413 *et seq.*, and any amendments thereto, or K.S.A. 22-2906 *et seq.*, and amendments thereto, shall not constitute plea bargaining.
- (q) The alternatives set out in subsections (a) (1), (a) (2), and (a) (3) may be pleaded in the alternative, and the City may, but shall not be required to, elect one or two of the three prior to submission of the case to the fact finder. In addition, the City may charge the defendant with operation or attempted operation of a motor vehicle in the alternative, and the City may, but shall not be required, to elect one of the two alternatives prior to submission of the case to the fact finder.

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- (r) It shall not be a defense to any prosecution under this Section that the person did not understand any written or oral notice required under the laws of this state because of any condition produced by the person's voluntary intoxication or by injury resulting from that intoxication.
- (s) For the purpose of this ordinance: (1) "Imprisonment" shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the Governing Body of the City; (2) "Drug" includes toxic vapors as such term is defined at Section 11.56.190.

(History: Ord. TC-1260,RRR, §5, 2011; TC-1260,PPP, §4, 2009; TC-1260,KKK, §1, 2007; TC-1260,JJJ, §2, 2007; TC-1260YY, §1, 2003; TC-1260WW, §2, 2002; TC-1260VV, §1, 2001; TC-1260QQ, §1, 98; TC-1260PP, §1, 98; TC-1260MM §2, 96; TC-1260LL §1, 96; TC-1260GG §1, 93; TC-1260FF §1, 93; TC-1260Z §1, 91; TC-1260W §1, 90; TC-1260S §1, 89; TC-1260J §1, 88; K.S.A.8-1567; TC-1260I §1, 87; TC-1260A §2, 85; TC-1260 § 29, 84)

12.04.030.05 Driving Commercial Motor Vehicle with .04 Alcohol Concentration or Under the Influence of Drugs; Penalties.

- (a) Driving a commercial motor vehicle under the influence is operating or attempting to operate any commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, within this City while:
 - (1) The alcohol concentration in the person's blood or breath, as shown by any competent evidence, including other competent evidence, as defined in paragraph (1) of subsection (f) of K.S.A. 8-1013, and amendments thereto, is .04 or more;
 - (2) the alcohol concentration in the person's blood or breath, as measured within three hours of the time of driving a commercial motor vehicle, is .04 or more; or
 - (3) committing a violation of Section 12.04.030(a).
- (b)
 - (1) Upon a first conviction of a violation of this Section, a person shall be sentenced to not less than 48 consecutive hours nor more than six months' imprisonment, or in the court's discretion, 100 hours of public service, and fined not less than \$750.00 nor more than \$1,000.00. The person convicted must serve at least 48 consecutive hours' imprisonment or 100 hours of public service either before or as a condition of any grant of probation or suspension, reduction of sentence or parole or other release.
 - (2) On a second conviction of a violation of this Section, a person shall be sentenced to not less than 90 days nor more than one years' imprisonment and fined not less than \$ 1,250.00 nor more than \$ 1,750.00. The person convicted must serve at least five consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum

of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 120 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 120 hours.

- (3) In addition, prior to sentencing for any conviction, the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendations made by the provider after such evaluation, unless otherwise ordered by the court.
- (4) In addition, the court is authorized to order that any convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted.
- (c) Any person convicted of a violation of this Section who had one or more children under the age of 14 years in the vehicle at the time of the offense shall have such person's punishment enhanced by one month of imprisonment. This imprisonment shall be served consecutively to any other minimum mandatory penalty imposed for a violation of this Section. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.
- (d) If a person is charged with a violation of this Section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.
- (e) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this Section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.
- (f) In lieu of payment of a fine imposed pursuant to this Section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5.00 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.

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- (g) The Municipal Court shall not have jurisdiction to hear cases involving third or subsequent violations of this Section or any other felony violation.
- (h)
 - (1) Upon the filing of a complaint, citation or notice to appear alleging a person has violated this Section, and prior to conviction thereof, a City Attorney shall request and shall receive from the: (A) Division of Vehicles a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and (B) Kansas Bureau of Investigation Central Repository all criminal history record information concerning such person.
 - (2) If the elements of the violation are the same as the elements of a felony violation of K.S.A. 8-2,144 and amendments thereto, the City Attorney shall refer the violation to the Johnson County District Attorney for prosecution.
- (i) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this Section to avoid the mandatory penalties established by this Section.
- (j) The alternatives set out in subsections (a)(1), (a)(2) and (a)(3) may be pleaded in the alternative, and the City may, but shall not be required to, elect one or two of the three prior to submission of the case to the fact finder.
- (k) For the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this Section:
 - (1) “Conviction” includes being convicted of a violation of a law of another state or an ordinance of any city, or resolution of any county, which prohibits the acts that this Section prohibits;
 - (2) any convictions occurring during a person’s lifetime shall be taken into account when determining the sentence to be imposed for a first, second, third or subsequent offender; and
 - (3) it is irrelevant whether an offense occurred before or after conviction for a previous offense.
- (l) The court shall electronically report every conviction of a violation of this Section and every diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of this Section to the Division. Prior to sentencing under the provisions of this Section, the court shall request and shall receive from the (1) Division a record of all prior convictions obtained against such person for any violation of any of the motor vehicle laws of this state and (2) Kansas Bureau of Investigation Central Repository all criminal history record information concerning such person.
- (m) For the purpose of this Section, “drive” means to drive, operate or be in physical control of a motor vehicle in any place open to the general public for purposes of vehicular traffic and includes operation or physical control of a motor vehicle anywhere in the City. In addition, the terms “imprisonment” and “drug” have the meanings set out in Section 12.04.030(r), and amendments thereto.
- (n) For the purpose of this Section, “commercial motor vehicle” shall not include:
 - (1) Farm vehicles, defined as follows:

- (A) Registered as a farm truck or truck tractor under K.S.A. 8-143, and amendments thereto;
 - (B) Used to transport either agricultural products, farm machinery, farm supplies, or both, to or from a farm;
 - (C) Not used in the operations of a common or contract motor carrier; and
 - (D) Used within 150 air miles of any farm or farms owned or leased by the registered owner of such farm vehicle;
- (2) Vehicles operated by firefighters and other persons which are necessary to the preservation of life or property or the execution of emergency governmental functions are equipped with audible and visual signals and are not subject to normal traffic regulation. These vehicles include fire trucks, hook and ladder trucks, foam or water transport trucks, police SWAT team vehicles, ambulances or other vehicles that are used in response to emergencies;
- (3) Military vehicles which are operated by military personnel in pursuit of military purposes and all noncivilian operators of equipment owned or operated by the United States Department of Defense. This applies to any active duty military personnel and members of the Reserves and National Guard on active duty, including personnel on full-time National Guard duty, personnel on part-time training and National Guard military technicians, civilians who are required to wear military uniforms and are subject to the Code of Military Justices; and
- (4) Motor vehicles, which would otherwise be considered commercial motor vehicles, if such vehicles are used solely and exclusively for private noncommercial use and any operator of such vehicles.

(History: Ord. TC-1260,RRR §6, 2011; TC-1260,FFF §4, 2006; TC-1260,WW §3, 2002; TC-1260,MM §3, 96; TC-1260,GG §2, 93; TC-1260,Z §2, 91)

12.04.030.1 Preliminary Screening Test of Breath for Alcohol Concentration; Request by Officer; Refusal and Penalties.

- (a) Any person who operates or attempts to operate a vehicle within this state is deemed to have given consent to submit to a preliminary screening test of the person's breath or saliva subject to the provisions set out in subsection (b) below.
- (b) A law enforcement officer may request a person who is operating or attempting to operate a vehicle within this state to submit to a preliminary screening test of the person's breath, saliva or both, if the officer has reasonable suspicion to believe that the person has been operating or attempting to operate a vehicle while under the influence of alcohol or drugs or both alcohol and drugs.
- (c) At the time the test is requested, the person shall be given oral notice that:
 - (1) there is no right to consult with an attorney regarding whether to submit to testing;
 - (2) refusal to submit to testing is a traffic infraction; and
 - (3) further testing may be required after the preliminary screening test.Failure to provide the notice shall not be an issue or defense in any action. The law enforcement officer then shall request the person to submit to the test.

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- (d) Refusal to take and complete the test as requested is a traffic infraction. If the person submits to the test, the results shall be used for the purpose of assisting law enforcement officers in determining whether an arrest should be made and whether to request the tests authorized by K.S.A. 8-1001, and amendments thereto. A law enforcement officer may arrest a person based in whole or in part upon the results of a preliminary screening test. Such results shall not be admissible in any civil or criminal action concerning the operation or attempted operation of a vehicle except to aid the court or hearing officer in determining a challenge to the validity of the arrest or the validity of the request to submit to a test pursuant to K.S.A. 8-1001 and amendments thereto. Following the preliminary screening test, additional tests may be requested pursuant to K.S.A. 8-1001 and amendments thereto.
- (e) Persons convicted of refusing to take a preliminary screening test shall be fined not less than \$100.00 nor more than \$200.00.
- (f) Any preliminary screening of a person's breath shall be conducted with a device approved pursuant to K.S.A. 65-1,107, and amendments thereto. Any preliminary screening of a person's saliva shall be conducted with a device approved pursuant to Section 2 of 2011 Senate Bill 6, and amendments thereto.

(History: Ord. TC-1260,RRR §7, 2011; TC-1260,HHH §1, 2006; TC-1260,CCC §4, 2005; TC-1260,MM §4, 96; TC-1260,GG §3, 93; TC-1260W §2, 90)

See: 12.04.002

12.04.031 Fleeing or Attempting to Elude a Police Officer.

- (a) Any driver of a motor vehicle who willfully fails or refuses to bring such driver's vehicle to a stop, or otherwise flees or attempts to elude for a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop, shall be guilty as provided by subsection (c).
- (b) It shall be an affirmative defense to any prosecution under paragraph (a) of this subsection that the driver's conduct in violation of such paragraph was caused by such driver's reasonable belief that the vehicle or bicycle pursuing such driver's vehicle is not a police vehicle or police bicycle.
- (c) Every person convicted of violating subsection (a) shall upon first conviction be imprisoned for not more than six months or fined not to exceed \$1,000, or both. Every person convicted of violating subsection (a) shall upon a second conviction be punished by imprisonment not to exceed one year or fined not to exceed \$2,500 or both.
For the purpose of this Section "conviction" means a final conviction and without regard whether sentence was suspended or probation granted after such conviction; also forfeiture of bail, bond or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction.
- (d) The municipal court shall not have jurisdiction to hear cases involving third and subsequent violations of this Section or any other felony violation of K.S.A. 8-1568.
- (e) The signal given by the police officer may be by hand, voice, emergency light or siren:

- (1) If the officer giving such signal is within or upon an official police vehicle or police bicycle at the time the signal is given, the vehicle or bicycle shall be appropriately marked showing it to be an official police vehicle or police bicycle; or
 - (2) if the officer giving such signal is not utilizing an official police vehicle or police bicycle at the time the signal is given, the officer shall be in uniform, prominently displaying such officer's badge of office at the time the signal is given.
- (f) "Appropriately marked" official police vehicle or police bicycle shall include, but not be limited to, any police vehicle or bicycle equipped with functional emergency lights or siren or both and which the emergency lights or siren or both have been activated for the purpose of signaling a driver to stop a motor vehicle.

(History: K.S.A. 8-1568; Ord. TC-1260,PPP §5, 2009; TC-1260PP §2, 98; TC-1260MM §5, 96; TC-1260,GG §4, 93; TC-1260,FF §2, 93; TC-1260,C §1, 86; TC-1260 §30, 84)

12.04.031.1 Ignition Interlock Devices; Tampering.

- (a) No person shall:
- (1) Tamper with an ignition interlock device, circumvent it or render it inaccurate or inoperative; or
 - (2) Request or solicit another to blow into an ignition interlock device, or start a motor vehicle equipped with such device, providing an operable motor vehicle to a person whose driving privileges have been restricted to driving a motor vehicle equipped with such device; or
 - (3) Blow into an ignition interlock device, or start a motor vehicle equipped with such device, providing an operable motor vehicle to a person whose driving privileges have been restricted to driving a motor vehicle equipped with such device; or
 - (4) Operate a vehicle not equipped with an ignition interlock device while such person's driving privileges have been restricted to driving a motor vehicle equipped with such device.
- (b) Violation of this Section shall be punished by a fine of not more than \$2,500.00 or by imprisonment for not more than one year or by both such fine and imprisonment.

(History: Ord. TC-1260,RRR §8, 2011; TC-1260JJ §4, 94)

See: 12.04.002 & K.S.A.8-254

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ARTICLE VII. SPEED REGULATIONS

12.04.032 Duties of City Traffic Engineer.

- (a) The City Traffic Engineer shall determine the installation and proper timing and maintenance of traffic control devices; conduct engineering analysis of traffic accidents and devise remedial measures; conduct engineering investigations of traffic conditions; plan the operation of traffic on the streets and highways of this City; cooperate with other City officials in the development of ways and means to improve traffic conditions; and carry out the additional powers and duties imposed by ordinances of this City.
- (b) The City Traffic Engineer, the Assistant City Traffic Engineer, or the Director of Public Works shall place, maintain, change, and remove traffic control signs, signals, and devices, when and as required under the traffic ordinances of this City to make effective and carry out the provisions of said ordinances, and may place, maintain, change and remove such additional traffic control devices as he may deem necessary to regulate traffic or to warn or guide traffic.

(History: Ord. TC-1260,C §1, 86; TC-1260 §31, 84)

12.04.033 Speed Limitations; Restrictions.

- (a) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual hazards then existing. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, fixed object, vehicle, or other conveyance lawfully on or entering the highway or lawfully on private or public property.
- (b) As used in this Section, “daytime” means from 30 minutes before sunrise to 30 minutes after sunset; and “nighttime” means any other hour.
- (c) Except when a special hazard exists that requires lower speed for compliance with paragraph (a) of this Section, the limits specified in this Section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall operate a vehicle at a speed in excess of such maximum limits:
 - (1) All vehicles 20 miles per hour in any business district.
 - (2) All vehicles 25 miles per hour in any residence district except where posted otherwise.
 - (3) All vehicles 20 miles per hour in any park under the jurisdiction of this City.
 - (4) Unless posted otherwise, all vehicles 30 miles per hour on streets or highways on which an engineering and traffic investigation has been conducted in an urban district.

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- (5) Unless posted otherwise, all vehicles 55 miles per hour on arterial streets on which an engineering and traffic investigation has been conducted.
- (6) All vehicles on any separated multilane highway, as designated and posted by the Secretary of Transportation, 75 miles per hour.
- (7) All vehicles 65 miles per hour in all other locations unless posted otherwise.
- (d) The maximum speed limit upon streets or portions of streets abutting school property or adjacent to school crosswalks in those areas designated as school zones shall be the speed limit posted on appropriately erected signs giving notice of the speed limit in said school zones. The maximum speed to be posted within each school zone shall be determined by the City Traffic Engineer provided the speed limit shall not be less than 20 miles per hour. Maximum speed limits within school zones shall be effective and subject to enforcement by law enforcement officers during those time periods set forth on appropriately erected signs giving notice of the effective hours of enforcement or during those times a flashing yellow beacon is in operation with appropriately erected signs indicating the school zone speed limits are enforced during the times the flashing yellow beacon is in operation. The City Traffic Engineer shall determine the times of enforcement for school zones within the City, provided such speed limits shall apply only during the hours in which students are normally en route to or from school.
- (e) Whenever the City Traffic Engineer shall determine upon the basis of an engineering and traffic investigation that any speed limit hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist upon any part of a street which said City Traffic Engineer shall determine and declare a reasonable and safe speed limit thereon which shall be effective at all times or during the daytime or nighttime or at such other times as may be determined when appropriate signs giving notice thereof are erected on such street, pursuant to K.S.A. 8-1560 and K.S.A. 8-2002.

(History: Ord. TC-1260,RRR §9, 2011; TC-1260,ZZ §1, 2003; TC-1260,MM §6, 96; TC-1260,R §1, 89; TC-1260 §32, 84)

See: 12.04.002

12.04.034 Minimum Speed Regulation.

- (a) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.
- (b) Whenever the governing body determines on the basis of an engineering and traffic investigation that slow speeds on any highway or part of a highway consistently impede the normal and reasonable movement of traffic, the governing body may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law, and that limit shall be effective when posted upon appropriate fixed or variable signs.

(History: K.S.A.8-1561; Ord. TC-1260 §33, 84)

12.04.035 Special Speed Limitation on Motor-Driven Cycle.

No person shall operate any motor-driven cycle at any time mentioned in 12.04.144 at a speed greater than 35 miles per hour unless such motor-driven cycle is equipped with a head lamp or lamps which are adequate to reveal a person or vehicle at a distance of 300 feet ahead.

(History: K.S.A.8-1562; Ord. TC-1260 §34, 84)

See: 12.04.182 & 12.04.187

12.04.036 Charging Speed Violations.

In every charge of violation of any speed regulation in this Article, except violation of O.P.M.C. 12-.04.033(a), the complaint, also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the speed limit applicable within the district or at the location.

(History: Ord. TC-1260, KKK §3, 2007; K.S.A.8-1564; Ord. TC-1260 §35, 84)

12.04.037 Racing on Highways; "Drag Race" and "Racing" Defined.

- (a) No person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, or for the purpose of making a record, and no person shall in any manner participate in any such race, competition, contest, test or exhibition.
- (b) No person shall operate any motor vehicle in a manner that unnecessarily causes an exhibition of speed or acceleration.
- (c) "Drag race" is defined as the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other, or the operation of one or more vehicles over a common selected course from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit.
- (d) "Racing" is defined as the use of one or more vehicles in an attempt to out-gain, out-distance or prevent another vehicle from passing to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long distance driving routes.
- (e) Exhibition of speed or acceleration is defined as the operation of a motor vehicle in such a manner that causes an unnecessary rapid acceleration of the vehicle as evidenced by any or all of the following physical manifestations of acceleration:
 - (1) Unnecessary tire squeal at the time of acceleration;
 - (2) Observation of smoke from tires of the vehicle at the time of acceleration;
 - (3) Observation of the tires of the vehicle losing traction with the road surface;
 - (4) Observation of the front part of the vehicle being elevated at the time of acceleration;
 - (5) Observation of the vehicle moving laterally at the time of acceleration;

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- (6) Loud engine noise at the time of acceleration;
- (7) Observation of dirt and other road surface materials being thrown by the tires of the vehicle at the time of acceleration.

(History: Ord. TC-1260,M §1, 89; KSA 8-1565; Ord. TC-1260 §36, 84)

See: 12.04.002

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ARTICLE VIII. DRIVING ON RIGHT SIDE OF ROADWAY; OVERTAKING AND PASSING; USE OF ROADWAY

12.04.038 Driving on Right Side of Roadway; Exceptions.

- (a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:
 - (1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movements;
 - (2) When an obstruction exists making it necessary to drive to the left of center of the highway; except that any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;
 - (3) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or
 - (4) Upon a roadway restricted to one-way traffic.
- (b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction, or when preparing for a left turn at an intersection or into a private road or driveway.
- (c) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic-control devices, designating certain lanes to the left of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection (a)(2) hereof. However, this subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway.

(History: K.S.A. 8-1514; Ord. TC-1260 §37, 84)

See: 12.04.046

12.04.039 Passing Vehicles Proceeding in Opposite Directions.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half of the main traveled portion of the roadway as nearly as possible.

(History: K.S.A.8-1515; Ord. TC-1260 §38, 84)

12.04.040 Overtaking a Vehicle on the Left.

The following rules shall govern the overtaking and passing of vehicles and bicycles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

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- (a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.
- (b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.
- (c)
 - (1) The driver of a vehicle overtaking a bicycle proceeding in the same direction shall pass to the left thereof at a distance of not less than three (3) feet and shall not again drive to the right side of the roadway until safely clear of the overtaken bicycle.
 - (2) The driver of a vehicle may pass a bicycle proceeding in the same direction in a no-passing zone with the duty to execute the pass only when it is safe to do so.

(History: K.S.A.8-1516; Ord. TC-1260,RRR §10, 2011; TC-1260 §39, 84)

See: 12.04.042 for limitations

12.04.041 When Passing on the Right is Permitted.

The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

- (1) When the vehicle overtaken is making or about to make a left turn;
- (2) Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.
- (3) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. Such movement shall not be made by driving off the roadway.
- (4) Transit buses may overtake and pass another vehicle on the right when done from a queue jump lane that is controlled by special signal indications designed for the control of exclusive bus movements and when the adjacent lane of traffic is being controlled by a red indication.

(History: K.S.A.8-1517; Ord. TC-1260,SSS §4, 2012; TC-1260 §40, 84)

12.04.042 Limitations on Overtaking on the Left.

Except as otherwise provided in this ordinance no vehicle shall be driven to the left of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and, in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within 200 feet of any approaching vehicle.

(History: K.S.A.8-1518; Ord. TC-1260 §41, 84)

See: 12.04.04

12.04.043 Further Limitations on Driving on Left of Center of Roadway.

- (a) No vehicle shall be driven to the left side of the roadway under the following conditions:
 - (1) When approaching or upon the crest of a grade or curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;
 - (2) When approaching within 100 feet of or traversing any intersection or railroad grade crossing; or
 - (3) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel.
- (b) The foregoing limitations shall not apply upon a one-way roadway nor under the conditions described in 12.04.038 (a)(2), nor to the driver of a vehicle turning into or from an alley, private road or driveway.

(History: K.S.A.8-1519; Ord. TC-1260 §42, 84)

12.04.044 No-passing Zones.

- (a) Whenever signs or markings are in place to define a no-passing zone and clearly visible to an ordinarily observant person no driver shall at any time drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.
- (b) This section shall not apply under the conditions described in 12.04.038 (a)(2), nor to the driver of a vehicle turning left into or from an alley, private road or driveway.

(History: K.S.A.8-1520; Ord. TC-1260 §43, 84)

12.04.044.1 Passing Emergency, Highway Construction and Maintenance Vehicles.

- (a) The driver of a vehicle shall not overtake and pass another vehicle when approaching within 100 feet of:
 - (1) A stationary authorized emergency vehicle on a highway that consists of two lanes carrying traffic in opposite directions, when the authorized emergency vehicle is making use of visual signals meeting the requirements of K.S.A. 8-1720, and amendments thereto, or subsection (d) of K.S.A. 8-1722, and amendments thereto; or
 - (2) a stationary authorized vehicle which is obviously and actually engaged in work on a highway that consists of two lanes carrying traffic in opposite directions, when such vehicle displays flashing lights meeting the requirements of K.S.A. 8-1731, and amendments thereto.
- (b) Prior to July 1, 2007, a law enforcement officer shall issue a warning citation to anyone violating the provisions of paragraph (2) of subsection (a).

(History: Ord. TC-1260, FFF §5, 2006)

12.04.045 One-Way Roadways and Rotary Traffic Islands.

- (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 around a rotary traffic island shall be driven only to the right of such island.

(History: K.S.A.81521; Ord. TC-1260 §44, 84)

12.04.046 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 within a single lane and shall not be moved from such lane until the driver has first signaled the movement, either by activating the appropriate turn signal or by hand signals.
- (b) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven 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 changing of lanes on sections of roadway and drivers of vehicles shall obey the direction of every such device.

(History: Ord. TC-1260BB §1, 92; TC-1260 §45, 84; K.S.A.8-1522)

See: 12.04.038

12.04.047 Following Too Closely.

- (a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the highway.
- (b) The driver of any truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another truck or motor vehicle drawing another vehicle shall leave sufficient space, whenever conditions permit, so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a truck or motor vehicle drawing another vehicle from overtaking and passing any vehicle or combination of vehicles.
- (c) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

(History: K.S.A.8-1523; Ord. TC-1260 §46, 84)

12.04.048 Driving on Divided Highways; Left and U turns; Controlled-Access Highways.

No person shall:

- (a) drive a vehicle over, upon or across any intervening space, physical barrier or a clearly indicated dividing section so constructed as to impede vehicular traffic between roadways on divided highways;
- (b) make a left turn or a semicircular or "U" turn on the interstate system;
- (c) make a left turn or a semicircular or "U" turn over, across or within any intervening space, physical barrier or a clearly indicated dividing section so constructed as to impede vehicular traffic between roadways on a divided highway, except this subsection (c) does not prohibit making a left turn or a semicircular or "U" turn through an opening provided and surfaced for the purpose of public use for such turning movements;
- (d) make a left turn or a semicircular or "U" turn on a divided highway wherever such turn is specifically prohibited by a sign or signs placed by the authority having jurisdiction over that highway;
- (e) drive any vehicle on a divided highway except on the proper roadway provided for that purpose and in the proper direction and to the right of the intervening space, physical barrier or a clearly indicated dividing section so constructed as to impede vehicular traffic between roadways unless directed or permitted to use another roadway by official traffic control devices or police officers;
- (f) drive any vehicle onto or from any controlled-access highway except at such entrances and exists as are established by the authority having jurisdiction over such highway;
- (g) use controlled-access highway right of way for parking vehicles or mobile equipment, or stacking of materials or equipment, for the purpose of servicing adjacent property; or
- (h) stop, stand or park vehicles on the right of way of controlled-access highway except for:
 - (1) Stopping of disabled vehicles;
 - (2) Stopping to give aid in an emergency;
 - (3) Stopping in compliance with directions of a police officer or other emergency or safety officials;
 - (4) Stopping due to illness or incapacity of driver; or
 - (5) Parking in designated parking or rest areas.

(History: K.S.A.8-1524; Ord. TC-1260 §47, 84)

See: 12.04.050 & 12.04.051

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ARTICLE IX. TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING

12.04.049 Turning.

- (a) The driver of a vehicle intending to turn shall do so as follows:
 - (1) Right Turns. Both the approach for a right turn and a right turn shall be made from the right-hand curb or edge of the roadway.
 - (2) Left Turns. The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. A left turn at an intersection shall be made to the left of the center of the intersection, and any left turn shall be made so as to leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction as such vehicle on the roadway being entered.
- (b) Two-way left turn lanes. Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic control devices:
 - (1) A left turn shall not be made from any other lane;
 - (2) a vehicle shall not be driven in the lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U-turn when otherwise permitted by law.
- (c) The Secretary of Transportation and local authorities in their respective jurisdictions may cause official traffic-control devices to be placed and thereby require and direct that a different course from that specified in this Section be traveled by turning vehicles, and when such devices are so placed no driver shall turn a vehicle other than as directed and required by such devices.

(History: K.S.A.8-1545; Ord. TC-1260,RRR §11, 2011; TC-1260,KK §5, 95; TC-1260 §48, 84)

12.04.050 Right, Left and U-turns at Intersections: Obedience to.

- (a) The City Traffic Engineer 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 fixed, electronic or temporary 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 fixed, electronic or temporary signs are erected or temporarily displayed indicating that no right, left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

(History: Ord. TC-1260,RRR §12, 2011; TC-1260 §49, 84)

12.04.051 U Turns, When No Signs; Where Prohibited.

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district, nor upon any other street unless such movement can be made in safety without interfering with other traffic.

(History: K.S.A. 8-1546; Ord. TC-1260 §50, 84)

12.04.052 Turning on Curve or Crest of Grade Prohibited.

No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 500 feet.

(History: K.S.A.8-1546; Ord. TC-1260 §51, 84)

12.04.053 Starting Parked Vehicle.

No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

(History: K.S.A.8-1547; Ord. TC-1260 §52, 84)

12.04.054 Turning Movements and Required Signals.

- (a) No person shall turn a vehicle or move right or left upon a highway unless and until such movement can be made with reasonable safety, nor without giving an appropriate signal in the manner hereinafter provided.
- (b) A signal of intention to turn or move right or left when required shall be given continuously during not less than the last 100 feet traveled by vehicle before turning.
- (c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.
- (d) The signals required on vehicles by 12.04.149(b) shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

(History: K.S.A.8-1548; Ord. TC-1260 §53, 84)

12.04.055 Signals by Hand and Arm or Signal Lamps.

The driver of any motor vehicle or combination of vehicles which is required to be equipped with electric turn signal lamps by 12.04.149 shall give any required notice of intention to turn by means of electric signals meeting the requirements of 12.04.161(b). The driver of any other motor vehicle or combination of vehicles shall give such notice by means of hand and arm signals, as provided in 12.04.056, or by such electric turn signals.

(History: K.S.A 8-1549; Ord. TC-1260 §54, 84)

12.04.056 Methods of Giving Signals.

All signals herein required to be given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

- (1) Left turn -- hand and arm extended horizontally.
- (2) Right turn -- hand and arm extended upward.
- (3) Stop or decrease of speed -- hand and arm extended downward.

(History: K.S.A.8-1550; Ord. TC-1260 §55, 84)

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ARTICLE X. RIGHT-OF-WAY

12.04.057 Vehicles Approaching or Entering Intersection.

- (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.
- (b) The right-of-way rule declared in subsection (a) is modified at through highways and otherwise as hereinafter stated in this ordinance.

(History: K.S.A.8-1526; Ord. TC-1260PP §3, 98; TC-1260 §56, 84)

12.04.058 Vehicle Turning Left.

The driver of a vehicle intending to turn to the left within an intersection or into any alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

(History: K.S.A.8-1527; Ord. TC-1260 §57, 84)

12.04.059 Stop Signs and Yield Signs.

- (a) Preferential right-of-way may be indicated by stop signs or yield signs.
- (b) Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways such driver shall yield the right-of-way to pedestrians within an adjacent crosswalk.
- (c) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways. Such driver shall yield the right-of-way to pedestrians within an adjacent crosswalk. If a driver is involved in a collision with a vehicle in the intersection or junction of roadways or with a pedestrian in an adjacent crosswalk, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of the driver's failure to yield right-of-way.

(History: K.S.A.8-1528; Ord. TC-1260, KK §6, 95; TC-1260 §58, 84)

12.04.060 Vehicle Entering Roadway.

The driver of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed.

(History: K.S.A.8-1529; Ord. TC-1260 §59, 84)

See: 12.04.002 & 12.04.080

12.04.061 Operation of Vehicles on Approach of Authorized Emergency Vehicles or When Approaching Stationary Emergency Vehicles.

- (a) Upon the immediate approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of 12.04.174(d) and visual signals meeting the requirements of 12.04.160 or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way, and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
- (b) The driver of a motor vehicle upon approaching a stationary authorized emergency vehicle, when the authorized emergency vehicle is making use of visual signals meeting the requirements of K.S.A. 8-1720, and amendments thereto, or subsection (d) of K.S.A. 8-1722 and amendments thereto, shall do either of the following:
 - (1) If the driver of the motor vehicle is traveling on a highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible and with due regard to the road, weather and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary authorized emergency vehicle; or
 - (2) If the driver is not traveling on a highway of a type described in paragraph (1) above, or if the driver is traveling on a highway of that type, but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle and maintain a safe speed for the road, weather and traffic conditions.

Prior to July 1, 2001, a law enforcement officer shall issue a warning citation to anyone violating the provisions of subsection (b).

- (c) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(History: K.S.A.8-1530; Ord. TC-1260,UU §2, 2000; TC-1260 §60, 84)

See: 12.04.010

12.04.062 Highway Construction and Maintenance.

- (a) The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian actually engaged in work upon a highway within any highway construction or maintenance area indicated by official traffic-control devices.
- (b) The driver of a vehicle shall yield the right-of-way to any authorized vehicle which is obviously and actually engaged in work upon a highway whenever such vehicle displays flashing lights meeting the requirements of 12.04.172.
- (c) The driver of a motor vehicle upon approaching a stationary authorized vehicle which is obviously and actually engaged in work upon a highway, when such authorized vehicle is displaying flashing lights meeting the requirements of K.S.A. 8-1731, and amendments thereto, shall do either of the following:
 - 1. If the driver of the motor vehicle is traveling on a highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible and with due regard to the road, weather and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary authorized vehicle; or
 - 2. if the driver is not traveling on a highway of a type described in paragraph (1), or if the driver is traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle and maintain a safe speed for the road, weather and traffic conditions.
- (d) It shall be unlawful for any person to fail, neglect or refuse to comply with restrictions or traffic regulations in road construction zones or fail to comply with traffic orders or traffic directions by a flagman in a road construction zone.
- (e) Prior to July 1, 2007, a law enforcement officer shall issue a warning citation to anyone violating the provisions of subsection (c).
- (f) This section shall not operate to relieve the driver of an authorized vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(History: K.S.A. 8-1531; Ord. TC-1260, FFF §6, 2006; TC-1260JJ §5, 94; TC-1260 §61, 84)

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ARTICLE XI. PEDESTRIANS

12.04.063 Pedestrians; Obedience to Traffic-Control Devices and Traffic Regulations.

- (a) A pedestrian shall obey the instructions of any official traffic-control device specifically applicable to him, unless otherwise directed by a police officer.
- (b) Pedestrians shall be subject to traffic and pedestrian-control signals as provided in 12.04.013 and 12.04.014.
- (c) At all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this ordinance.

(History: K.S.A. 8-1532; Ord. TC-1260 §62, 84)

12.04.064 Pedestrians' Right-of-Way in Crosswalks; Control Signals.

- (a) When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian entering or crossing the roadway within a crosswalk.
- (b) No pedestrian shall suddenly leave a curb or other place of safety and walk, jog, or run into the path of a vehicle which is so close as to constitute an immediate hazard.
- (c) Subsection (a) of this section shall not apply under the conditions stated in 12.04.065(b).
- (d) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(History: K.S.A.8-1533; Ord. TC-1260 §63, 84)

12.04.065 Crossing at Other Than Crosswalks; Jaywalking.

- (a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
- (b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.
- (c) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.
- (d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

(History: K.S.A.8-1534; Ord. TC-1260 §64, 84)

12.04.066 Drivers to Exercise Due Care.

Notwithstanding other provisions of this ordinance every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian, and shall give warning by sounding the horn when necessary, and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person.

(History: K.S.A.8-1535; Ord. TC-1260 §65, 84)

See: 12.04.002

12.04.067 Pedestrians to Use Right Half of Crosswalks.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

(History: K.S.A.8-1536; Ord. TC-1260 §66, 84)

12.04.068 Pedestrians on Highways.

- (a) Where a sidewalk is provided and its use is practicable it shall be unlawful for any pedestrian to walk, jog or run along and upon an adjacent roadway.
- (b) Where a sidewalk is not available, any pedestrian walking, jogging or running along and upon a highway shall walk, jog or run only on a shoulder, as far as practicable from the edge of the roadway.
- (c) Where neither a sidewalk nor a shoulder is available, any pedestrian walking, jogging or running along and upon a highway shall walk, jog or run as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, shall walk, jog or run only on the left side of the roadway.
- (d) Except as otherwise provided in this ordinance, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway.

(History: K.S.A.8-1537; Ord. TC-1260 §67, 84)

12.04.069 Soliciting Ride, Contributions, Business, Employment, or Guarding of Parked Vehicle.

- (a) No person shall stand upon or along a street or highway to solicit by word or sign or by any other means for himself or for another a ride from the occupant of any vehicle.
- (b) It shall be unlawful for the driver of a vehicle to offer or give a ride to any person soliciting a ride upon or along any street or highway.
- (c) No person shall stand upon or along a street or highway for the purpose of soliciting contributions for any purpose from an occupant of any vehicle.

For the purposes of this subsection: "contributions" shall mean donations in any form and without limitations including food, clothing, money, pledges, subscriptions, property or donations including the loans of money or of property. "Soliciting" shall mean the request, oral or written, directly or indirectly for money, credit, property, financial assistance or other thing of value. "Soliciting" as defined herein shall be deemed completed when made, whether or not the person making the same receives any contribution.

- (d) No person shall stand upon or along a street or highway for the purpose of soliciting employment or business from an occupant of any vehicle.
- (e) No person shall stand upon or along a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.
- (f) The provisions of subsections (a) and (b) above shall not be construed to prevent a person upon a street or highway from soliciting, or a driver of a vehicle from giving a ride where an emergency actually exists, or to prevent a person from signaling or requesting transportation from a passenger carrier for the purpose of becoming a passenger thereon for hire, or to prevent said person from soliciting a ride where said person knows the driver of a vehicle or any passenger therein.

(History: K.S.A.8-1538; Ord. TC-1260 §68, 84)

12.04.070 Driving Through Safety Zone Prohibited.

No vehicle shall at any time be driven through or within a safety zone.

(History: K.S.A.8-1540; Ord. TC-1260 §69, 84)

12.04.071 Pedestrians Right-of-Way on Sidewalks.

The driver of a vehicle shall yield the right-of-way to any pedestrian on a sidewalk.

(History: K.S.A.8-1540; Ord. TC-1260 §70, 84)

12.04.072 Pedestrians Yield to Authorized Emergency Vehicles.

- (a) Upon the immediate approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of 12.04.174(d) and visual signals meeting the requirements of 12.04.160, or of a police vehicle properly and lawfully making use of an audible signal only, every pedestrian shall yield the right-of-way to the authorized emergency vehicle.
- (b) This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway nor from the duty to exercise due care to avoid colliding with any pedestrian.

(History: K.S.A.8-1541; Ord. TC-1260 §71, 84)

12.04.073 Blind Pedestrian Right-of-Way.

The driver of a vehicle shall yield the right-of-way to any blind pedestrian carrying a clearly visible white cane or accompanied by a guide dog.

(History: K.S.A.8-1542; Ord. TC-1260 §72, 84)

12.04.074 Pedestrian Under Influence of Alcohol or Drugs.

A pedestrian who is under the influence of alcohol or any drug to a degree which renders himself a hazard shall not walk or be upon a highway except on a sidewalk.

(History: K.S.A.8-1543; Ord. TC-1260 §73, 84)

12.04.075 Bridge or Railroad Signals.

- (a) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate or barrier after a bridge operation signal indication has been given.
- (b) No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

(History: K.S.A.8-1544; Ord. TC-1260 §74, 84)

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ARTICLE XII. SPECIAL STOPS REQUIRED

12.04.076 Obedience to Signal Indicating Approach of Train.

- (a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:
- (1) a clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
 - (2) a crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
 - (3) a railroad train approaching within approximately 1,500 feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard; or
 - (4) an approaching railroad train is plainly visible and is in hazardous proximity to such crossing.
- (b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

(History: K.S.A.8-1551; Ord. TC-1260 §75, 84)

12.04.077 All Vehicles Must Stop at Certain Railroad Grade Crossings.

When the Secretary of Transportation or Governing Body of this City with the approval of the commission, has designated a particularly dangerous highway-grade crossing of a railroad and erected a stop sign thereat, the driver of any vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

(History: K.S.A.8-1552; Ord. TC-1260 §76, 84)

12.04.078 Certain Vehicles Must Stop at All Railroad Grade Crossings.

- (a) Except as provided in subsection (b), the driver of any vehicle described in regulations issued by the Secretary of Transportation before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for manually changing gears while traversing such crossings and the driver shall not manually shift gears while crossing the track or tracks.
- (b) This section shall not apply at:
- (1) Any railroad grade crossing at which traffic is controlled by a police officer or human flagman;

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- (2) Any railroad grade crossing at which traffic is controlled by a functioning highway traffic signal transmitting a green indication which, under local law, permits a vehicle to proceed across the railroad tracks without slowing or stopping;
- (3) Any railroad grade crossing protected by crossing gates or an alternately flashing light signal intended to give warning of the approach of a railroad train;
- (4) Any railroad grade crossing at which an official traffic-control device gives notice that the stopping requirement imposed by this section does not apply.

(History: K.S.A.8-1553; Ord. TC-1260,GG §5, 93; TC-1260 §77, 84)

12.04.079 Moving Heavy Equipment at Railroad Grade Crossing.

- (a) No person shall operate or move any crawler type tractor, steam shovel, derrick, roller or any equipment or structure having a normal operating speed of 10 or less miles per hour, or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.
- (b) Notice of any such intended crossing shall be given to a station agent of such railroad and a reasonable time be given to such railroad to provide proper protection at such crossing.
- (c) Before making any such crossing, the person operating or moving any such vehicle or equipment shall first stop the same not less than 15 feet nor more than 50 feet from the nearest rail of such railroad, and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.
- (d) No such crossing shall be made when warning is given by automatic signal or crossing gates or flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction.

(History: K.S.A.8-1554; Ord. TC-1260 §78, 84)

12.04.080 Emerging from Alley or Private Driveway or Building.

The driver of a vehicle emerging from an alley, building, private road or driveway within a business or residence district shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across such alley, building entrance, road or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon.

(History: K.S.A.8-1555; Ord. TC-1260 §79, 84)

See: 12.04.002 & 12.04.060

12.04.081 Overtaking and Passing School Bus.

- (a) The driver of a vehicle meeting or overtaking from either direction any school bus stopped on the highway shall stop before reaching such school bus when there is in operation on the school bus the flashing red lights specified in 12.04.170(a), and the driver shall not proceed until such school bus resumes motion or the flashing red lights and the stop signal arm are no longer actuated. If any vehicle is witnessed by a police officer or the driver of a school bus to have violated the provisions of this section and the identity of the operator is not otherwise apparent, it shall be a rebuttable presumption that the person in whose name such vehicle is registered has committed the violation, provided, that charges shall not be brought against the registered owner until a law enforcement officer has contacted the registered owner by telephone or in person concerning the violation. Provided further, where the vehicle is owned by multiple persons, only one of the owners may be convicted of the violation; provided further, this presumption shall not apply to the owners of rental vehicles.
- (b) Every school bus shall be equipped with red visual signals meeting the requirements of 12.04.170(a), which may be actuated by the driver of the school bus whenever but only whenever such vehicle is stopped on the highway for the purpose of receiving or discharging school children. A school bus driver shall not actuate the special visual signals:
 - (1) At intersections or other places where traffic is controlled by traffic-control signals or police officers or;
 - (2) In designated school bus loading areas where the bus is entirely off the roadway.
- (c) Every school bus shall bear upon the front and rear thereof plainly visible signs containing the words "school bus" in letters not less than eight inches in height. When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school or to or from interschool or intra school functions or activities, or for maintenance, repair or storage purposes, all markings thereon indicating "school bus" shall be covered or concealed.
- (d) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway, and where pedestrians are not permitted to cross the roadway.
- (e) Any person violating this section shall be punished by a fine of not less than \$100.00 nor more than \$500.00.
- (f) The provisions of this section shall be subject to the provisions contained in K.S.A. Supp.8-2009a, and amendments thereto.

(History: K.S.A. 8-1556; Ord. TC-1260,WW §4, 2002; TC-1260,NN §1, 97; TC-1260,Y §1, 91; TC-1260 §80, 84)

12.04.082 Overtaking and Passing Church Bus or Day Program Bus.

- (a) The driver of a vehicle meeting or overtaking from either direction any church bus or day program bus stopped on the highway shall stop before reaching such church bus or day program bus when there is in operation on said church bus or day program bus the flashing red lights specified in 12.04.170(a), and said driver shall not proceed until such church bus or day program bus resumes motion or said driver is signaled by the church bus or day program bus to proceed or the flashing red lights and stop signal arm are no longer actuated.
- (b) If a church bus or day program bus is equipped with visual signals permitted by 12.04.171(c), such signals may be actuated by the driver of said church bus or day program bus only when such vehicle is stopped on the highway for the purpose of receiving or discharging passengers. A church bus or day program bus shall not actuate said special visual signals:
 - (1) At intersections or other places where traffic is controlled by traffic-control signals or police officers; or
 - (2) in designated loading areas where the bus is entirely off the roadway.
- (c) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a church bus or day program bus which is on a separate roadway or when upon a controlled-access highway and the church bus or day program bus is stopped in a loading zone which is part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

(History: K.S.A.8-1556a; Ord. TC-1260 §81, 84)

12.04.082.1 Compliance with Lawful Order or Direction of Uniformed School Crossing Guards.

No person shall willfully fail or refuse to comply with any lawful order or direction of any uniformed school crossing guard invested by law with authority to direct, control or regulate traffic.

(History: Ord. TC-1260, FFF §7, 2006)

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ARTICLE XIII. STOPPING, STANDING AND PARKING

12.04.083 Stopping, Standing or Parking Outside Business or Residence Districts.

- (a) Outside a business or residence district, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the roadway when it is practicable to stop, park or so leave such vehicle off the roadway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such highway.
- (b) This section, 12.04.085, and 12.04.086 shall not apply to the driver of any vehicle which is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position.

(History: K.S.A.8-1569; Ord. TC-1260 §82, 84)

12.04.084 Officers Authorized to Remove Vehicles.

- (a) Whenever any police officer finds a vehicle in violation of any of the provisions of 12.04.083, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the roadway.
- (b) Any police officer is hereby authorized to remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon any highway, bridge, causeway or in any tunnel in such position, or under such circumstances as to obstruct the normal movement of traffic.
- (c) Any police officer is hereby authorized to remove or cause to be removed to the nearest garage or other place of safety any vehicle found upon a highway when:
 - (1) Report has been made that such vehicle has been stolen or taken without the consent of its owners,
 - (2) the person or persons in charge of such vehicle are unable to provide for its custody or removal, or
 - (3) when the person driving or in control of such vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before the municipal judge without unnecessary delay.

(History: K.S.A. 8-1570; Ord. TC-1260 §83, 84)

12.04.085 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:

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- (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.
 - (12) on the parkway of any street;
 - (13) In front of a public or private driveway;
 - (14) within 15 feet of a fire hydrant;
 - (15) within 20 feet of a crosswalk at an intersection;
 - (16) within 30 feet upon the approach to any flashing signal, stop sign or traffic-control signal located at the side of a roadway;
 - (17) 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;
 - (18) At any place when official signs prohibit standing.
 - (19) within 50 feet of the nearest rail of a railroad crossing;
 - (20) At any place where official signs prohibit parking.
- (b) 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.
- (c) No person shall stand or park a vehicle in areas designated as fire lanes upon public or private property.

(History: K.S.A.8-1571; Ord. TC-1260 §84, 84)

See: 12.04.002

12.04.085.1 Parking Prohibited.

No person shall park a motor vehicle in or upon any land or defined parking area or lot which adjoins, abuts, surrounds, is contiguous to or part of a building which is used strictly for the conducting or operating of official business for the City of Overland Park, Kansas, unless such

person is an elected official, officer, employee, guest or invitee of the City or unless the person parking such motor vehicle does so with the intent to attend to or conduct actual business in the governmental building of the City.

(History: Ord. TC-1260 §85, 84)

12.04.085.2 Parking in Certain Designated Areas Prohibited.

- (a) No person shall park, stop, or operate a motor vehicle in or on any private or public parking area or lot that is posted with notice of prohibited parking signs posted as provided herein.
- (b) The provisions of this section shall not be applicable to any parking lot or area unless the following signage is clearly and properly posted at all entrances to said parking areas or lots, to-wit:

NOTICE

Pursuant to Overland Park Municipal Code 12.04.085.2, no parking, stopping, or operation of a motor vehicle is permitted in this parking area or lot during the hours of _____ to _____. Conviction of a violation of this section shall result in a minimum fine of \$100.00.

- (c) The provisions of this section shall not apply to individuals conducting business or working on the premises of buildings served by the posted parking areas or lots.
- (d) Upon conviction of a first offense of this section, the defendant shall be fined not less than \$100.00 nor more than \$1,000.00. Upon conviction for a second offense, within any given twelve month period, the defendant shall be fined not less than \$250.00 and not more than \$1,000.00. Upon conviction of a third offense of this section during any twenty-four month period, the defendant shall be fined not less than \$500.00 nor more than \$1,000.00. No portion of any minimum fine assessed pursuant to this section shall be suspended nor shall the defendant be placed on parole from any portion of the penalty assessed.

(History: Ord. TC-1260,N §1, 89)

12.04.086 Stopping or Parking on Roadways.

- (a) Except where angle parking is permitted by ordinance every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within 12 inches of the right-hand curb or as close as practicable to the right-hand edge of the right-hand shoulder.
- (b) Except when otherwise provided by ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder or with its left-hand wheels within 12 inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

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- (c) The Governing Body may by ordinance permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the commission has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(History: K.S.A.8-1572; Ord. TC-1260 §86, 84)

12.04.087 Accessible Parking For Persons With A Disability.

- (a) No person shall stop, stand or park any vehicle in a parking space, whether on public or private property, which is clearly marked as being reserved for the use of persons with a disability or persons responsible for the transportation of persons with a disability unless such vehicle bears a special license plate, permanent placard or temporary placard issued pursuant to K.S.A. 8-161 or K.S.A. 8-1,125 and amendments thereto, and is being operated by or used for the transportation of a person with a disability or disabled veteran. In addition to the temporary placard, a person issued such temporary placard shall carry the state or county receipt showing the name of the person who is issued such temporary placard. If a parking space on private property is clearly marked as being reserved for the use of a specified person with a disability, it shall be unlawful for any other person to park in such space.
- (b) When a motor vehicle which bears a special license plate or placard issued pursuant to K.S.A. 8-1,125, and amendments thereto, is being operated by or used for the transportation of a person with a disability, such motor vehicle:
 - (1) may be parked in any parking space, whether on public or private property, which is clearly marked as being reserved for the use of a person with a disability or persons responsible for the transportation of a person with a disability, except a parking space on private property which is clearly marked as being reserved for the use of a specified person with a disability;
 - (2) may be parked for a period of time not to exceed 24 hours in any parking zone which is restricted as to the length of parking time permitted, except where stopping, standing or parking is prohibited to all vehicles, where parking is reserved for special types of vehicles, or where parking would clearly present a traffic hazard; and
 - (3) shall be exempt from any parking meter fees of the state or any city, county or other political subdivision.
- (c) Official identification devices issued to persons with a disability by any other state, district, or territory subject to the laws of the United States, or any foreign jurisdiction, shall be recognized as acceptable identification. Motor vehicles bearing a valid device from such a jurisdiction shall be accorded the parking privileges contained in subsection (b), except that if such person becomes a resident of the state of Kansas, such identification devices shall not be recognized as acceptable identification 60 days after such person becomes a resident of this state and such device shall be deemed expired. Possession of an identification device deemed to have expired shall be subject to the provisions of section (h) of this section.

- (d) (1) Notwithstanding the provisions of K.S.A. 8-2003, and amendments thereto, each designated accessible parking space shall be clearly marked by vertically mounted signs bearing the international symbol of access.
- (2) All parking shall conform to Title II or Title III, as required by the Americans with Disabilities Act of 1990, 42 USCA 12101 et seq. and 28 CFR Parts 35 and 36.
- (e) (1) At no time, except when necessary to avoid conflict with other traffic or in compliance with the law or the directions of a law enforcement officer or official traffic-control device, shall a person:
 - a. stop, stand or park a vehicle in any parking space designated as accessible parking without displaying a special license plate, permanent placard or disabled veteran license plate and an individual identification card, or a valid temporary placard. Placards shall be displayed in accordance with subsection (a) of K.S.A. 8-1,125 and amendments thereto;
 - b. stop, stand or park a vehicle so that it blocks an access entrance;
 - c. stop, stand or park a vehicle so that it blocks a disabled parking stall;
 - d. stop, stand or park a vehicle so that it blocks an access aisle; or
 - e. stop, stand or park a vehicle in an access aisle between or beside a designated accessible parking space.
- (2) The provisions of subsection (e)(1) shall be enforced by law enforcement officers on public and private property.
- (f) Violation of subsections (a) and (e)(1) is punishable by a fine of \$100.
- (g) (1) Any person who willfully and falsely represents that such person has the qualifications to obtain a special license plate, a permanent placard and an individual identification card or temporary placard shall be guilty of a violation of this ordinance and shall be punished by a fine of not more than \$500 or by imprisonment for not more than one month or by both such fine and imprisonment.
- (2) Any licensee of the healing arts or Christian Science practitioner who willfully and falsely certifies that a person has the qualifications to obtain a special license plate, a permanent placard and an individual identification card or temporary placard shall be guilty of a violation of this ordinance and shall be punished by a fine of not more than \$500 or by imprisonment for not more than one month or by both such fine and imprisonment. (K.S.A. Supp. 8-1,125:8-1,130, as amended.)
- (h) (1) Any person who has in such person's possession any accessible parking identification device which has expired or has been revoked or suspended by the secretary of revenue pursuant to subsection(c) of K.S.A. 8-1,125 and amendments thereto, or K.S.A. 8-1,130b, and amendments thereto shall be guilty of a violation of this ordinance and shall be punished by a fine of not less than \$100 nor more than \$300.

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- (2) Any person who utilizes any accessible parking identification device issued to another person, an agency or a business, to park in any parking space specified in K.S.A. 8-1,126, and amendments thereto, which could be utilized by a person with a disability, except when transporting or arriving to transport a person with a disability to whom or for whom the identification device was issued shall be guilty of a violation of this ordinance and shall be punished by a fine of not less than \$100 nor more than \$300.

(History: Ord. TC-1260,UU §3, 2000; TC-1260,RR §1, 99; K.S.A. Supp. 8-1,130a, as amended, Ord. TC-1260,KK, §7, 95; TC-1260,CC §2, 92; TC-1260H §1, 87; TC-1260,C §1, 86; KSA 8-132a; TC-1260 §87, 84)

See: 12.04.002

12.04.088 Parking for Certain Purposes Prohibited.

- A. No person shall park a vehicle to include, but not be limited to, motor vehicles, motor homes, trucks, trailers, boats, and recreational vehicles upon the property of another for the primary purpose of selling or offering the vehicle for sale unless such vehicle displays current registration and such person first obtains the written consent of the owner of such property and displays such consent in a manner so as to be clearly visible from outside the vehicle.
1. A vehicle shall be deemed offered for sale pursuant to this Section if it bears any sign, writing or other form of communication or advertising that indicates the vehicle is for sale.
 2. To be valid, written consent under this Section shall be signed by the owner of the property upon which the vehicle is to be displayed for sale and shall include a telephone number where said owner can be reached to verify consent. The written consent shall also describe the date and duration of the consent, the make and model of the vehicle, as well as the location of the property upon which the vehicle will be displayed for sale.
 3. No property owner shall give written consent under this Section unless the property upon which the vehicle will be parked for sale is zoned for that type of use.
- B. No person shall park a vehicle to include, but not be limited to, motor vehicles, motor homes, trucks, trailers, boats, and recreational vehicles upon any roadway or private or public parking lot with the exception of private residential driveways or commercial vehicle dealerships if not in conflict with any other section of this code, for the principal purpose of greasing or repairing such vehicle except repairs necessitated by an emergency.
- C. The Governing Body finds that in order to protect the interest of private property owners from unwanted vehicles being parked on their property and to promote aesthetics by preserving the proper zoned use of property, it is necessary to regulate the manner in which vehicles are parked for sale on the property of another.

(History: Ord. TC-1260,KKK §3, 2007; TC-1260,TT §1, 2000; TC-1260,E §1, 87; TC-1260 §88, 84)

12.04.089 Parking Where Stalls.

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; provided in the Overland Park Downtown Business District, as defined by OPMC Section 2.14.010, where signs are posted prohibiting such parking, no person shall back a vehicle into a parking stall.

(History: Ord. TC-1260,AA §1, 91;TC-1260 §89, 84)

12.04.090 Blocking Traffic; Narrow Streets; Stopping; When.

No person shall stop, stand or park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations or traffic signs or signals by a police officer.

(History: Ord. TC-1260 §90, 84)

12.04.091 Parking on Narrow Streets; Signs.

When signs prohibiting parking are erected on narrow streets, no person shall park or stand a vehicle in any such designated place. The City Traffic Engineer 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.

(History: Ord. TC-1260,C §1, 86; TC-1260 §91, 84)

12.04.092 Parking in Alley.

- (a) No person shall park any vehicle in any alley except for the purpose of loading or unloading.
- (b) No person shall park any vehicle in any alley for any time of greater duration than reasonably necessary for the expeditious loading or unloading of materials.

(History: Ord. TC-1260 §92, 84)

12.04.093 Parking Disabled and Other Vehicles.

No person, firm or corporation shall park or store any dead or damaged vehicle or farm machinery, trailer or semitrailer of any kind, or parts of the same, or any disabled vehicles or farm machinery or trailers, or semitrailers, in the roadway of any highway.

(History: Ord. TC-1260PP §4, 98; TC-1260 §93, 84)

12.04.093.1 Abandonment of Motor Vehicles.

No person shall use the public highway to abandon, leave or store a motor vehicle, farm machinery, or trailer or use the highway to leave vehicles unattended either in such a manner as to interfere with public highway operations or for a period of time in excess of 48 hours.

Whenever any person leaves a motor vehicle on a public highway or other property open to use by the public, the Chief of Police or his authorized representatives, after 48 hours or when the motor vehicle interferes with public highway operations, may remove, impound and dispose of the motor vehicle, farm machinery, or trailer in the manner prescribed by K.S.A. 8-1102 or any amendments thereto.

(History: Ord. TC-1260 CC §3, 92; TC-1260 §94, 84)

12.04.094 Parking Adjacent to Schools; Signs.

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 Traffic Engineer is hereby 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.

(History: Ord. TC-1260,C §1, 86; TC-1260 §95, 84)

12.04.095 Stopping or Parking in Hazardous or Congested Places; Signs.

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 Traffic Engineer 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.

(History: Ord. TC-1260 §96, 84)

12.04.096 Parking Prohibited at All Times in Designated Places.

When authorized signs are erected giving notice thereof, no person shall park a vehicle at any time upon that portion of any of the streets so posted or signed for "no parking."

(History: Ord. TC-1260 §97, 84)

12.04.097 Limited Time Parking Zones.

Whenever any appropriate sign shall be placed and maintained by lawful authority of the City giving notice that the street, highway, or City-owned parking lot may be used for parking or standing vehicles for a limited time only, it shall be unlawful for any persons to fail or refuse to comply with such sign.

(History: Ord. TC-1260 §98, 84)

12.04.098 Commercial and Delivery Vehicles: Loading and Unloading; Blocking Traffic; Removal of Vehicle; Duty of Police Department.

Subject to any provision prohibiting parking at all times or during specified hours, vehicles used for the transportation of merchandise or materials may stand or be parked at the curb to take on or discharge loads on any street marked for parallel parking: Provided, that such vehicles may be backed into any curb at such times and places when and where the same may not interfere with or become a hazard to vehicular traffic on such street within the block: Provided further, that traffic may be temporarily blocked by any such vehicle backed into any curb to load or unload when the same may be necessary during such times as loading or unloading shall be

undertaken in an expeditious manner without any delay, upon prior notice to and under the direction and supervision of the Police Department: Provided further, that the driver or some person in charge of such vehicle shall constantly be present or available to remove such vehicle in an emergency and the vehicle shall be removed immediately upon the same being loaded or unloaded as the case may be. The Chief of Police may place suitable warning signs to direct or control traffic during the time any street may be blocked or traffic restricted from its normal flow or course.

(History: Ord. TC-1260 §99, 84)

12.04.098.1 Prohibitions Against Parking in Residential Districts.

- (a) No person shall stop, stand or park a vehicle which dimensions exceed seven feet in height or twenty feet in length or eight feet in width on any street or alley within any residential district or on any property in a private residential parking area or private residential common area for more than two hours except when necessarily loading or unloading property or when in the performance of a service to or upon property in the block where the vehicle is parked.
- (b) No person shall stop, stand or park any vehicle with an auxiliary engine in any residential district between the hours of 10:00 p.m. and 8:00 a.m. with the auxiliary motor or air conditioning unit in operation.
- (c) No person shall stop, stand, or park any vehicle or combination of vehicles on any public parking lot continuously for more than 24 hours.
- (d) No person shall stop, stand, or park any vehicle or combination of vehicles on or in any public parking lot in violation of any restrictions that are posted in a manner reasonably likely to come to the attention of persons entering into or onto the parking lot or where the parking lot is locked, fenced, or otherwise enclosed or shut or secured against passage or entry or where an authorized public officer has ordered such person to leave such premises.

The provisions of this section may not be defeated by a mere location change of any offending vehicle within the residential district or the private residential parking area or private residential common area or public parking lot.

(History: Ord. TC-1260,D §1, 86; TC-1260,C §1, 86;TC-1260 §100, 84)

12.04.099 Loading, Unloading or Special Zones.

Whenever any appropriate sign shall be placed or marked along any street or highway by lawful authority of the City giving notice of any special use of the roadway adjacent thereto for the loading or unloading of merchandise or passengers or the standing of taxicabs, buses or for other authorized purposes, it shall be unlawful for any person to refuse or fail to comply with such sign.

(History: Ord. TC-1260 §101, 84)

12.04.100 Citation on Illegally Parked Vehicles.

Whenever any motor vehicle without driver is found parked, standing or stopped in violation of this ordinance, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation.

(History: K.S.A.8-2112; Ord. TC-1260 §102, 84)

12.04.101 Failure to Comply With Traffic Citation Attached to Parked Vehicle.

If a violator of restrictions on stopping, standing or parking does not appear in response to a traffic citation affixed to such motor vehicle within a period of five days, the clerk of the court, shall send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of five days, a warrant of arrest will be issued.

(History: K.S.A.8-2113; Ord. TC-1260 §103, 84)

12.04.102 Presumption in Reference to Illegal Parking.

- (a) In any prosecution charging a violation of any law or regulation governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the complaint was in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of the violation the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.
- (b) The foregoing stated presumption shall apply only when the procedure as prescribed in 12.04.100 and 12.04.101 has been followed.

(History: K.S.A. 8-2114; Ord. TC-1260 §104, 84)

12.04.103 Inattentive Driving.

No person shall operate a vehicle in an inattentive manner. Inattentive operation of a vehicle is defined as operation of a vehicle without due regard for the road, weather and traffic conditions and other attendant circumstances then existing.

(History: TC-1260,EEE §1, 2006)

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ARTICLE XIV. MISCELLANEOUS RULES

12.04.104 Littering from motor vehicle.

No person shall throw, place or drop litter or allow litter to be thrown, placed or dropped from a motor vehicle onto any highway, road or street. The driver of the motor vehicle may be cited for any litter thrown, placed or dropped from the motor vehicle, unless any other person in the motor vehicle admits to or is identified as having committed the act.

(History: Ord. TC-1260, BBB §4, 2004; TC-1260, K §1, 89)

12.04.105 Consumption of Intoxicating Liquor.

- (a) No person shall consume any intoxicating liquor while operating any vehicle upon any street or highway.
- (b) Violation of this section is punishable by a fine of not less than \$50 nor more than \$200 or by imprisonment for up to six months, or both. In addition, any person under the age of 21 who is convicted of a violation of this section or diverted in lieu of further criminal proceedings shall be required to submit to and complete an alcohol and drug evaluation by a community-based alcohol and drug safety action program certified pursuant to K.S.A. 8-1008 and amendments thereto and to pay a fee for such evaluation.

(History: K.S.A. 41-2720; K.S.A. 41-719a; Ord. TC-1260, T §1, 90; TC-1260, O §1, 89; TC-1260 §105, 84)

See: 12.04.002

12.04.106 Transportation of Intoxicating Liquor.

- (a) No person shall transport in any vehicle upon a highway or street any intoxicating liquor as defined by Section 11.48.100(e) unless such intoxicating liquor is:
 - (1) In the original unopened container, the seal of which has not been broken and from which the original cap, cork or other means of closure has not been removed;
 - (2) (A) In the locked rear trunk or rear compartment, or any locked outside compartment which is not accessible to any person in the vehicle while it is in motion; or
 - (B) If a motor vehicle is not equipped with a trunk, behind the last upright seat or in an area not normally occupied by the driver or a passenger; or
 - (3) In the exclusive possession of a passenger in a vehicle which is a recreational vehicle, or a bus, who is not in the driving compartment of such vehicle or who is in a portion of such vehicle from which the driver is not directly accessible.
- (b) Violation of this section is punishable by a fine of not more than \$200 or by imprisonment for not more than six months, or both.
- (c) Except as provided in subsection (f) upon conviction or adjudication of a second or subsequent violation of this section, the judge, in addition to any other penalty or disposition ordered pursuant to law, shall suspend the person's driver's license or privilege to operate a motor vehicle on the streets and highways of this state for one year.

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- (d) Upon suspension of a license pursuant to this section, the court shall require the person to surrender the license to the court, which shall transmit the license to the division of motor vehicles of the department of revenue, to be retained until the period of suspension expires. At that time, the licensee may apply to the division for return of the license. If the license has expired, the person may apply for a new license, which shall be issued promptly upon payment of the proper fee and satisfaction of other conditions established by law for obtaining a license unless another suspension or revocation of the person's privilege to operate a motor vehicle is in effect.
- (e) As used in this section, "highway" and "street" have the meanings provided by K.S.A. 8-4124 and 8-1473, and amendments thereto.
- (f) In lieu of suspending the driver's license or privilege to operate a motor vehicle on the highways of this state of any person convicted of violating this section, as provided in subsection (c), the judge of the court in which such person was convicted may enter an order which places conditions on such person's privilege of operating a motor vehicle on the highways of this state, a certified copy of which such person shall be required to carry any time such person is operating a motor vehicle on the highways of this state. Any such order shall prescribe the duration of the conditions imposed, which in no event shall be for a period of less than three months for a first violation nor more than one year for a second violation.

Upon entering an order restricting a person's license hereunder, the judge shall require such person to surrender such person's driver's license to the judge who shall cause it to be transmitted to the division of vehicles, together with a copy of the order. Upon receipt thereof, the division of vehicles shall issue without charge a driver's license which shall indicate on its face that conditions have been imposed on such person's privilege of operating a motor vehicle and that a certified copy of the order imposing such conditions is required to be carried by the person for whom the license was issued any time such person is operating a motor vehicle on the highways of this state. If the person convicted is a nonresident, the judge shall cause a copy of the order to be transmitted to the division and the division shall forward a copy of it to the motor vehicle administrator of such person's state of residence. Such judge shall furnish to any person whose driver's license has had conditions imposed on it under this section a copy of the order, which shall be recognized as a valid Kansas driver's license until such time as the division shall issue the restricted license provided for in this section.

Upon expiration of the period of time for which conditions are imposed pursuant to this subsection, the licensee may apply to the division for the return of the license previously surrendered by such licensee. In the event such license has expired, such person may apply to the division for a new license, which shall be issued immediately by the division upon payment of the proper fee and satisfaction of the other conditions established by law, unless such person's privilege to operate a motor vehicle on the highways of this state has been suspended or revoked prior thereto. If any person shall violate any of the conditions imposed under this subsection, such person's driver's license or privilege to operate a motor vehicle on the highways of this state shall be revoked for a period of not less than 60 days nor more than one year by the judge of the court in which such person is convicted of violating such conditions.

- (g) It shall be an affirmative defense to any prosecution under this section that an occupant of the vehicle other than the defendant was in exclusive possession of the alcoholic beverage.
- (h) The court shall report to the division every conviction of a violation of this section or of a City ordinance or county resolution that prohibits the acts prohibited by this section. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state.
- (i) For the purpose of determining whether a conviction is a first, second or subsequent conviction in sentencing under this section:
 - (1) "Conviction" includes being convicted of a violation of an ordinance of any city, or resolution of any county, which prohibits the acts that this section prohibits;
 - (2) only convictions occurring in the immediately preceding five years, including prior to the effective date of this act, shall be taken into account, but the court may consider other prior convictions in determining the sentence to be imposed within the limits provided for a first, second or subsequent offender, whichever is applicable; and
 - (3) it is irrelevant whether an offense occurred before or after conviction for a previous offense.

(History: K.S.A. 41-804; K.S.A. 41-2719; Ord. TC-1260,FFF §8, 2006; TC-1260,JJ §6, 94; TC-1260,GG §6, 93; TC-1260,T § 2, 90; TC-1260,O §2, 89; TC-1260 §106, 84)

See: 12.04.002

12.04.107 Unattended Motor Vehicle; Ignition; Key and Brakes.

- (a) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway.
- (b) For the purpose of this section, unattended shall not be construed to mean a motor vehicle with an engine that has been activated by a remote starter system, when the motor vehicle is locked and when the ignition keys are not in the motor vehicle.

(History: Ord. TC-1260,YY §2, 2003; K.S.A. 8-1573; TC-1260,TT §2, 2000; TC-1260 §107, 84)

12.04.108 Obstruction of Driver's View or Driving Mechanism.

- (a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.
- (b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

(History: K.S.A. 8-1576; Ord. TC-1260 §108, 84)

12.04.109 Coasting.

- (a) The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral.
- (b) The driver of a truck or bus when traveling upon a down grade shall not coast with the clutch disengaged.

(History: K.S.A. 8-1580; Ord. TC-1260 §109, 84)

12.04.110 Following Fire Apparatus Prohibited.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or stop such vehicle within 500 feet of any fire apparatus stopped in answer to a fire alarm.

(History: K.S.A.8-1581; Ord. TC-1260 §110, 84)

12.04.111 Crossing Fire Hose.

No vehicle shall be driven over any unprotected hose of a Fire Department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.

(History: K.S.A.8-1582; Ord. TC-1260 §111, 84)

12.04.112 Putting Glass, Etc., on Highway Prohibited.

- (a) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such highway.
- (b) Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.
- (c) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

(History: K.S.A. 8-1583; Ord. TC-1260 §112, 84)

12.04.113 Obstructing Traffic.

- (a) No driver shall enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk or railroad grade crossing to accommodate the vehicle he is operating without obstructing the passage of other vehicles, pedestrians or railroad trains notwithstanding any traffic-control signal indication to proceed.
- (b) Except in the case of an accident involving death or apparent injury of any person, or the transportation of hazardous material, the owner or driver of a vehicle which obstructs the regular flow of traffic on any interstate highway, U.S. highway, or any multilane or divided roadway, shall make every reasonable effort to move the vehicle from the roadway, if, moving the vehicle may be done safely, does not require towing and may be operated under its own power without further damage to the vehicle or the roadway and without endangering other vehicles or persons upon the roadway.

- (c) Except in the case of an accident involving death or apparent injury of any person or the transportation of hazardous material, authorized employees or agents of the Kansas Department of Transportation, Kansas Highway Patrol, the Overland Park Police Department or any other law enforcement agency without the consent of the driver or owner of the vehicle or property, may require, assist in or cause the removal from the roadway any vehicle, debris or any other property which is obstructing the regular flow of traffic, creating or aggravating an emergency situation or otherwise endangering public safety.
- (d) Notwithstanding the provisions of this Section, a driver is required to comply with the applicable provisions of O.P.M.C. 12.04.023 *et seq.*, and amendments thereto.
- (e) From and after July 1, 2009, and prior to July 1, 2010, law enforcement officers shall issue a warning citation to anyone violating subsection (b).

(History: K.S.A. 8-1584; Ord. TC-1260,PPP §6, 2009; TC-1260 §113, 84)

12.04.114 Snowmobile Operation Limited.

No person shall operate a snowmobile on any controlled-access highway. No person shall operate a snowmobile on any other highway, except when crossing the highway at a right angle, or when use of the highway by other motor vehicles is impossible because of snow, or when such operation is authorized by the Governing Body.

(History: K.S.A. 8-1585; Ord. TC-1260 §114, 84)

12.04.115 Unlawful Riding.

- (a) It shall be unlawful for any person to ride on any vehicle or upon any portion thereof not designed or intended for use of passengers when the vehicle is in motion.
- (b) It shall be unlawful for the operator of any vehicle to allow any person to ride on any vehicle or upon any portion thereof not designated or intended for the use of passengers when the vehicle is in motion.
- (c) This section shall not apply to an employee engaged in the necessary discharge of the employee's duty within truck bodies in space intended for merchandise or cargo; or (2) when the vehicle is being operated in parades, caravans or exhibitions which are officially authorized or otherwise permitted by law.

(History: Ord. TC-1260,DD §1, 92; TC-1260 §115, 84)

12.04.116 Driving Upon Sidewalk.

No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

(History: K.S.A.8-1575; Ord. TC-1260 §116, 84)

12.04.117 Limitations on Backing.

- (a) The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.

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- (b) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.

(History: K.S.A. 8-1574; Ord. TC-1260 §117, 84)

See: 12.04.002

12.04.118 Driving Through or On Private Property to Avoid Traffic Control Devices.

No person shall drive through the property of a gasoline service station or the service entrance of any public or private property adjacent to any street intersection to avoid any official traffic control device or short cut from one street to another.

(History: Ord. TC-1260 §118, 84)

12.04.119 Child Restraints.

- (a) Every driver who transports a child under the age of 14 years in a passenger car as defined by K.S.A. 8-1343a, and amendments thereto, shall provide for the protection of the child by properly using:
- (1) For a child under the age of four (4) years in a passenger car, an appropriate child passenger restraining system that meets or exceeds the standards and specifications contained in Federal Motor Vehicle Safety Standard No. 213.
 - (2) For a child from four (4) years of age but under the age of eight (8) years and who weighs less than eighty (80) pounds or is less than four (4) feet nine (9) inches in height, an appropriate child safety restraining system that meets or exceeds the standards and specifications contained in Federal Motor Vehicle Safety Standard No. 213.
 - (3) For a child from eight (8) years of age but under the age of fourteen (14) years or who weighs more than eighty (80) pounds or is more than four (4) feet nine (9) inches in height, a safety belt manufactured in compliance with Federal Motor Vehicle Safety Standard No. 208.
- (b) If the number of children subject to the requirements of subsection (a) exceeds the number of passenger securing locations available for use by children affected by such requirements, and all of these securing locations are in use by children, then there is not a violation of this section.
- (c) If a securing location only has a lap safety belt available, the provisions of subsection (a)(2) shall not apply and the child shall be secured in accordance with the provisions of subsection (a)(3).
- (d) Upon conviction of a violation of this section, a minimum fine in the amount of \$60.00 per occurrence shall be imposed by the court. The failure to provide a child restraining system or safety belt for more than one child in the same passenger car at the same time shall be treated as a single violation.
- (e) The sixty (60) dollar fine provided for in subsection (d) shall be waived if the driver convicted of violating subsections (a)(1) or (a)(2) provides proof to the court that such driver has purchased or acquired the appropriate and approved child passenger safety restraining system. At the time of issuing the citation for a violation of subsections (a)(1)

and (a)(2), the law enforcement officer shall notify the driver of the waiver provisions of this subsection.

(History: K.S.A. 8-1345; Ord. TC-1260,QQQ §1, 2010; TC-1260,FFF §9, 2006; TC-1260,CCC §2, 2005; TC-1260,NN §2, 97; TC-1260,DD §2, 92; TC-1260,P §1, 89; TC-1260 §119, 84)

12.04.119.1 Safety Belts.

- (a) Except as provided in subsection (b):
 - (1) Each occupant of a passenger car manufactured with safety belts in compliance with Federal Motor Vehicle Safety Standard No. 208, who is 18 years of age or older, shall have a safety belt properly fastened about such person's body at all times when the passenger car is in motion; and
 - (2) Each occupant of a passenger car manufactured with safety belts in compliance with Federal Motor Vehicle Safety Standard No. 208, who is at least 14 years of age but less than 18 years of age, shall have a safety belt properly fastened about such person's body at all times when the passenger car is in motion.
- (b) This Section does not apply to:
 - (1) An occupant of a passenger car who possesses a written statement from a licensed physician that such person is unable for medical reasons to wear a safety belt system;
 - (2) Carriers of United States mail while actually engaged in delivery and collection of mail along their specified routes;
 - (3) Newspaper delivery persons while actually engaged in delivery of newspapers along their specified routes.
- (c) For purposes of this Section, "passenger car" means a motor vehicle, manufactured or assembled after January 1, 1968, or a motor vehicle manufactured or assembled prior to 1968 which was manufactured or assembled with safety belts, with motive power designed for carrying 10 passengers or fewer, including vans, but excluding motorcycles, or a motor driven cycle.
- (d) Law enforcement officers shall not stop drivers for violations of subsection (a)(1) by a back seat occupant in the absence of another violation of law. A citation for a violation of subsection (a)(1) by a backseat occupant shall not be issued without citing the violation that initially caused the officer to effect the enforcement stop.

(History: Ord. TC-1260,RRR §13, 2011; TC-1260,QQQ §2, 2010; TC-1260,JJJ §3, 2007; TC-1260,CCC §3, 2005; TC-1260,C §1, 86)

12.04.120 Driving through Procession.

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

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conspicuously so designated. This section shall not apply at intersections where traffic is controlled by traffic-control devices or police officers.

(History: Ord. TC-1260 §120, 84)

12.04.121 Military Forces.

The military forces of the United States and the State of Kansas, while on any authorized duty involving controlled movement of military convoys, critical supplies or equipment, or during any national or state emergency, shall not be restricted by traffic regulations, and shall have the right-of-way on any street or highway through which they may pass against all except carriers of the United States mail and other emergency vehicles.

(History: K.S.A.48-252a; Ord. TC-1260 §121, 84)

12.04.122 Street Barriers.

Whenever any street or alley or part thereof is closed for repair, rebuilding, construction or reconstruction and suitable warning signs and barricades, which so advise the public, are erected at all intersections of the closed street or alley with all other streets and alleys, it shall be unlawful for any person or operator without authority from the proper official to:

- (1) Destroy or remove any barricade, warning sign, light or torch used to close the street or alley or warn the public of the closing.
- (2) Drive on that portion of the street or alley that is closed: Provided, however, that nothing in this section shall be construed as prohibiting the regular authorities of the City, state or federal government from having free access to the work at all times.

(History: Ord. TC-1260 §122, 84)

12.04.123 Opening and Closing Vehicle Doors.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

(History: K.S.A.8-1577; Ord. TC-1260 §123, 84)

12.04.124 Riding in House Trailer Prohibited.

No person or persons shall occupy a house trailer while it is being moved upon a public street or highway.

(History: K.S.A.8-1578; Ord. TC-1260 §124, 84)

12.04.125 Driving Across Lawns, Sidewalks, Yards, Crops, Etc.

It shall be unlawful for any person to drive a motor vehicle upon, across or onto the lawn, sidewalk, yard, farmland, crops or fences or other real or personal property of another person, intentionally damaging the same.

(History: Ord. TC-1260 §125, 84)

12.04.126 Removal of Traffic Hazards.

- (a) It shall be the duty of the owner of real property to remove from such property any tree, plant, shrub or other obstruction, or part thereof, which, by obstructing the view of any driver, constitutes a traffic hazard.
- (b) When the Governing Body determines upon the basis of an engineering and traffic investigation that such a traffic hazard exists, it shall notify the owner and order that the hazard be removed within 10 days.
- (c) The failure of the owner to remove such traffic hazard within ten days shall constitute an offense punishable by a penalty of \$10 and every day said owner shall fail to remove it shall be a separate and distinct offense.

(History: K.S.A.8-2011; Ord. TC-1260 §126, 84)

12.04.126.5 Texting While Driving.

- (a) As used in this section:
 - (1) "Wireless communication device" means any wireless electronic communication device that provides for voice or data communication between two or more parties, including, but not limited to, a mobile or cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages, an audio-video player that sends or receives messages or a laptop computer. "Wireless communication device" does not include a device which is voice-operated and which allows the user to send or receive a text based communication without the use of either hand, except to activate or deactivate a feature or function.
 - (2) "Write, send or read a written communication" means using a wireless communication device to manually type, send or read a written communication, including, but not limited to, a text message, instant message or electronic mail.
- (b) Except as provided in subsections (c) and (d), no person shall operate a motor vehicle on a public road or highway while using a wireless communications device to write, send or read a written communication.
- (c) The provisions of subsection (b) shall not apply to:
 - (1) A law enforcement officer or emergency service personnel acting within the course and scope of the law enforcement officer's or emergency service personnel's employment;
 - (2) a motor vehicle stopped off the regular traveled portion of the roadway;
 - (3) a person who reads, selects or enters a telephone number or name in a wireless communications device for the purpose of making or receiving a phone call;
 - (4) a person who receives an emergency, traffic or weather alert message; or
 - (5) a person receiving a message related to the operation or navigation of the motor vehicle.
- (d) The provisions of subsection (b) shall not prohibit a person from using a wireless communications device while operating a moving motor vehicle to:
 - (1) Report current or ongoing illegal activity to law enforcement;
 - (2) prevent imminent injury to a person or property; or

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- (3) relay information between transit or for-hire operator and the operator's dispatcher, in which the device is permanently affixed to the motor vehicle.
 - (e) From and after the effective date of this act and prior to January 1, 2011, a law enforcement officer shall issue a warning citation to anyone violating subsection (b).
- (History: Ord. TC-1260,QQQ §3, 2010)

12.04.126.6 Using Headphones in Vehicles.

No person shall operate any motor vehicle on the streets, alleys, or roadways of the City while wearing headphones or other in-ear sound reproduction devices which in any way interfere with hearing of traffic noise, or warning devices or signals.

(History: Ord. TC-1260,RRR §14, 2011)

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**ARTICLE XV. OPERATION OF BICYCLES, MOTORIZED BICYCLES,
AND PLAY VEHICLES.**

12.04.127 Effect of Regulations.

- (a) It is unlawful for any person to do any act forbidden or fail to perform any act required in 12.04.128 to 12.04.133, inclusive.
- (b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of 12.04.128 to 12.04.133, inclusive.
- (c) The provisions of 12.04.128 to 12.04.133, inclusive, which are applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

(History: K.S.A.8-1586; Ord. TC-1260 §127, 84)

12.04.128 Traffic Laws Apply to Persons Riding Bicycles.

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this ordinance, except as otherwise provided in 12.04.127 to 12.04.133, inclusive, of this ordinance and except as to those provisions of this ordinance which by their nature can have no application.

(History: K.S.A.8-1587; Ord. TC-1260 §128, 84)

12.04.129 Riding on Bicycles; Seats; Riders Limited.

- (a) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.
- (b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(History: K.S.A.8-1588; Ord. TC-1260 §129, 84)

12.04.130 Clinging to Vehicles.

No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

(History: K.S.A. 8-1589; Ord. TC-1260 §130, 84)

12.04.131 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:

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- (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) Persons riding bicycles upon a roadway shall not ride more than two abreast, except on paths or parts of roadways set aside for the exclusive use of bicycles.
 - (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.

(History: K.S.A.8-1590; Ord. TC-1260, KK §8, 95; TC-1260 §131, 84)

12.04.132 Carrying Articles.

No person operating a bicycle shall carry any package, bundle or ordinance which prevents the driver from keeping at least one hand upon the handlebars.

(History: K.S.A.8-1591; Ord. TC-1260 §132, 84)

12.04.133 Lamps and Other Equipment on Bicycles.

- (a) Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved by the division which shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.
- (b) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.
- (c) No person shall sell a new bicycle or pedal for use on a bicycle that is not equipped with a reflector of a type approved by the commission, on each pedal of such bicycle which is visible from the front and rear of the bicycle during darkness from a distance of 200 feet.

(History: K.S.A. 8-1592; Ord. TC-1260 §133, 84)

12.04.134 Application of 12.04.127 to 12.04.133 to Motorized Bicycles.

- (a) The provisions of 12.04.127, 12.04.128, and 12.04.130 to 12.04.133 inclusive, shall be applicable to motorized bicycles and every person operating a motorized bicycle shall be subject to the provisions thereof.

- (b) Every owner of a motorized bicycle shall provide insurance coverage on each motorized bicycle such person owns in the amount of not less than \$25,000 because of bodily injury to, or death of, one person in any one accident and, subject to the limit for one person, to a limit of not less than \$50,000 because of bodily injury to, or death of, two or more persons in any one accident and to a limit of not less than \$10,000 because of harm to or destruction of property of others in one accident.
In addition, the policy shall insure the person named and any other person, as insured, using any such vehicle with the expressed or implied consent of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of any such vehicle.
- (c) Any person operating a motorized bicycle upon a highway or upon property open to use by the public shall display, upon demand, evidence of insurance coverage to any law enforcement officer.
- (d) No person shall operate a motorized bicycle upon a highway without the same being insured as provided in subsection (b).
- (e) Regardless of the design capability, motorized bicycles shall only be used to transport one person (the operator).
- (f) Motorized bicycles shall not be operated on any highway having a posted speed limit in excess of 35 miles per hour unless said highway shall consist of four or more lanes. In no event shall a motorized bicycle be operated upon a highway having a speed limit greater than 45 miles per hour.
- (g) In no event shall any motorized bicycle be operated on the federal interstate highway systems within this City.

(History: KSA 8-1592(a); Ord. TC-1260,F §1, 87; TC-1260 §134, 84)

12.04.135 Electric-Assisted Bicycles, Traffic Law Application.

Vehicle registration and driver's license shall not be required for operation of an electric-assisted bicycle. Traffic regulations applicable to bicycles shall apply to electric-assisted bicycles except tricycles with no brake horse power.

(History: Ord. No. TC-1260,AAA §2, 2004; K.S.A.8-1592(b); Ord. TC-1260,UU §4, 2000; TC-1260 §135, 84)

12.04.135.1 All-terrain Vehicles, Prohibited.

- (a) All-terrain vehicles may be used within the City on private property for agricultural or any other lawful purpose, but all-terrain vehicle shall not be operated within the City limits upon interstate highways, federal highways, state highways or City streets.
- (b) Notwithstanding the provisions of Subsection (a), all-terrain vehicles owned and operated by a county noxious weed department, or all-terrain vehicles owned and operated by persons contracting with a county noxious weed department or with the Kansas department of transportation may be allowed to operate such all-terrain vehicles upon the right-of-way of any federal highway or state highway for the purpose of eradicating noxious weeds, and such all-terrain vehicles may be moved or operated incidentally upon such federal highway or state highway.

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- (c) Notwithstanding the provisions of Subsection (a), all-terrain vehicles may be moved or operated incidentally upon City streets within the portion of the City annexed by Ordinance No. A-2719.
- (d) No all-terrain vehicle shall be operated on any public highway, street or road pursuant to subsections (b) and (c) between sunset and sunrise unless it is equipped with lights as required by law for motorcycles.

(History: K.S.A.8-128(a); Ord. TC-1260,MMM §1, 2008; TC-1260,KK §9, 95; TC-1260,B §2, 85)

12.04.135.2 Low-Speed Vehicles.

- (a) It shall be unlawful for any person to operate a low-speed vehicle on any street or highway with a posted speed limit greater than 40 miles per hour.
- (b) The provisions of section (a) shall not prohibit a low-speed vehicle from crossing a street or highway with a posted speed limit in excess of 40 miles per hour.
- (c) A low-speed vehicle shall not be required to display a slow-moving vehicle emblem.

(History: Ord. No. TC-1260,UU §7, 2000)

12.04.135.3 Work-site Utility Vehicle.

- (a) It shall be unlawful for any person to operate a work-site utility vehicle on any interstate highway, federal highway or state highway; provided, work-site utility vehicles may be operated incidentally upon a federal or state highway.
- (b) No work-site utility vehicle shall be operated on any public highway, street or road unless such vehicle complies with the equipment requirements under the provisions of Article 17 of Chapter 8 of the Kansas Statutes Annotated.

(History: Ord. No. TC-1260,JJJ §4, 2007)

12.04.135.4 Golf Carts Prohibited.

- (a) It shall be unlawful for any person to operate a golf cart:
 - (1) On any interstate highway, federal highway or state highway; or
 - (2) on any public highway or street within the corporate limits of the city.
- (b) The provisions of subsection (a) shall not prohibit a golf cart from crossing a federal or state highway or a street or highway with a speed limit greater than 30 miles per hour.

(History: Ord. No. TC-1260,PPP §7, 2009)

12.04.135.5 Micro Utility Trucks Prohibited.

- (a) It shall be unlawful for any person to operate a micro utility truck:
 - (1) On any interstate highway, federal highway or state highway; or
 - (2) on any public highway or street within the corporate limits of the city.
- (b) The provisions of subsection (a) shall not prohibit a micro utility truck from crossing a federal or state highway or a street or highway.

(History: Ord. No. TC-1260,PPP §8, 2009)

12.04.136 Use of Roller Skates, Coasters, Roller Blades, Skateboards, Toy vehicles and Similar Devices Restricted.

- (a) No person upon roller skates, or riding in or by means of any coaster, roller blades, skateboard, toy vehicle, or similar device shall operate such a device on:
- (1) any sidewalk or public or private parking lot in the Downtown Business District of the City of Overland Park as defined by O.P.M.C. 2.14.010; or
 - (2) any portion of the City within an area bordered by Highway I-435 on the north, Antioch Road on the east, College Boulevard on the south and Highway 69 on the west, excepting the Indian Creek Bike-Hike Trail and public parkland within said area, provided the following signage is clearly and properly posted at all street entrances to this designated area and entrances to the area on the Indian Creek Bike-Hike Trail.

NOTICE

Pursuant to Overland Park Municipal Code Section 12.04.136, no roller skates, coaster, roller blades, skateboard, toy vehicle or similar device may be operated in this area, provided these devices may be used in the areas of Indian Creek Bike-Hike Trail and public parkland within this area. Conviction of a violation of this section shall result in a fine of \$25.00.

- (3) any roadway, except:
 - a. where no useable path for their operation or sidewalk has been provided adjacent to such roadway; or
 - b. when the roadway is temporarily designated as a play street; or
- (4) any public tennis court; or
- (5) any public parking area or lot; or
- (6) any private parking area or lot where signs giving notice that operation of such devices is prohibited. The provisions of this subsection (6) shall not be applicable to any private parking lot or area unless the following signage is clearly and properly posted at all entrances to said private parking lot or area, to wit:

NOTICE

Pursuant to Overland Park Municipal Code Section 12.04.136, no roller skates, coaster, roller blades, skateboard, toy vehicle or similar device may be operated in this parking lot or area. Conviction of a violation of this section shall result in a fine of \$25.00.

- 7) any private parking area or lot where the building used for conducting business on the premises is not occupied by an ongoing business enterprise, unless with the written permission of the property owner. The provisions of this subsection (7) shall not be applicable unless the following signage is posted on the property in a location clearly observable to the public, to wit:

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NOTICE

Pursuant to Overland Park Municipal Code Section 12.04.136, no roller skates, coaster, roller blades, skateboard, toy vehicle or similar device may be operated in this parking lot or area without the written permission of the property owner. Conviction of a violation of this section shall result in a fine of \$25.00.

b. Whenever any person is operating such a device upon a useable path for their operation or sidewalk, such person shall yield the right of way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

c. Any person found guilty of a violation of this section shall be fined \$25.00.

(History: Ord. TC-1260,OO §1, 97; TC-1260, HH §1, 93; TC-1260,V §1, 90; TC-1260 §136, 84)
See: 12.04.020

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ARTICLE XVI. SPECIAL RULES FOR MOTORCYCLES

12.04.137 Traffic Laws Apply to Persons Operating Motorcycles.

Every person operating a motorcycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this ordinance, except as provided in 12.04.138 to 12.04.142, inclusive, and except as to those provisions of this ordinance which by their nature can have no application.

(History: K.S.A.8-1593; Ord. TC-1260 §137, 84)

12.04.138 Riding on Motorcycles.

- (a) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator.
- (b) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.
- (c) No person shall operate a motorcycle while carrying any package, bundle or other ordinance which prevents him from keeping both hands on the handlebars.
- (d) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or the view of the operator.
- (e) It shall be unlawful for any person to operate a motorcycle, motor-driven cycle, motor vehicle, or motorized bicycle upon any public or private park property or upon any public or private property without the express consent of the owner or person in charge thereof and except upon and within any dedicated road right-of-way.

(History: K.S.A. 8-1594; Ord. TC-1260 §138, 84)

See: 12.04.002

12.04.139 Operating Motorcycles on Roadways Laned for Traffic.

- (a) All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This subsection shall not apply to motorcycles operated two abreast in a single lane.
- (b) The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
- (c) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.
- (d) Motorcycles shall not be operated more than two abreast in a single lane.
- (e) Subsections (b) and (c) shall not apply to police officers in the performance of their official duties.

(History: K.S.A.8-1595; Ord. TC-1260 §139, 84)

12.04.140 Clinging to Other Vehicles.

No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle on a roadway.

(History: K.S.A.8-1596; Ord. TC-1260 §140, 84)

12.04.141 Motorcycle Footrests and Handlebars.

Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with a seat and footrests for such passenger.

(History: K.S.A. 8-1597; Ord. TC-1260,FFF §10, 2006; TC-1260 §141, 84)

12.04.142 Equipment for Motorcycle Operator or Rider.

- (a) No person under the age of eighteen years shall operate or ride upon a motorcycle or a motorized bicycle unless wearing a helmet which complies with minimum guidelines established by the National Highway Traffic Safety Administration pursuant to the National Traffic and Motor Vehicle Safety Act of 1966 for helmets designed for use by motorcyclists and other motor vehicle users.
- (b) No person shall allow or permit any person under the age of 18 years to:
 - (1) Operate a motorcycle or motorized bicycle or to ride as a passenger upon a motorcycle or motorized bicycle without being in compliance with the provisions of subsection (a); or
 - (2) operate a motorcycle or to ride as a passenger upon a motorcycle without being in compliance with the provisions of subsection (c).
- (c) (1) No person shall operate a motorcycle or motorized bicycle unless he is wearing an eye-protective device which shall consist of protective glasses, goggles or transparent face shields which are shatter proof and impact resistant, except when the motorcycle is equipped with a windscreen which has a minimum height of 10 inches measured from the center of the handlebars.
 - (2) No person under the age of 18 years shall ride as a passenger on a motorcycle unless such person is wearing an eye-protective device which shall consist of protective glasses, goggles or transparent face shields which are shatter proof and impact resistant.
- (d) This section shall not apply to persons riding within an enclosed cab or on a golf cart, nor shall it apply to any person operating or riding any industrial or cargo-type vehicle having three wheels and commonly known as a truckster.

(History: K.S.A.8-1598; Ord. TC-1260,QQQ §4, 2010; TC-1260,NN §3, 97; TC-1260,F §2, 87; TC-1260 §142, 84)

See: Motorcycle Equipment, Article 18

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ARTICLE XVII. LIGHTS, BRAKES, HORNS AND OTHER EQUIPMENT

12.04.143 Scope and Effect of Regulations.

- (a) It is unlawful for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved on any highway, any vehicle or combination of vehicles which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this ordinance, or which is equipped in any manner in violation of this ordinance, or for any person to do any act forbidden or fail to perform any act required under this ordinance.
- (b) Nothing contained in this ordinance shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this ordinance.
- (c) The provisions of this ordinance with respect to equipment required on vehicles shall not apply to implements of husbandry, road machinery, road rollers or farm tractors except as specifically made applicable in this ordinance.
- (d) The provisions of this ordinance with respect to equipment required on vehicles shall not apply to motorcycles or motor driven cycles, except as specifically made applicable by law.

(History: K.S.A.8-1701; Ord. TC-1260 §143, 84)

12.04.144 When Lighted Lamps Required; Visibility Distance and Mounted Height of Lamps.

- (a) Every vehicle, except as provided in subsection (b), upon a highway within this state, at all times shall display lighted head and other lamps and illuminating devices as required for different classes of vehicles, subject to exceptions with respect to parked vehicles:
 - (1) From sunset to sunrise;
 - (2) when due to insufficient light or unfavorable atmospheric conditions, including smoke or fog, persons and vehicles on the highway are not clearly discernible at a distance of 1,000 feet ahead; or
 - (3) when windshield wipers are in continuous use as a result of rain, sleet or snow.Stop lights, turn signals and other signaling devices shall be lighted as prescribed for the use of such devices.
- (b) Motorcycles, motor-driven cycles and motorized bicycles manufactured after January 1, 1978, shall display lighted head and tail lights at all times that such vehicles are operated on any highway.

Law enforcement officers shall issue a warning citation to anyone violating subsection (a)(3).

(History: K.S.A. 8-1703; Ord. TC-1260,GGG §1, 2006; TC-1260,FFF §11, 2006; TC-1260 §144, 84)

12.04.145 Visibility Distance and Mounted Height of Lamps.

- (a) Whenever any requirement is declared in this ordinance as to the distance from which certain lamps and devices shall render objects visible or within such lamps or devices shall be visible, said provisions shall apply, during the times stated in 12.04.144 in respect to a vehicle without load upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.
- (b) Whenever any requirement is declared in this ordinance as to the mounted height of lamps or devices, it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.

(History: K.S.A.8-1704; Ord. TC-1260 §145, 84)

See: 12.04.157

12.04.146 Head Lamps on Motor Vehicles.

- (a) Every motor vehicle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this ordinance.
- (b) Every head lamp upon every motor vehicle manufactured or assembled after July 1, 1959, shall be located at a height of not more than 54 inches nor less than 24 inches to be measured as set forth in 12.04.145(b).

(History: K.S.A.8-1705; Ord. TC-1260 §146, 84)

12.04.147 Tail Lamps.

- (a) Every motor vehicle, trailer, semitrailer and pole trailer, and any other vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two tail lamps mounted on the rear, which, when lighted as required in 12.04.144, shall emit a red light plainly visible from a distance of 1,000 feet to the rear, except that passenger cars manufactured or assembled prior to July 1, 1959, shall have at least one tail lamp. On a combination of vehicles, only the tail lamps on the rearmost vehicle need actually be seen from the distance specified. On vehicles equipped with more than one tail lamp, the lamps shall be mounted on the same level and as widely spaced laterally as practicable.
- (b) Every tail lamp upon every vehicle shall be located at a height of not more than 72 inches nor less than 15 inches.
- (c) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of 50 feet to the rear. Any tail lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever head lamps or auxiliary driving lamps are lighted.

(History: K.S.A. 8-1706; Ord. TC-1260 §147, 84)

12.04.148 Reflectors.

- (a) Every motor vehicle, trailer, semitrailer and pole trailer shall carry on the rear, either as a part of the tail lamps or separately, two or more red reflectors meeting the requirements of this section; Provided, that vehicles of the types mentioned in 12.04.151 shall be equipped with reflectors meeting the requirements of 12.04.154(a).
- (b) Every such reflector shall be mounted on the vehicle at a height not less than 15 inches nor more than 60 inches measured as set forth in 12.04.145(b) and shall be of such size and characteristics and so mounted as to be visible at night from all distances within 600 feet to 100 feet from such vehicle when directly in front of lawful lower beams of head lamps, except that reflectors on vehicles manufactured or assembled prior to January 1, 1970, shall be visible at night from all distances within 350 feet to 100 feet when directly in front of lawful upper beams of head lamps.

(History: K.S.A.8-1707; Ord. TC-1260 §148, 84)

12.04.149 Stop Lamps and Turn Signals.

- (a) Every motor vehicle, trailer, semitrailer and pole trailer shall be equipped with two or more stop lamps meeting the requirements of 12.04.161(a), except that passenger cars manufactured or assembled prior to January 1, 1953, shall be equipped with at least one stop lamp. On a combination of vehicles, only the stop lamps on the rearmost vehicle need actually be seen from the distance specified in 12.04.161(a).
- (b) Every motor vehicle, trailer, semitrailer and pole trailer shall be equipped with electric turn signal lamps meeting the requirements of 12.04.161(b), except that passenger cars and trucks less than 80 inches in width, manufactured or assembled prior to January 1, 1953, and vehicles registered under K.S.A. 8-194, need not be equipped with electric turn signal lamps.

(History: K.S.A.8-1708; Ord. TC-1260 §149, 84)

12.04.150 Application of Succeeding Sections.

Sections 12.04.151 to 12.04.155, inclusive, relating to clearance lamps, marker lamps and reflectors, shall apply as stated in said sections to vehicles of the type therein enumerated, namely buses, trucks, truck-tractors, motor homes, motor vehicles with mounted truck-campers, and trailers, semi-trailers and pole trailers, respectively, when operated upon any highway, and said vehicle shall be equipped as required and all lamp equipment required shall be lighted at the times mentioned in 12.04.144. For purposes of the sections enumerated above, a truck-camper, when mounted upon a motor vehicle, shall be considered part of the permanent structure of that motor vehicle.

(History: K.S.A.8-1709; Ord. TC-1260 §150, 84)

12.04.151 Additional Equipment Required on Certain Vehicles.

In addition to other equipment required by this ordinance, the following vehicles shall be equipped as herein stated.

- (a) Buses, trucks, motor homes, and motor vehicles with mounted truck-camper, 80 inches or more over-all width:

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- (1) On the front, two clearance lamps, one at each side, and on vehicles manufactured or assembled after July 1, 1959, three identification lamps meeting the specifications of subsection (f).
- (2) On the rear, two clearance lamps, one at each side, and on vehicles manufactured or assembled after July 1, 1959, three identification lamps meeting the specifications of subsection (f).
- (3) On each side, two side marker lamps, one at or near the front and one at or near the rear.
- (4) On each side, two reflectors, one at or near the front and one at or near the rear.
- (b) Trailers and semitrailers 80 inches or more in over-all width, except boat trailers and house trailers for which special permits are required for movement:
 - (1) On the front, two clearance lamps, one at each side.
 - (2) On the rear, two clearance lamps, one at each side, and on vehicles manufactured or assembled after July 1, 1959, three identification lamps meeting the specifications of subsection (f).
 - (3) On each side, two side marker lamps, one at or near the front and one at or near the rear.
 - (4) On each side, two reflectors, one at or near the front and one at or near the rear.
- (c) Trailers and semi-trailers except boat trailers and house trailers for which permits are required by K.S.A. 8-1911 for movement of such house trailers on the highway:

On the front, two cab clearance lamps, one at each side, and on vehicles manufactured or assembled after July 1, 1959, three identification lamps meeting the specifications of subsection (f).
- (d) Trailers, semitrailers and pole trailers 30 feet or more in over-all length:

On each side, one amber side marker lamp and one amber reflector, centrally located with respect to the length of the vehicle.
- (e) Pole trailers:
 - (1) On each side, one amber marker lamp at or near the front of the load.
 - (2) One amber reflector at or near the front of the load.
 - (3) On the rearmost support for the load, one combination marker lamp showing amber to the front and red to the rear and side, mounted to indicate maximum width of the pole trailer.
- (f) Whenever required or permitted by this ordinance, identification lamps shall be grouped in a horizontal row, with lamp centers spaced not less than 6 nor more than 12 inches apart, and mounted on the permanent structure of the vehicle as close as practicable to the vertical center line: Provided, that where the cab of a vehicle is not more than 42 inches wide at the front roof line, a single identification lamp at the center of the cab shall be deemed to comply with the requirements for front identification lamps.
- (g) Boat trailers 80 inches or more in over-all width:

- (1) On each side, at or near the midpoint, one clearance lamp performing the function of both a front and rear clearance lamp.
- (2) On each side, two side marker lamps, one at or near the front and one at or near the rear.
- (3) On each side, two reflectors, one at or near the front and one at or near the rear.

(History: K.S.A.8-1710; Ord. TC-1260JJ §7, 94; TC-1260 §151, 84)

See: 12.04.153 & 12.04.154

12.04.152 Color of Clearance Lamps, Identification Lamps, Side Marker Lamps, Backup Lamps and Reflectors.

- (a) Front clearance lamps, identification lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.
- (b) Rear clearance lamps, identification lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.

(History: K.S.A. 8-1711; Ord. TC-1260 §152, 84)

12.04.153 Mounting of Reflectors, Clearance Lamps and Side Marker Lamps.

- (a) Reflectors when required by 12.04.151 shall be mounted at a height not less than 24 inches and not more than 60 inches above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than 24 inches the reflector at such point shall be mounted as high as the part of the permanent structure will permit.
The rear reflectors on a pole trailer may be mounted on each side of the bolster or load. Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but such reflector shall meet the other reflector shall meet the other reflector requirements of this ordinance.
- (b) Clearance lamps, so far as is practicable, shall be mounted on the permanent structure of the vehicle in such a manner as to indicate the extreme height and width of the vehicle, except that when rear identification lamps are required and are mounted as high as is practicable, rear clearance lamps may be mounted at optional height and when the mounting of front clearance lamps results in such lamps failing to indicate the extreme width of the trailer, such lamps may be mounted at optional height but must indicate, as near as practicable, the extreme width of the trailer. Clearance lamps on truck-tractors shall be located so as to indicate the extreme width of the truck-tractor cab. Clearance lamps and side marker lamps may be mounted in combination if illumination is given as required herein with reference to both.

(History: K.S.A.8-1712; Ord. TC-1260 §153, 84)

See: 12.04.151

12.04.154 Visibility of Reflectors, Clearance Lamps, and Marker Lamps.

- (a) Every reflector upon any vehicle referred to in 12.04.151 shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within 600 feet to 100 feet from the vehicle when directly in front of lawful lower beams of head lamps, except that the visibility of reflectors on vehicles manufactured or assembled prior to January 1, 1970, shall be measured in front of lawful upper beams of head lamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear.
- (b) Front and rear clearance lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the time lights are required at all distances between 500 feet and 50 feet from the front and rear, respectively, of the vehicle.
- (c) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at all distances between 500 feet and 50 feet from the side of the vehicle on which mounted.

(History: K.S.A. 8-1713; Ord. TC-1260 §154, 84)

12.04.155 Obstructed Lights Not Required.

Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp (except tail lamps) need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination, but this shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicles required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted.

(History: K.S.A.8-1714; Ord. TC-1260 §155, 84)

12.04.156 Lamps or Flags on Projecting Loads.

- (a) Whenever the load upon any vehicle extends more than 6 inches beyond the sides of 4 feet or more beyond the rear of the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, and at the extreme sides, at the times specified in 12.04.144, red lights or lanterns plainly visible from a distance of at least 500 feet to the sides and rear; provided that, the total width of any vehicle or load thereon shall not exceed the limitations prescribed by K.S.A. 8-1715 (1982) and any amendments thereto. The red lights or lanterns required under this section shall be in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than 12 inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.
- (b) No passenger type vehicle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders of the left side of such vehicle nor extending more than 6 inches beyond the line of the fenders on the right side thereof.

(History: K.S.A.8-1715; Ord. TC-1260 §156, 84)

12.04.157 Lamps on Parked Vehicles.

- (a) Every vehicle shall be equipped with one or more lamps which, when lighted, shall display a white or amber light visible from a distance of 1,000 feet to the front of the vehicle, and a red light visible from a distance of 1,000 feet to the rear of the vehicle. The location of said lamp or lamps always shall be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic.
- (b) Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise, and in the event there is sufficient light to reveal persons and vehicles within a distance of 1,000 feet upon such street or highway, no lights need be displayed upon such parked vehicle.
- (c) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is insufficient light to reveal any person or object within a distance of 1,000 feet upon such highway, such vehicle so parked or stopped shall be equipped with and shall display lamps meeting the requirements of subsection (a).
- (d) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

(History: K.S.A. 8-1716; Ord. TC-1260 §157, 84)

12.04.158 Lamps on Other Vehicles and Equipment.

- (a) Every vehicle, including animal-drawn vehicles and vehicles referred to 12.04.143(c), not specifically required by the provisions of other sections in this ordinance to be equipped with lamps or other lighting devices, shall be equipped, at all times specified in 12.04.144, with at least one lamp displaying a white light visible from a distance of not less than 1,000 feet to the front of said vehicle, and also shall be equipped with two lamps displaying red lights visible from a distance of not less than 1,000 feet to the rear, or as an alternative, one lamp displaying a red light visible from a distance of not less than 1,000 feet to the rear and two red reflectors visible from all distances of 600 to 100 feet to the rear when illuminated by the lawful lower beams of head lamps.
- (b) Every animal-drawn vehicle shall be equipped at all times with a slow-moving vehicle emblem complying with 12.04.159.1(g).

(History: K.S.A.8-1718; Ord. TC-1260 §158, 84)

12.04.159 Spot Lamps and Auxiliary Lamps.

- (a) Spot Lamps. Any motor vehicle may be equipped with not to exceed two spot lamps. Every lighted spot lamp emitting a white light shall be so aimed and used that no part of the high intensity portion of the beam will strike the windshield or any windows, mirror or occupant of another vehicle in motion. The limitations of this subsection shall not apply to a police vehicle used as an authorized emergency vehicle.

- (b) Fog Lamps. Any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height not less than 12 inches nor more than 30 inches above the level surface upon which the vehicle stands, and so aimed that when the vehicle is not loaded, none of the high-intensity portion of the light to the left of the center of the vehicle shall at a distance of 25 feet ahead project higher than a level of 4 inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower head-lamp beams as specified in 12.04.164(a)(2).
- (c) Auxiliary Passing Lamps. Any motor vehicle may be equipped with not to exceed two auxiliary passing lamps mounted on the front at a height not less than 24 inches nor more than 42 inches above the level surface upon which the vehicle stands. The provisions of 12.04.164 shall apply to any combination of head lamps and auxiliary passing lamps.
- (d) Auxiliary Driving Lamps. Any motor vehicle may be equipped with not to exceed two auxiliary driving lamps mounted on the front at a height not less than 16 inches nor more than 42 inches above the level surface upon which the vehicle stands. The provisions of 12.04.164 shall apply to any combination of head lamps and auxiliary driving lamps.

(History: K.S.A.8-1719; Ord. TC-1260 §159, 84)

12.04.159.1 Lamps, Farm Tractor.

- (a) Every farm tractor manufactured or assembled after January 1, 1975, shall be equipped with vehicular hazard warning lights of a type described in 12.04.162 visible from a distance of not less than 1,000 feet to the front and rear in normal sunlight, which shall be displayed whenever any such vehicle is operated upon a highway.
- (b) Every farm tractor manufactured or assembled after January 1, 1975, shall at all times, and every other such motor vehicle shall at all times mentioned in 12.04.144 be equipped with lamps and reflectors as follows:
 - (1) At least two head lamps meeting the requirements of 12.04.164, 12.04.166 or 12.04.167;
 - (2) At least one red lamp visible when lighted from a distance of not less than 1,000 feet to the rear mounted as far to the left of the center of the vehicle as practicable;
 - (3) At least two red reflectors visible from all distances within 600 feet to 100 feet to the rear when directly in front of lawful lower beams of head lamps.
- (c) On every combination of farm tractor and towed farm equipment or towed implement of husbandry, the farm tractor shall be equipped as required in subsections (a) and (b), and the towed unit shall be equipped at all times mentioned in 12.04.144 with lamps and reflectors as follows:
 - (1) If the towed unit or its load extends more than four feet to the rear of the tractor or obscures any light thereon, the unit shall be equipped on the rear with at least one red lamp visible when lighted from a distance of not less than 1,000 feet to the rear, mounted as far to the left of the center of the towed unit as practicable, and at least two red reflectors visible from all distances within 600 feet to 100 feet to the rear when directly in front of lawful lower beams of head lamps.

- (2) If the towed unit of such combination extends more than four feet to the left of the center line of the tractor, the unit shall be equipped on the front with an amber reflector visible from all distances within 600 feet to 100 feet to the front when directly in front of lawful lower beams of head lamps. This reflector shall be so positioned to indicate, as nearly as practicable, the extreme left projection of the towed unit.
- (3) If the towed unit or its load obscures either of the vehicle hazard warning lights on the tractor, the towed unit shall be equipped with vehicle hazard warning lights described in subsection (a).
- (d) The two red reflectors required in the preceding subsections shall be so positioned as to show from the rear, as nearly as practicable, the extreme width of the vehicle or combination carrying them. If all other requirements are met, reflective tape or paint may be used in lieu of the reflectors required by subsection (c).
- (e) As used in this section:
 - (1) "Slow-moving vehicle" means any vehicle, farm tractor, implement of husbandry, equipment or piece of machinery designed for use at speeds of less than 25 miles per hour, or which is normally moved at speeds of less than 25 miles per hour, and includes all road construction or maintenance machinery, except when such machinery is engaged in actual construction or maintenance work and there is either a flagman or clearly visible warning signs to warn of such machinery's presence on the roadways.
 - (2) "Slow-moving vehicle emblem" means a triangular-shaped emblem of substantial construction having equal sides of 14 inches and an altitude of 12 inches, and such emblem shall be painted a fluorescent yellow-orange color and bordered with reflective red-colored strips having a minimum width of 1 3/4 inches, with the vertices of the overall triangle truncated in such a manner that the remaining altitude shall be at least 14 inches.
- (f) A slow-moving vehicle emblem shall be mounted or affixed on the rear of the slow-moving vehicle in compliance with standard S276.2 of the American Society of Agricultural Engineers, as such standard was revised in March, 1968.
- (g) No person shall operate any slow-moving vehicle on any highway unless such vehicle is equipped with a properly mounted slow-moving vehicle emblem, which has been approved by the secretary of transportation, and which is maintained in a clean, fluorescent and reflective condition; or display a slow-moving vehicle emblem on any vehicle other than a slow-moving vehicle or display such emblem on a slow-moving vehicle which is being operated at a speed of 25 miles per hour or more, or to use such emblem in any manner other than authorized by this section.

(History: K.S.A. 8-1717; Ord. TC-1260 §160, 84)

12.04.160 Authorized Emergency Vehicles.

- (a) Every authorized emergency vehicle, in addition to any other equipment required by this ordinance, shall be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, or in lieu thereof, any such authorized emergency vehicle shall be equipped with at least one rotating or oscillating light, which shall be mounted as high as practicable on such vehicle and which shall display to the front and rear of such vehicle a flashing red light or alternate flashes of red and white lights or red and blue lights in combination. All lights required or authorized by the subsection shall have sufficient intensity to be visible at 500 feet in normal sunlight. Every authorized emergency vehicle may, but need not, be equipped with head lamps which alternately flash or simultaneously flash.
- (b) A police vehicle when used as an authorized emergency vehicle may, but need not, be equipped with
 - (1) head lamps which alternately flash or simultaneously flash;
 - (2) flashing lights specified in subsection (a) above, but any flashing lights, used on a police vehicle, other than the flashing lights specified in Section (c) herein or K.S.A. 8-1722, and amendments thereto, rotating or oscillating lights or alternately flashing head lamps or simultaneously flashing head lamps, shall be red in color; or
 - (3) rotating or oscillating lights, which may display a flashing red light or alternate flashes of red and blue lights in combination.
- (c) Any police vehicle, when used as an authorized emergency vehicle, may be equipped with warning lamps mounted as widely spaced laterally as practicable, either inside such vehicle in front of the rear window or on the roof of such vehicle, and capable of displaying two alternately flashing amber lights to the rear of such vehicle. Such warning lamps may be used in lieu of or in combination with any other vehicular hazard warning signal lamps used to display such warning to the rear, and shall be visible from a distance of not less than 500 feet in normal sunlight.

(History: K.S.A. 8-1720; Ord. TC-1260,CCC §5, 2005; TC-1260,EE §1, 93; TC-1260 §161, 84)

12.04.161 Signal Lamps and Signal Devices.

- (a) Any vehicle may be equipped and when required under this ordinance shall be equipped with a stop lamp or stop lamps on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than 300 feet to the rear in normal sunlight, and which shall be actuated upon application of the service or foot brake, and which may but need not be incorporated with one or more other rear lamps. If a vehicle is equipped with stop lamps on the rear of the vehicle, at least two lighted lamps shall be displayed while braking, one on each side at the rear of the vehicle.
- (b) Any vehicle may be equipped and when required under this ordinance shall be equipped with electric turn signals which shall indicate an intention to turn by flashing lights showing to the front and rear of a vehicle or a combination of vehicles on the side of the

vehicle or combination toward which the turn is to be made. The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit amber light: Provided, that on any vehicle manufactured prior to July 1, 1973, the lamps showing to the front may emit white or amber light, or any shade of light between white and amber. The lamps showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit a red or amber light or any shade of color between red and amber. Turn signal lamps shall be visible from a distance of not less than 500 feet to the front and rear in normal sunlight. Turn signal lamps may but need not be incorporated in other lamps on the vehicle.

(History: K.S.A. 8-1721; Ord. TC-1260,RRR §15, 2011; TC-1260 §162, 84)

12.04.162 Vehicular Hazard Warning Lights.

- (a) Any vehicle may be equipped with lamps for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing.
- (b) Every bus, truck, truck-tractor, trailer, semitrailer or pole trailer 80 inches or more in overall width or 30 feet or more in overall length shall be equipped with lamps meeting the requirements of this section.
- (c) Vehicular hazard warning signal lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing amber light. On any vehicle manufactured prior to January 1, 1969, the lamps showing to the front may display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. Such warning lights shall be visible from a distance of not less than 500 feet in normal sunlight.
- (d) Any police vehicle, when used as an authorized emergency vehicle, may be equipped with warning lamps mounted as widely spaced laterally as practicable either inside such vehicle in front of the rear window or on the roof of such vehicle and capable of displaying two alternately flashing amber lights to the rear of such vehicle. Such warning lamps may be used in lieu of or in combination with any other vehicular hazard warning signal lamps used to display such warning to the rear, and shall be visible from a distance of not less than 500 feet in normal sunlight.
- (e) Every truck designed and used for collection and disposal of domestic or commercial waste or trash shall be equipped as provided in subsection (c) and shall operate such lamps when collecting or transporting waste or trash and traveling 15 miles per hour or less.

(History: K.S.A. 8-1722; Ord. TC-1260 §163, 84)

12.04.163 Additional Lighting Equipment.

- (a) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.
- (b) Any motor vehicle may be equipped with not more than one running board courtesy lamp on each side thereof, which shall emit a white or amber light without glare.
- (c) Any motor vehicle may be equipped with one or more back-up lamps, either separately or in combination with other lamps, but any such back-up lamp or lamps shall not be lighted when the motor vehicle is in forward motion.
- (d) Any vehicle 80 inches or more in overall width, if not otherwise required by 12.04.151 may be equipped with not more than three identification lamps showing to the front which shall emit an amber light without glare, and not more than three identification lamps showing to the rear which shall emit a red light without glare. Such lamps shall be mounted as specified in 12.04.151(f).
- (e) Any vehicle may be equipped with one or more side marker lamps and any such lamp may be flashing in conjunction with turn or vehicular hazard warning signals. Side marker lamps located toward the front of a vehicle shall be amber and side marker lamps located toward the rear shall be red.
- (f) Any motor vehicle may be equipped with neon ground effect lighting, except that such lighting shall not flash, be any shade of red nor shall any portion of the neon tubes be visible. “Neon ground effect lighting” means neon tubes placed underneath the motor vehicle for the purpose of illuminating the ground below the motor vehicle creating a halo light effect.
- (g) Any motor vehicle may be equipped with head lamps which alternately flash or simultaneously flash when such motor vehicle is being used as the lead motor vehicle of a funeral procession. A funeral hearse may serve as a funeral lead vehicle.

(History: K.S.A. 8-1723; Ord. TC-1260,CCC §6, 2005; TC-1260,YY §3, 2003; Ord. TC-1260 §164, 84)

12.04.164 Multiple-Beam Road-Lighting Equipment.

- (a) Except as hereinafter provided, the head lamps, or the auxiliary driving lamps or the auxiliary passing lamp or combination thereof, on motor vehicles other than motorcycles shall be so arranged that the driver may select at will between distribution of light projected to different elevations, and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:
 - (1) There shall be an uppermost distribution of light or composition beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 450 feet ahead for all conditions of loading.
 - (2) There shall be a lowermost distribution of light, or composition beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 150 feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

- (b) Every new motor vehicle registered in this state which has multiple-beam road lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted, it will be readily visible without glare to the driver of the vehicle so equipped.

(History: K.S.A. 8-1724; Ord. TC-1260 §165, 84)

12.04.165 Use of Multiple-Beam Road-Lighting Equipment.

Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in 12.04.144 the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations.

- (1) Whenever a driver of a vehicle approaches an oncoming vehicle within 500 feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in 12.04.164(a)(2) or 12.04.186(b), shall be dimmed to avoid glare at all times, regardless of road contour and loading.
- (2) Whenever the driver of a vehicle approaches another vehicle from the rear, within 300 feet, except when engaged in the act of overtaking and passing, such driver shall use a distribution of light permissible under this ordinance other than the uppermost distribution of light specified in 12.04.164(a)(1) or 12.04.186(b).

(History: K.S.A. 8-1725; Ord. TC-1260 §166, 84)

12.04.166 Single-beam Road-lighting Equipment Permitted on Certain Vehicles.

Head lamp systems which provide only a single distribution of light shall be permitted on all farm tractors, regardless of date of manufacture, and on other motor vehicles manufactured and sold prior to July 1, 1938, in lieu of multiple-beam road-lighting equipment herein specified, if the single distribution of light complies with the following requirements and limitations:

- (1) The head lamps shall be so aimed that when the vehicle is not loaded, none of the high intensity portion of the light at a distance of 25 feet ahead shall project higher than a level of 5 inches below the level of the center of the lamp from which it comes, and in no case higher than 42 inches above the level on which the vehicle stands at a distance of 75 feet ahead.
- (2) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least 200 feet.

(History: K.S.A.8-1726; Ord. TC-1260 §167, 84)

12.04.167 Alternate Road-lighting Equipment on Certain Vehicles; Limitations on Speed.

Any motor vehicle may be operated under the conditions specified in 12.04.144 when equipped with two lighted lamps upon the front thereof capable of revealing persons and vehicles 100 feet ahead in lieu of lamps required in 12.04.164 or 12.04.166: Provided, that at no time shall it be operated at a speed in excess of 25 miles per hour.

(History: K.S.A. 8-1727; Ord. TC-1260 §168, 84)

12.04.168 Number of Driving Lamps Required or Permitted.

- (a) At all times specified in 12.04.144, at least two lighted head lamps shall be displayed, one on each side at the front of every motor vehicle except when such vehicle is parked subject to the regulations governing lights on parked vehicles.
- (b) Whenever a motor vehicle equipped with head lamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of an intensity greater than 300 candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

(History: K.S.A. 8-1728; Ord. TC-1260 §169, 84)

12.04.169 Special Restrictions on Lamps.

- (a) During the time specified in 12.04.144 and amendments thereto any lighted lamps or illuminating device upon a motor vehicle other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, vehicular hazard warning lamps and school bus warning lamps which project a beam of light of an intensity greater than 300 candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.
- (b) Except as required or permitted in 12.04.160 and 12.04.170, and amendments thereto, no person shall drive or move any vehicle or equipment upon any highway with any lamp or device capable of displaying a red light visible from directly in front of the center thereof, nor shall any vehicle or equipment upon any highway have any lamp or device displaying any color of light visible from directly in front of the center thereof except white or amber or any shade of color between white and amber.
- (c) Flashing lights are prohibited except as authorized or required in 12.04.160, 12.04.161, 12.04.163, 12.04.170, 12.04.171 and 12.04.172.
- (d) The flashing lights described in 12.04.160, 12.04.170 and 12.04.171 and amendments thereto, shall not be used on any vehicle other than a school bus, church bus or day care program bus as defined in 12.04.171, and amendments thereto, or an authorized emergency vehicle.
- (e) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red, amber or yellow, and except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white or amber.

(History: K.S.A. 8-1729; Ord. TC-1260,CCC §7, 2005; TC-1260 §170, 84)

12.04.170 School Buses.

- (a) Every school bus, in addition to any other equipment and distinctive markings required by this ordinance, shall be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall display to the front two alternately flashing red lights located at the same level, and these lights shall be visible at 500 feet in normal sunlight.

- (b) Any school bus, in addition to the lights required by subsection (a), may be equipped with
 - (1) yellow signal lamps mounted near each of the four red lamps and at the same level but closer to the vertical centerline of the bus, which shall display two alternately flashing yellow lights to the front and two alternately flashing yellow lights to the rear, and these lights shall be visible at 500 feet in normal sunlight. These lights shall be displayed by the school bus driver at least 200 feet, but not more than 1,000 feet, before every stop at which the alternately flashing red lights required by subsection (a) will be actuated; or
 - (2) head lamps which alternately flash on low beam or simultaneously flash on low beam, except such head lamps shall only be activated during daylight hours.
- (c) The provisions of this section shall be subject to the provisions contained in K.S.A. 8-2009a (1982) and any amendments thereto.

(History: K.S.A. 8-1730; Ord. TC-1260,UU §5, 2000; TC-1260 §171, 84)

12.04.171 Lighting Equipment and Warning Devices on Church Buses and Day Program Buses.

- (a) As used in this ordinance "church bus" means every motor vehicle owned by a religious organization, and operated for the transportation of persons to or from services or activities of such religious organization. "Religious organization" means any organization, church, body of communicants or group, gathered in common membership for mutual edification in piety, worship and religious observances, or a society of individuals united for religious purposes at a definite place.
- (b) As used in this ordinance "day program" means the same as is described thereto in K.S.A. 39-1006, and "day program bus" means every motor vehicle used primarily to carry out functions of a day care program.
- (c) Any church bus, or day program bus in addition to any other equipment and distinctive markings required by law, shall be equipped with:
 - (1) Signal lamps which conform to the requirements of 12.04.168, and rules and regulations adopted pursuant thereto; and
 - (2) a stop signal arm which conforms to requirements therefor applicable to school buses which have been adopted by rules and regulations of the secretary.

(History: K.S.A. 8-1730a; Ord. TC-1260 §172, 84)

12.04.172 Highway Construction and Maintenance Vehicles.

It shall be unlawful to operate any snow removal and other highway maintenance and service equipment on any highway unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted by the secretary.

(History: K.S.A. 8-1731; Ord. TC-1260 §173, 84)

12.04.173 Brakes; Performance Requirements.

- (a) Every motor vehicle and every combination of vehicles shall have a service braking system which will stop such vehicle or combination within 40 feet from an initial speed of 20 miles per hour on a level, dry, smooth, hard surface.

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- (b) Every motor vehicle and combination of vehicles shall have a parking brake system adequate to hold such vehicle or combination on any grade on which it is operated under all conditions of loading, on a surface free from snow, ice or loose material.
- (c) The provisions of this section shall not apply to vehicles registered pursuant to K.S.A. 8-166 (1982) through K.S.A. 8-170 (1982) and any amendments thereto.

(History: K.S.A. 8-1734; Ord. TC-1260 §174, 84)

12.04.174 Horns and Warning Devices.

- (a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall, when reasonably necessary to insure safe operation, give audible warning with his horn, but shall not otherwise use such horn when upon a highway.
- (b) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren or bell, except as otherwise permitted in this section.
- (c) Any vehicle may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal. Such a theft alarm signal may use a whistle, bell, horn or other audible signal but shall not use a siren.
- (d) Every authorized emergency vehicle shall be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type approved by the commission, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof.
- (e) Every truck specifically designed and equipped and used exclusively for garbage, refuse or solid waste disposal operations shall be equipped with a whistle, bell or other audible signal. Such whistle, bell or other audible signal shall be used only when the driver of the truck is backing such truck.

(History: K.S.A. 8-1738; Ord. TC-1260, BBB §5, 2004; TC-1260 §175, 84)

12.04.174.1 Flares or Warning Devices; Vehicles Subject to Requirements; Use, When Required; Unlawful Acts; Compliance with Federal Requirements.

- (a) No person shall operate any truck, bus or truck-tractor, or any motor vehicle towing a trailer, semi-trailer or pole trailer 80 inches or more in width or 30 feet or more in length, upon any highway outside an urban district or upon any divided highway at any time from a half hour after sunset to a half hour before sunrise unless there shall be carried in such vehicles the following equipment, except as provided in subsection (b):
 - (1) At least three flares or three red electric lanterns or three portable red emergency reflectors, each of which shall be capable of being seen and distinguished at a distance of not less than 600 feet under normal atmospheric conditions at nighttime.

No flare, fusee, electric lantern or warning flag shall be used for the purpose of compliance with the requirements of this section, unless such equipment is of a type which has been submitted to the secretary of transportation and approved by the secretary. No portable reflector unit shall be used for the purpose of compliance with the requirements of this section, unless it is so designed and constructed as to be capable of reflecting red light clearly visible from all distances within 600 feet to 100 feet under normal atmospheric conditions at night when directly in front of lawful lower beams of head lamps, and unless it is of a type which has been submitted to and approved by the secretary of transportation.

- (2) At least three red-burning fusees, unless red electric lanterns or red portable emergency reflectors are carried.
- (b) No person shall operate at the time and under conditions stated in subsection (a) any motor vehicle used for the transportation of explosives or any cargo tank truck used for the transportation of flammable liquids or compressed gasses, unless there shall be carried in such vehicle three red electric lanterns or three portable red emergency reflectors meeting the requirements of subsection (a), and there shall not be carried in any such vehicle, or in any vehicle using compressed gas as a fuel, any flares, fusees or signal produced by flame.
- (c) No person shall operate any vehicle described in subsection (a) or (b) upon any highway outside of an urban district or upon a divided highway at any time when lighted lamps are not required by 12.04.144, unless there shall be carried in such vehicle at least two red flags, not less than 12 inches square, with standards to support such flags.
- (d) Any person who is subject to requirements of any federal agency with respect to flares, fusees, electric lanterns or warning flags and who is in compliance with such federal regulations shall be deemed to be in compliance with the provisions of this section and 12.04.174.2.

(History: K.S.A.8-1744; Ord. TC-1260 §176, 84)

12.04.174.2 Display of Vehicular Hazard Warning Signal Lamps and Warning Devices by Certain Stopped or Disabled Vehicles.

- (a) Whenever any truck, bus, truck tractor, trailer, semitrailer or pole trailer 80 inches or more in overall width or 30 feet or more in overall length is stopped upon a roadway or adjacent shoulder, the driver immediately shall actuate vehicular hazard warning signal lamps meeting the requirements of 12.04.162. Such lights need not be displayed by a vehicle parked lawfully in an urban district, or stopped lawfully to receive or discharge passengers, or stopped to avoid conflict with other traffic or to comply with the directions of a police officer or an official traffic-control device, or while the devices specified in subsections (b) to (h) are in place.
- (b) Whenever any vehicle of a type referred to in subsection (a) is disabled, or stopped for more than ten minutes, upon a roadway outside of an urban district at any time when lighted lamps are required, the driver of such vehicle shall display the following warning devices, except as provided in subsection (c):

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- (1) A lighted fusee, a lighted red electric lantern or a portable red emergency reflector shall immediately be placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.
- (2) As soon thereafter as possible but in any event within the burning period of the fusee, the driver shall place three liquid burning flares, or three lighted red electric lanterns, or three portable red emergency reflectors on the roadway in the following order:
 - (i) One approximately 100 feet from the disabled vehicle in the center of the lane occupied by such vehicle and toward traffic approaching in that lane.
 - (ii) One approximately 100 feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by such vehicle.
 - (iii) One at the traffic side of the disabled vehicle not less than ten feet rearward or forward thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with paragraph (1) of this subsection, it may be used for this purpose.
- (c) Whenever any vehicle referred to in this section is disabled, or stopped for more than ten minutes, within 500 feet of a curve, hillcrest or other obstruction to view, the warning device in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than 100 feet nor more than 500 feet from the disabled vehicle.
- (d) Whenever any vehicle of a type referred to in this section is disabled, or stopped for more than ten minutes, upon any roadway of a divided highway during the time lighted lamps are required, the appropriate warning devices prescribed in subsections (b) and (e) shall be placed as follows: One at a distance of approximately 200 feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane; one at a distance of approximately 100 feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; one at the traffic side of the vehicle and approximately ten feet from the vehicle in the direction of the nearest approaching traffic.
- (e) Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed gas is disabled, or stopped for more than ten minutes, at any time and place mentioned in subsection (b),(c) or (d), the driver of such vehicle shall immediately display red electric lanterns or portable red emergency reflectors in the same number and manner specified therein. Flares, fusees or signals produced by flame shall not be used as warning devices for vehicles of the type mentioned in this subsection nor for vehicles using compressed gas as a fuel.
- (f) The warning devices described in subsections (b) to (e) need not be displayed where there is sufficient light to reveal persons and vehicles within a distance of 1,000 feet.
- (g) Whenever any vehicle described in this section is disabled, or stopped for more than ten minutes, upon a roadway outside of an urban district or upon the roadway of a divided highway at any time when lighted lamps are not required by 12.04.144, the driver of the vehicle shall display two red flags as follows:

- (1) If traffic on the roadway moves in two directions, one flag shall be placed approximately 100 feet to the rear and one flag approximately 100 feet in advance of the vehicle in the center of the lane occupied by such vehicle.
 - (2) Upon a one-way roadway, one flag shall be placed approximately 100 feet and one flag approximately 200 feet to the rear of the vehicle in the center of the lane occupied by such vehicle.
- (h) When any vehicle described in this section is stopped entirely off the roadway and on an adjacent shoulder at any time and place hereinbefore mentioned, the warning devices shall be placed, as nearly as practicable, on the shoulder near the edge of the roadway.
- (i) The flares, fusees, red electric lanterns, portable red emergency reflectors and flags to be displayed as required in this section shall conform with the requirements of 12.04.174.1.

(History: K.S.A.8-1745; Ord. TC-1260 §177, 84)

12.04.175 Noise Prevention; Mufflers.

- (a) Every vehicle shall be equipped, maintained and operated so as to prevent excessive or unusual noise. Every motor vehicle at all times shall be equipped with a muffler or other effective noise suppressing system in good working order and in constant operation, and no person shall use a muffler cutout, bypass or similar device.
- (b) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

(History: K.S.A.8-1739; Ord. TC-1260 §178, 84)

12.04.175.1 Compression Release Engine Braking System.

It shall be unlawful for the driver of any motor vehicle to use or cause to be used or operated any compression release engine braking system without such motor vehicle being equipped with a muffler in accordance with O.P. M.C. 12.04.175, and amendments thereto.

(History: Ord. TC-1260, BBB §6, 2004)

12.04.176 Mirrors.

- (a) After January 1, 1975, every motor vehicle shall be equipped with a mirror mounted on the left side of the vehicle and so located as to reflect to the driver a view of the highway to the rear of the vehicle.
- (b) Every motor vehicle, except a motorcycle, shall be equipped with an additional mirror mounted either inside the vehicle approximately in the center or outside the vehicle on the right side and so located as to reflect to the driver a view of the highway to the rear of the vehicle.
- (c) All mirrors required by regulations of the United States department of transportation shall be maintained in good condition.

(History: K.S.A.8-1740; Ord. TC-1260 §179, 84)

12.04.176.1 Air Conditioning Equipment.

- (a) No person shall have for sale, offer for sale, sell or equip any motor vehicle with any air-conditioning equipment unless it complies with the requirements of K.S.A. 8-1747 (1982) and any amendments thereto.
- (b) No person shall operate on any highway any motor vehicle equipped with any air-conditioning equipment unless said equipment complies with the requirements of K.S.A. 8-1747 (1982) and any amendments thereto.

(History: K.S.A.8-1747; Ord. TC-1260 §180, 84)

12.04.176.2 Television receivers.

- (a) No motor vehicle operated on the highways of this city shall be equipped with television-type receiving equipment so located that the viewer or screen is visible from the driver's seat.
- (b) This section does not prohibit the use of television-type receiving equipment used exclusively for safety or law enforcement purposes, if such use is approved by the superintendent of the Kansas highway patrol or to electronic displays in conjunction with vehicle navigation systems.

(History: K.S.A.8-1748; Ord. TC-1260JJ §8, 94; TC-1260 §181, 84)

12.04.176.3 Safety Belts and Shoulder Harnesses.

- (a) Every passenger car manufactured or assembled after January 1, 1965, shall be equipped with at least two lap-type safety belt assemblies for use in the front seating positions.
- (b) Every passenger car manufactured or assembled after January 1, 1968, shall be equipped with a lap-style safety belt assembly for each permanent passenger seating position. This requirement shall not apply to police vehicles.
- (c) Every passenger car manufactured or assembled after January 1, 1968, shall be equipped with at least two shoulder harness-type safety belt assemblies for use in the front seating positions.
- (d) The secretary shall except specified types of motor vehicles or seating positions within any motor vehicle from the requirements imposed by subsections (a) to (c) when compliance would be impractical.
- (e) No person shall distribute, have for sale, offer for sale or sell any safety belt or shoulder harness for use in motor vehicles unless it meets current minimum standards and specifications approved by the secretary.

(History: K.S.A. 8-1749; Ord. TC-1260 §182, 84)

12.04.177 Windshields Must Be Unobstructed and Equipped With Wipers; Eye Protection.

- (a) No person shall drive any motor vehicle with any sign, poster or other nontransparent material upon the front windshield, side wings, side or rear windows of such vehicle which substantially obstructs, obscures or impairs the driver's clear view of the highway or any intersecting highway.

- (b) No person shall drive any motor vehicle with a damaged front windshield or side or rear windows which substantially obstructs the driver's clear view of the highway or any intersecting highway.
- (c) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.
- (d) Every windshield wiper upon a motor vehicle shall be maintained in good working order.
- (e) The driver of a motor vehicle which is not equipped with a windshield shall wear an eye-protective device.

(History: K.S.A. 8-1741; Ord. TC-1260,GG §7, 93; TC-1260 §183, 84)

12.04.178 Restrictions as to Tire Equipment.

- (a) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.
- (b) No person shall operate or move on any highway any motor vehicle, trailer, or semitrailer having any metal tire in contact with the roadway.
- (c) No tire on a vehicle moved on a highway shall have on its periphery any protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire except that it shall be permissible to use:
 - (1) Farm machinery with tires having protuberances which will not injure the highway;
 - (2) Tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid;
 - (3) Studded traction equipment upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid; or
 - (4) Pneumatic tires having metallic or nonmetallic studs designed to improve traction without materially injuring the surface of the highway. Any such tires provided in subsection (3) or (4) must be approved by the secretary pursuant to duly adopted rules and regulations, and their use may be limited to certain months or types of vehicles by such rules and regulations.
- (d) The Governing Body may, in its discretion, issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this ordinance.
- (e) It is unlawful for any person to operate a motor vehicle or combination of vehicles having one or more tires in an unsafe condition. A solid rubber tire is in an unsafe condition if it does not comply with the provisions of subsection (a). A pneumatic tire is in an unsafe condition if it has:
 - (1) any part of the ply or cord exposed;
 - (2) any bump, bulge or separation;

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- (3) a tread design depth of less than 1/16 of an inch measured in any two or more adjacent tread grooves, exclusive of tie bars, or for those tires with tread wear indicators worn to the level of the tread wear indicators in any two tread grooves;
 - (4) a marking "not for highway use" or "for racing purposes only" or "unsafe for highway use";
 - (5) tread or sidewall cracks, cuts or snags deep enough to expose the body cord;
 - (6) been regrooved or recut below the original tread design depth, excepting special taxi tires which have extra under tread rubber and are identified as such; or
 - (7) such other conditions as may be reasonably demonstrated to render it unsafe.
- (f) The provisions of subsection (e) shall not apply to a vehicle or combination of vehicles being transported by a wrecker or tow truck, as defined in K.S.A. 66-1329, and amendments thereto.
- (g) It shall be unlawful for any person to operate a vehicle with a single tire on any hubs configured for a dual tire assembly. The provisions of this subsection shall not apply:

- (1) To any truck registered for a gross weight of 20,000 pounds or less; or
- (2) to any vehicle or combination of vehicles operating with wide-base single tires, as defined in 8-1742(b), on any hub configuration for a dual tire assembly in cases of emergency; or
- (3) to any single axle with hub configuration for a dual tire assembly when such single axle does not exceed 9000 pounds and is part of a triple-axle combination.

(History: Ord. TC-1260,JJ §9, 94; TC-1260,GG §8, 93; TC-1260,C §1, 86; KSA 8-1742; TC-1260 §184, 84)

12.04.178.05 Wide-base single tires.

- (a) As used in this section, "wide-base single tires" means all tires having a section width, as specified by the manufacturer, of 14 inches or more.
- (b) The following shall apply where wide-base single tires are used in the operation of any vehicle or combination of vehicles:
 - (1) The maximum load for a wide-base single tire on a steering axle shall not exceed 600 pounds per inch of tire section width. The maximum load for a wide-base single tire on any other axle shall not exceed 575 pounds per inch of tire section width.
 - (2) No wide-base single tire shall exceed the load designated by the manufacturer; and
 - (3) the maximum tire inflation pressures shall be as designated by the manufacturer.
- (c) The provisions of paragraph (1) of subsection (b) shall apply to all wide-based single tires purchased after July 1, 1993.

- (d) Any conviction or forfeiture of bail or bond for any violation of this section shall not be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.

(History: Ord. TC-1260,GG §9, 93)

12.04.178.1 Unlawful Sale of Tires.

No person in the business of selling tires shall sell or offer for sale for highway use any tire which is in unsafe condition or which has tread depth of less than 1/16th inch measured as provided in 12.04.178 and amendments thereto.

(History: K.S.A.8-1742; Ord. TC-1260 §185, 84)

12.04.178.2 Safety Glazing Material Required.

- (a) No person shall sell any new motor vehicle as specified in this section, nor shall any such new motor vehicle be registered, unless such vehicle is equipped with safety glazing material when glazing materials are used in doors, windows and windshields. This subsection (a) shall apply to all passenger-type motor vehicles, including passenger buses and school buses. This subsection (a) shall not apply to glazing material in compartments of trucks and truck tractors not designed and equipped for persons to ride therein.
- (b) No person shall sell or affix to a motor vehicle any truck-camper manufactured or assembled after July 1, 1968, unless such truck-camper is equipped with safety glazing material where glazing material is used in doors and windows.
- (c) No person shall replace any glass or glazing materials used in partitions, doors, windows or windshields in any motor vehicle with any material other than safety glazing material.
- (d) As used in this section, "safety glazing material" means glazing material which conforms to the American National Standard "Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways," Z26.1-1966, July 15, 1966, as supplemented by Z26.1a-1969, March 7, 1969.

(History: K.S.A.8-1743; Ord. TC-1260 §186, 84)

12.04.179 Spilling Loads on Highways Prohibited; Bond, When Required.

- (a) No vehicle shall be driven or moved upon any street, highway, road or alley of the City, unless such vehicle is so constructed or loaded as to prevent any of its load from spilling, dropping, shifting, leaking or otherwise escaping therefrom, and no vehicle shall be driven or moved upon any street, highway, road, or alley in the City of Overland Park, Kansas, if such vehicle places mud, dirt, or debris upon any said street, highway, road or alley by reason of mud, debris, or dirt dropping from the tires of said vehicle. The dropping of sand for the purpose of securing traction, or water, or other substances being sprinkled upon any street, highway, road or alley in the cleaning or maintaining of such street, highway, road, or alley is hereby excepted from the provisions of this section.

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- (b) Any person, firm, or corporation engaged in the act of moving dirt and other substances upon the public thoroughfares of the City shall, within the discretion of the Governing Body, be required to deposit with said Governing Body, a bond in the penal sum of \$500 in a form approved by said Governing Body, conditioned that the principal under said bond shall save harmless and indemnify said City.
- (c) No person shall operate on any highway, any vehicle with any load unless said load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached, or in any manner a hazard to other users on the highway.

(History: Ord. TC-1260 §187, 84)

12.04.179.1 Vehicles Transporting Hazardous Materials.

- (a) Any person operating a vehicle transporting any hazardous material as a cargo or part of a cargo upon a highway shall at all times comply with rules and regulations of the secretary of transportation adopted pursuant to K.S.A. 8-1746.
- (b) Every such vehicle shall be marked or placarded at such places as prescribed by such rules and regulations.
- (c) Every such vehicle shall be equipped with fire extinguishers of a type, size and number approved by the secretary, filled and ready for immediate use, and placed at a convenient point on the vehicle.
- (d) Subject to the provisions of K.S.A. 65-3455, any person, as defined by Overland Park Municipal Code Section 12.04.001, responsible for the discharge, leakage, seepage or other release of hazardous material as defined in K.S.A. 65-3471, onto the public roadways and/or adjacent rights-of-way shall be responsible for the payment of the cost incurred by the City in the cleanup and disposal of the hazardous material and any damage caused to the infrastructure thereby. The person responsible shall be notified of such costs and expenditures by certified mail/return receipt requested and shall make repayment of all costs incurred. If the responsible person fails to pay for such costs, such payment shall be recoverable in an action brought by the City Attorney in the District Court of Johnson County, Kansas, or in a court of appropriate jurisdiction. Any money recovered under this section shall be deposited with the City Clerk.

(History: Ord. TC-1260,G §1, 87; K.S.A. 8-1746; TC-1260 §188, 84)

12.04.180 Trailers and Towed Vehicles; Drawbar Connections and Safety Hitch.

- (a) When one vehicle is towing another, the drawbar, towbar or other connections shall be of sufficient strength to pull, stop and hold all weight towed thereby, and so designed, constructed and installed as to insure that any vehicle or motor vehicle towed on a level, smooth, paved surface will follow in the path of the towing vehicle when it is moving in a straight line. In addition to the drawbar connections between any two such vehicles, there shall be provided an adequate safety hitch.
- (b) When one vehicle is towing another and the connection consists of a chain, rope or cable, there shall be displayed upon such connection a white flag or cloth not less than 12 inches square.

- (c) Motor vehicles in transit may be transported in combination by means of towbar, saddlemount or fullmount mechanisms, utilizing the motive power of one of the motor vehicles in such combination, except that not more than two vehicles in any such combination of motor vehicles in transit may be connected by means of a towbar mechanism. Whenever motor vehicles are transported as authorized in this subsection, such motor vehicles shall be connected securely in combination in accordance with rules and regulations adopted by the secretary of transportation, and any combination of such motor vehicles shall comply with the limitations prescribed by K.S.A.8-1904 1983 Supp. and any amendments thereto.
- (d) Except as otherwise provided in subsection (c), not more than three vehicles, including the towing vehicle, in any combination of vehicles may be connected by means of a towbar mechanism, and if the three such vehicles are connected by towbar mechanisms, the towbar mechanism between the towing vehicle and the first towed vehicle shall be equipped with an anti-sway mechanism. In addition, the second towed vehicle of every combination of vehicles so connected shall be equipped with service brakes acting on the wheels of at least one axle, and which are of a type approved by the safety department of the department of transportation and of such character as to be applied automatically and promptly.

(History: K.S.A. 8-1907; Ord. TC-1260 §189, 84)

12.04.181 Sun Screening Devices and Other Applications Prohibited on Windshields, Certain Windows and Head lamps.

- (a) For the purpose of this section 12.04.181, and amendments thereto:
 - (1) "Sun screening devices" means a film material or device that is designed to be used in conjunction with motor vehicle safety glazing materials for reducing the effects of the sun;
 - (2) "light transmission" means the ratio of the amount of total light to pass through a product or material including any safety glazing material to the amount of the total light falling on the product or material and the glazing;
 - (3) "luminous reflectants" means the ratio of the amount of total light that is reflected outward by the product or material to the amount of the total light falling on the product or material;
 - (4) "nonreflective" means a product or material designed to absorb light rather than to reflect it.
- (b) Any person who installs a sun screening device on a motor vehicle which is not in compliance with the provisions of subsection (c) of this section and amendments thereto, upon conviction, shall be guilty of a public offense and shall be punished as provided in section 1.12.010.

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- (c) No motor vehicle required to be registered in this City and which is operated on the highways of this City shall be equipped with one-way glass or any sun screening device, as defined in subsection (a), and used in conjunction with windshields, side wings, side windows or rear windows that do not meet the following requirements:
 - (1) A sun screening device when used in conjunction with the windshield shall be nonreflective and shall not be red, yellow or amber in color. A sun screening device shall be used only along the top of the windshield and shall not extend downward beyond the ASI line which is clearly defined and marked;
 - (2) a sun screening device when used in conjunction with the side wings or side windows located at the immediate right and left of the driver, the side windows behind the driver and the rear most window shall be nonreflective; and
 - (3) the total light transmission shall not be less than 35% when a sun screening device is used in conjunction with other existing sun screening devices.
- (d) Subsection (c)(3) shall not apply to a window of a law enforcement motor vehicle that is clearly identified as such by words or other symbols on the outside of the vehicle.
- (e) This section shall not prohibit labels, stickers or other informational signs that are required or permitted by state law.
- (f) No motor vehicle required to be registered in this state which is operated on the highways of this City shall be equipped with head lamps which are covered with any sun screening device, adhesive film or other glaze or application which, when such lamps are not in operation, is highly reflective or otherwise nontransparent.

(History: Ord TC-1260,QQQ §5, 2010; TC-1260,H §2, 87; K.S.A. 8-1749a; Ord. TC-1260 §190, 84)

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**ARTICLE XVIII. EQUIPMENT ON MOTORCYCLES AND
MOTOR-DRIVEN CYCLES**

12.04.182 Head Lamps.

- (a) Every motorcycle and every motor-driven cycle shall be equipped with at least one head lamp which shall comply with the requirements and limitations of this ordinance.
- (b) Every head lamp upon every motorcycle and motor-driven cycle shall be located at a height of not more than 54 inches nor less than 24 inches to be measured as set forth in 12.04.145(b).

(History: K.S.A.8-1801; Ord. TC-1260 §191, 84)

See: 12.04.035

12.04.183 Tail Lamps.

- (a) Every motorcycle and motor-driven cycle shall have at least one tail lamp which shall be located at a height of not more than 72 nor less than 15 inches.
- (b) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of 50 feet to the rear. Any tail lamp or tail lamps, together with any separate lamp or lamps for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

(History: K.S.A.8-1802; Ord. TC-1260 §192, 84)

12.04.184 Reflectors.

Every motorcycle and motor-driven cycle shall carry on the rear, either as part of the tail lamp or separately, at least one red reflector meeting the requirements of 12.04.148(b).

(History: K.S.A.8-1803; Ord. TC-1260, FFF §12, 2006; TC-1260 §193, 84)

12.04.185 Stop Lamps.

- (a) Every motorcycle, motorized bicycle, and motor-driven cycle shall be equipped with at least one stop lamp meeting the requirements of 12.04.161(a).
- (b) Every motorcycle manufactured after January 1, 1973, shall be equipped with electric turn signals meeting the requirements of 12.04.161(b). Motor-driven cycles may, but need not, be equipped with electric turn signals.

(History: K.S.A.8-1804; Ord. TC-1260, F §3, 87; TC-1260 §194, 84)

12.04.186 Multiple-Beam Road-Lighting Equipment.

Every motorcycle, other than a motor-driven cycle, shall be equipped with multiple beam road-lighting equipment. Such equipment shall:

- (a) Reveal persons and vehicles at a distance of at least 300 feet ahead when the uppermost distribution of light is selected; and

- (b) reveal persons and vehicles at a distance of at least 150 feet ahead when the lowermost distribution of light is selected, and on a straight, level road under any condition of loading, none of the high intensity portions of the beam shall be directed to strike the eyes of an approaching driver.

(History: K.S.A.8-1805; Ord. TC-1260 §195, 84)

12.04.187 Lighting Equipment for Motor-driven Cycles.

The head lamp or head lamps upon every motor-driven cycle may be of the single-beam or multiple-beam type, but in either event shall comply with the requirements and limitations as follows:

- (a) Every such head lamp or head lamps on a motor-driven cycle shall be of sufficient intensity to reveal persons and vehicles at a distance of not less than 100 feet when the motor-driven cycle is operated at any speed less than 25 miles per hour, and at a distance of not less than 200 feet when the motor-driven cycle is operated at a speed of 25 or more miles per hour, and at a distance of not less than 300 feet when the motor-driven cycle is operated at a speed of 35 or more miles per hour.
- (b) In the event the motor-driven cycle is equipped with a multiple-beam head lamp or head lamps, such equipment shall comply with the requirements of 12.04.186.
- (c) In the event the motor driven cycle is equipped with a single beam lamp or lamps, such lamp or lamps shall be so aimed that when the vehicle is loaded, none of the high-intensity portion of light, at a distance of 25 feet ahead, shall project higher than the level of the center of the lamp from which it comes.

(History: K.S.A.8-1806; Ord. TC-1260 §196, 84)

See: 12.04.035

12.04.188 Brake Equipment Required.

Every motorcycle and motor-driven cycle shall comply with the provisions of 12.04.173(a), except that the wheel of a sidecar attached to a motorcycle or to a motor-driven cycle, and the front wheel of a motor-driven cycle need not be equipped with brakes: Provided, that such motorcycle or motor- driven cycle is capable of complying with the performance requirement of this ordinance.

(History: K.S.A. 8-1807; Ord. TC-1260 §197, 84)

12.04.189 Performance Ability of Brakes.

Upon application of the service brake, every motorcycle and motor-driven cycle, at all times and under all conditions of loading, shall be capable of stopping from a speed of 20 miles per hour in not more than 30 feet, such distance to be measured from the point at which movement of the service brake pedal or control begins.

Tests for stopping distance shall be made on a dry smooth, hard and substantially level surface, not to exceed one percent (1%) grade, that is free from loose material.

(History: K.S.A.8-1808; Ord. TC-1260 §198, 84)

12.04.189.1 Approval of Braking System by Secretary of Transportation.

No person shall operate on any highway any motorcycle or motor driven cycle if the secretary has disapproved the braking system upon such vehicle.

(History: K.S.A.8-1809; Ord. TC-1260 §199, 84)

12.04.190 Other Equipment.

- (a) Every motorcycle and every motor-driven cycle shall comply with the requirements and limitations of 12.04.174 on horns and warning devices, 12.04.175 on noise prevention and mufflers, 12.04.176 on mirrors and 12.04.178 on tires.
- (b) Every motorcycle and every motor-driven cycle shall comply with the requirements and limitations contained in this ordinance, and unless otherwise specifically made applicable, motorcycles and motor-driven cycles shall not be subject to the requirements and limitations imposed elsewhere in this ordinance with respect to equipment on vehicles.

(History: K.S.A.8-1810; Ord. TC-1260 §200, 84)

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ARTICLE XIX. DRIVER'S LICENSE AND VEHICLE TAGS

12.04.191 Driver's License.

No person, except one expressly exempt by law, shall drive or operate any motor vehicle or motorized bicycle upon any street or highway in this City unless such person has a valid driver's license.

Provided, for purposes of this section, a "valid Kansas Driver's license" shall mean either:

- (1) a valid Kansas driver's license, when such person is required to have such license pursuant to Article 2 of Chapter 8, Kansas Statutes Annotated; or
- (2) when such person is not required to be licensed under the foregoing provision, a valid license issued by a jurisdiction other than the State of Kansas.

No driver's license issued by the Kansas Department of Revenue - Division of Motor Vehicles after April 21, 1983, shall be valid unless it contains the licensee's signature and a color photograph of the licensee or the words "valid without photo."

(History: K.S.A. SUPP.8-243; Ord. TC-1260 §201, 84)

See: 12.04.002

12.04.191.1 Driver's License in Possession.

Every licensee shall have his or her driver's license in his or her immediate possession at all times when operating a motor vehicle, and shall display the same upon demand of any law enforcement officer. However, no person charged with violating this section shall be convicted if such person produces in court a driver's license theretofore issued to such person and valid at the time of arrest.

(History: K.S.A. 8-244; Ord. TC-1260 §202, 84)

12.04.191.2 Driving in Violation of Restrictions

- (a) No person shall operate a motor vehicle in violation of the restrictions on any driver's license or permit.
- (b) Except as provided in subsection (c):
 - (1) Any person guilty of violating this Section, upon the first conviction, shall be fined not to exceed \$250, and the court shall suspend such person's privilege to operate a motor vehicle for not less than 30 days and not more than two years.
 - (2) Any person guilty of violating this Section, upon a second or subsequent conviction, shall be fined not to exceed \$500; and the court shall suspend such person's privilege to operate a motor vehicle for not less than 90 days and not more than two years.
- (c) Any person guilty of violating this Section, for violating restrictions on a driver's license or permit imposed pursuant to K.S.A. 8-237, 8-296, or section 1 or 2 of 2009 House Bill 2143, and amendments thereto:
 - (1) Upon first conviction, the court shall suspend such person's privilege to operate a motor vehicle for 30 days;

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- (2) Upon a second conviction, the court shall suspend such person's privilege to operate a motor vehicle for 90 days; and
- (3) Upon a third or subsequent conviction, the court shall suspend such person's privilege to operate a motor vehicle for one year.
- (d) Nothing in this Section shall limit a court in imposing penalties, conditions, or restrictions authorized by any other ordinance arising from the same occurrence in addition to penalties and suspensions imposed under this Section.

(History: K.S.A.8-291; Ord. TC-1260,PPP §9, 2009; TC-1260 §203, 84)

12.04.191.3 Driver's License - Change of Name/Address.

It shall be unlawful for any person to fail to notify the division in writing within 10 days of any address or name change on such person's driver's license pursuant to K.S.A. 8-248.

(History: Ord. TC-1260,HHH §2, 2006; TC-1260 §204, 84)

12.04.192 Driving While License is Canceled, Suspended or Revoked; Penalty.

- (a) No person shall operate a motor vehicle or motorized bicycle on any public street or highway of this City at a time when his or her privilege to do so is canceled, suspended, or revoked or while his or her privilege to obtain a license to operate a motor vehicle or motorized bicycle is suspended or revoked.
- (b) Except under the circumstances set out in subsection (e), the following penalties shall apply to a person convicted of violating subsection (a):
 - (1) Upon a first conviction of a violation of this Section a person shall be sentenced to not less than five consecutive days' nor more than six months' imprisonment and fined not less than \$100.00 nor more than \$1,000.00.
 - (2) Upon a second conviction of a violation of this Section a person shall be sentenced to not less than five consecutive days' nor more than one year's imprisonment and fined not less than \$100.00 nor more than \$2,500.00. In addition, upon a second conviction such person shall not be eligible for probation, suspension, reduction of sentence or parole until completion of at least five consecutive days' imprisonment.
 - (3) Upon a third or subsequent conviction of a violation of this Section a person shall be sentenced to not less than 90 days imprisonment and fined not less than \$1,500.00 if such person's privilege to drive a motor vehicle is canceled, suspended or revoked because such person: (i) refused to submit and complete any test of blood, breath or urine requested by law enforcement excluding the preliminary screening test as set forth in K.S.A. 8-1012, and amendments thereto; (ii) was convicted of violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; (iii) was convicted of vehicular homicide, K.S.A. 21-3405, prior to its repeal or K.S.A. 21-5406, and amendments thereto, involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 2006 Supp. 21-3442, prior to its repeal or K.S.A. 21-5405, and amendments thereto, or any other murder or manslaughter crime

resulting from the operation of the motor vehicle; or (iv) was convicted of being a habitual violator, K.S.A. 8-287, and amendments thereto. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The court may place the person convicted under a house arrest program to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment.

- (4) For the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this Section, "conviction" shall include a violation of this Section or a violation of a law of this state or of any state or of an ordinance of any municipality or of any resolution of any county which law or ordinance prohibits the acts that this Section prohibits or is in substantial compliance with this Section.
- (c) No person shall be convicted under this Section if such person was entitled at the time of arrest or service of a notice to appear under K.S.A. 8-257, and amendments thereto, to the return of such person's driver's license.
- (d) For the purposes of this Section, any person who operates a motor vehicle or motorized bicycle on any highway of this City at a time when such person's privilege to do so had been canceled, suspended or revoked and subsequently received from the Division or a judge of a court of competent jurisdiction a temporary license or privilege to operate a motor vehicle or motorized bicycle under certain specified conditions, and operates a motor vehicle or motorized bicycle in violation of or outside the scope of such conditions, shall be deemed to be operating a motor vehicle or motorized bicycle when his or her privilege to do so has been canceled, revoked, or suspended.
- (e) If a person:
 - (1) is convicted of a violation of this Section committed while the person's privilege to operate a vehicle or privilege to obtain a license to operate a vehicle was suspended or revoked pursuant to Section 12.04.030 or Section 12.04.030.05 or under any law of this state or of any state or of an ordinance of any municipality or of any resolution of any county which law or ordinance prohibits the acts prohibited by Section 12.04.030 or Section 12.04.030.05, and
 - (2) is or has been also convicted of a violation of Section 12.04.030 or 12.04.030.05 or of a law of this state or of any state or of an ordinance of any municipality which law or ordinance prohibits the acts prohibited by Section 12.04.030 or Section 12.04.030.05, committed while the person's privilege to drive or privilege to obtain a driver's license was so suspended or revoked the person

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shall not be eligible for suspension of sentence, probation, reduction of sentence or parole until the person has served at least 90 days' imprisonment, and any fine imposed on such person shall be in addition to any such term of imprisonment.

(History: K.S.A. 8-262; Ord. TC-1260,RRR §16, 2011; TC-1260,JJJ §5, 2007; TC-1260,FFF §13, 2006; TC-1260,VV §2, 2001; TC-1260,SS §1, 99; TC-1260,DD §3, 92; TC-1260,A §3, 85; TC-1260 §205, 84)
See: 12.04.002

12.04.192.1 Operation of a Motor Vehicle When a Habitual Violator.

Operation of a motor vehicle in this City when one's driving privileges are revoked pursuant to K.S.A. 8-286, and amendments thereto, is unlawful. A violation of this section shall be punished by imprisonment for not more than one year or fined not to exceed \$2,500, or both such fine and imprisonment. The person found guilty of a third or subsequent conviction of this section shall be sentenced to not less than 90 days imprisonment and fined not less than \$1,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The court may place the person convicted under a house arrest program to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment.
(History: Ord. TC-1260,FFF §14, 2006)

12.04.192.2 Permitting Driving in Violation of K.S.A. 8-1014; Penalties.

- (a) It shall be unlawful for the owner of a motor vehicle to allow a person to drive such vehicle when such owner knows or reasonably should have known such person was driving in violation of K.S.A. 8-1014, and amendments thereto.
- (b) Persons violating this Section shall be punished by a fine of not less than \$500.00 nor more than \$1,000.00. In addition to the fine imposed upon a person convicted of a violation of this Section, the court may order that the convicted person's motor vehicle or vehicles be impounded or immobilized for a period not to exceed one year and that the convicted person pay all towing, impoundment and storage fees or other immobilization costs. Prior to ordering the impoundment or immobilization of any such motor vehicle, the court shall consider the factors established in Section 12.04.030(j), and amendments thereto. Any personal property in a vehicle impounded or immobilized pursuant to this Section may be retrieved prior to or during the period of such impoundment or immobilization.

(History: Ord. TC-1260,RRR §17, 2011)

12.04.193 Unauthorized Operator.

No person shall authorize or knowingly permit a motor vehicle or motorized bicycle owned by him or under his control to be driven upon any highway by any person who has no legal right to do so, or who does not have a valid driver's license.

(History: K.S.A. 8-264; Ord. TC-1260 §206, 84)

12.04.194 Unauthorized Minors.

No person shall cause or knowingly permit his child or ward under the age of 18 years to drive a motor vehicle upon any highway when such minor person is not authorized under the laws of Kansas to drive a vehicle.

(History: K.S.A.8-263; Ord. TC-1260 §207, 84)

12.04.195 Vehicle License; Illegal Tag.

- (a) No person shall park, leave unattended, operate or drive any motor vehicle or a motorized bicycle upon a street or highway within this City unless such vehicle carries the currently effective license or registered number plate or plates including any registration decal required by the laws of Kansas and issued to the owner of any such vehicle to be displayed on the vehicles registered.
- (b) No person or persons shall remove, conceal, alter, mark or deface the license number plate or plates or any other mark of identification upon any vehicle. License plates shall be kept clean and they shall be placed on all vehicles within the City as required by law so as to be plainly legible. It shall be unlawful for any person to attach and display on any vehicle a license plate which is covered, in whole or in part, with any clear or opaque material or any other plastic-like material that affects the plate's visibility or reflectivity.
- (c) No person shall carry or display a registered number plate or plates or registration decal upon any vehicle not lawfully issued for such vehicle.
- (d) Sections (a) and (c) are subject to the applicable exemptions allowed in K.S.A. 8-135 and K.S.A. 8-198, and amendments thereto.

(History: K.S.A. 8-142; Ord. TC-1260, QQQ §6, 2010; TC-1260, LLL §1, 2007; TC-1260,X §1, 91; TC-1260 §208, 84)

12.04.195.1 Motor Vehicle Liability Insurance.

- (a) Every owner of a motor vehicle shall provide motor vehicle liability insurance coverage in accordance with the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101 *et seq.*, for every motor vehicle owned by such person, unless such motor vehicle is included under an approved self-insurance plan as provided in K.S.A. Supp. 40-3104(f) or is otherwise expressly exempted under the laws of this state.
- (b) An owner of an uninsured motor vehicle shall not permit the operation thereof upon a highway or upon property open to use by the public, unless such motor vehicle is expressly exempted from said requirements pursuant to the laws of this state.
- (c) No person shall knowingly drive an uninsured motor vehicle upon a highway or upon property open to use by the public, unless such motor vehicle is expressly exempted from said requirements pursuant to the laws of this state.
- (d) Any person operating a motor vehicle upon a highway or upon property open to use by the public shall display, upon demand, evidence of financial security to a law enforcement officer. The law enforcement officer shall issue a citation to any person who fails to display evidence of financial security upon such demand. The law enforcement officer shall attach a copy of the insurance verification form prescribed by the secretary of revenue to the copy of the citation forwarded to the court.

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No citation shall be issued to any person for failure to provide proof of financial security when evidence of financial security meeting the standards of subsection (e) is displayed upon demand of a law enforcement officer. Whenever the authenticity of such evidence is questionable, the law enforcement officer may initiate the preparation of the insurance verification form prescribed by the secretary of revenue by recording information from the evidence of financial security displayed. The officer shall immediately forward the form to the department of revenue, and the department shall proceed with verification in the manner prescribed in the following paragraph. Upon return of a form indicating that insurance was not in force on the date indicated on the form, the department shall immediately forward a copy of the form to the law enforcement officer initiating preparation of the form.

- (e) Unless the insurance company subsequently submits an insurance verification form indicating that insurance was not in force, no person charged with violating subsections (b), (c) or (d) shall be convicted if such person produces in court, within 10 days of the date of arrest or of issuance of the citation, evidence of financial security for the motor vehicle operated, which was valid at the time of arrest or of issuance of the citation. For the purpose of this subsection evidence of financial security shall be provided by a policy of motor vehicle liability insurance, an identification card or certificate of insurance issued to the policyholder by the insurer which provides the name of the insurer, the policy number and the effective and expiration dates of the policy, or a certificate of self-insurance signed by the commissioner of insurance.
- (f) Any person violating any provision of this section shall be guilty of a violation of this ordinance and subject to a fine of not less than \$300 nor more than \$1,000 or by imprisonment for a term of not more than six months, or both such fine and imprisonment, except that any person convicted of violating any provision of this section within three years of any such prior conviction shall be guilty of a violation of this ordinance and subject to a fine of not less than \$800 nor more than \$2,500 or by imprisonment for a term not to exceed one year, or both such fine and imprisonment.

(History: K.S.A. Supp. 40-3104; Ord. TC-1260,UU §6, 2000; TC-1260,NN §4, 97; TC-1260,U §1, 90; TC-1260, J §2, 88; TC-1260 §209, 84)

12.04.196 Unlawful Use of License.

- (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.
 - (2) Lend any driver's license 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 not issued to the person.
 - (4) Fail or refuse to surrender to any police officer upon lawful demand any driver's license which has been suspended, revoked or canceled.
 - (5) Permit any unlawful use of driver's license issued to the person.

- (6) Photograph, photostat, duplicate or in any way reproduce any driver's license or facsimile thereof in such a manner that it could be mistaken for a valid driver's license 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 unless authorized by law.
 - (8) Display or cause or permit to be displayed any canceled, revoked or suspended driver's license.
- (b) Violation of paragraph (1) and (8) of subsection (a) 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. Violation of paragraphs (2), (3), (4), (5), (6) or (7) of subsection (a) is punishable by a fine of not more than \$2,500 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 by a 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 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 by any person under 21 years of age for use in the purchase of any alcoholic liquor or cereal malt beverage.
- (d) (1) Upon the 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 \$200 nor more than \$500.
- (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 more than \$2,500 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, whether issued under the laws of this state or issued under the laws of another state or jurisdiction.

(History: K.S.A. Supp. 8-260, Ord. TC-1260, NN §5, 97; TC-1260, MM §7, 96; TC-1260, B §3, 85; TC-1260 §210, 84)

See: 12.04.002

12.04.196.1 Vehicle Height, Weight, Length and Width.

- (a) No person, association, firm, partnership, or corporation shall operate a motor vehicle or combination of vehicles the height or length of which, including any load thereon, exceeds the limitations as to such prescribed by K.S.A. 8-1904 (1986 Session Laws) or any amendments thereto, which are incorporated by reference as if set out in full herein.

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- (b) No person, association, firm, partnership, or corporation shall operate a motor vehicle or combination of vehicles the total outside width of which, or any load thereon, exceeds the limitations as to such prescribed by K.S.A. 8-1902 (1985 Supp.) or any amendments thereto, which are incorporated by reference as if set out in full herein.
- (c) No person, association, firm, partnership, or corporation shall operate a motor vehicle or combination of vehicles the gross weight of which, as to wheel and axle load, exceeds the limitations as to such prescribed by K.S.A. 8-1908 (1986 Session Laws) or any amendments thereto, which are incorporated by reference as if set out in full herein.
- (d) No person, association, firm, partnership, or corporation shall operate a motor vehicle or combination of vehicles unless such motor vehicle is registered and licensed according to gross weight as prescribed in K.S.A.8-143 (1986 Session Laws) or any amendments thereto, which are incorporated by reference as if set out in full herein.
- (e) No person, association, firm, partnership, or corporation shall operate a motor vehicle or combination of vehicles the gross weight of which exceeds the limitation as to such prescribed by K.S.A.8-1909 (1986 Session Laws) or any amendments thereto, which are incorporated by reference as if set out in full herein.
- (f) It shall be unlawful to operate within this City a vehicle or combination of vehicles whose weight, with cargo, is in excess of the gross weight for which the vehicle, truck, or truck tractor propelling the same is licensed and registered except as provided by K.S.A.8-1911 (1986 Session Laws), or any amendments thereto and K.S.A.8-143 (1986 Session Laws) or any amendments thereto.
- (g) 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 tandem axles to such limits as permitted in this section. 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.
- (h) Every person who is convicted of a violation of this section shall be fined according to the following schedule:

Weight --First 1000 lbs over limit - \$50.00
 --Per lb. over 1000 lbs. - \$.10

Height, Length, Width over limit:
 \$30.00 plus \$1.00 per inch.

For a second violation of this section within two years, such person shall, upon conviction, be fined 1½ times the applicable amount based on the above fine schedule. For a third violation of this section within two years, such person shall, upon conviction, be fined two times the applicable amount from the above fine schedule. For fourth and each succeeding violation of this subsection within two years, such person, upon conviction, shall be fined 2½ times the applicable amount from the above fine schedule.

(History: Ord. TC-1260,C §1, 86; TC-1260 §211, 84)

12.04.196.1.5 Exception for Rubber Tired Earth Scrapers.

The provisions of 12.04.196.1 shall not apply to the operation of "rubber tired earth scrapers" that are generally of the type and specifications of the Caterpillar Manufacturing Company rubber tired earth scrapers models 613-687; provided, that the following conditions and standards of operation are complied with:

- (a) In advance of the operation of the "rubber tired earth scraper" on the public roadways, notice shall be given to the Police Dispatcher of the Overland Park Police Department of the date, time, route, model of vehicle and owner of vehicle.
- (b) No rubber tired earth scraper shall be operated on the public roadways during the hours 7 a.m. to 9 a.m., and 4 p.m. to 6:30 p.m.
- (c) No rubber tired earth scraper shall be operated on the public roadways while carrying any portion of a load.
- (d) All rubber tired earth scrapers operated on the public roadways shall be preceded by a lead vehicle and followed by a trail vehicle bearing operational and operating yellow flashing and rotating warning lights. In addition these vehicles shall display warning signs indicating the presence of a slow moving vehicle.
- (e) All rubber tired earth scrapers shall be operated exclusively on designated truck routes unless written permission for an alternate route is granted by the Chief of Police or his designated representative.
- (f) All owners and operators of rubber tired earth scrapers on the public roadways shall maintain liability insurance on said vehicles and their operators in an amount required by law for the lawful operation of motor vehicles within the state of Kansas.
- (g) No rubber tired earth scraper shall be operated on the public roadways at a speed greater than reasonable considering road conditions, traffic flow, and pedestrian activity; provided that at no time shall any rubber tired earth scraper be operated in excess of 25 miles per hour notwithstanding any posted speed limit in excess of 25 miles per hour.

The provisions of this paragraph shall not limit in any way the application of the remaining provisions of Chapter 12.04 to the operation of rubber tired earth scrapers. In addition, nothing in this paragraph shall be construed as exempting rubber tired earth scrapers from the weight limitations on any bridge within the City.

Any person, association, firm, partnership, corporation or other entity operating a rubber tired earth scraper on the public roadway who violates any of the conditions and standards of this section shall be subject to the limitations of height, weight, length and width for vehicles set forth in 12.04.196.1 and shall be subject to any penalties provided for violation of those provisions.

(History: Ord. TC-1260,II §1, 93; TC-1260,L §1, 89)

12.04.196.1.7 Commercial Motor Vehicle Safety.

There is hereby incorporated by reference for the purpose of regulating commercial motor vehicle safety on the streets and highways of the City, Kansas Administrative Regulations 82-4-3, 82-4-3a, 82-4-3c, 82-4-3f, 82-4-3g, 82-4-3h, 82-4-3i, 82-4-3j, and 82-4-3k, as they may be amended, which adopt and amend certain safety regulations known as the *Federal Motor Carrier Safety*

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Regulations, 49 C.F.R. Parts 382, 390-393, and 395-397. No fewer than three (3) copies of said Kansas Administrative Regulations and said *Federal Motor Carrier Safety Regulations* shall be marked Official Copy and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours. A copy of the ordinance codified herein shall be attached to the Regulations. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of the Regulations as may be deemed expedient.
(History: Ord. TC-1260,DDD §1, 2006)

12.04.196.1.8 Unlawful acts by interstate motor fuel users; penalties.

- (a) It shall be unlawful for any interstate motor fuel user, as defined by K.S.A. 79-34,108(c) and amendments thereto, to engage in operations within this City without having a valid license, motor fuel permit or temporary authorization issued by the director of taxation.
- (b) Violation of this ordinance is punishable as set forth in K.S.A. 8-2118, and amendments thereto.

(History: Ord. TC-1260,OOO §2, 2009)

12.04.196.2 Gross Weight Limits on Bridges.

- (a) The City Engineer may determine and declare upon the basis of an engineering investigation maximum gross weight limits for any roadway bridge within the City, and these limits shall be effective when posted upon appropriate signs adjacent to said bridges. No person, firm, association, partnership or corporation shall drive a vehicle in excess of the posted gross weight limits upon said bridges.
- (b) When the department of transportation shall determine upon the basis of an engineering investigation maximum gross weight limits on any bridge which is on a state highway connecting link, said maximum gross weight limits shall be effective at all times when appropriate signs giving notice thereof are erected adjacent to said bridges.
- (c) The maximum gross weight limit on any bridge not posted otherwise shall be the maximum gross weight limit as set forth in 12.04.196.1.
- (d) Any person, firm, association, partnership or corporation driving, operating or moving any vehicle, object, or contrivance upon the bridges in this City in violation of the weight restrictions as set forth herein shall be liable for all damages which said bridges or structures may sustain.

(History: Ord. TC-1260 §212, 84)

12.04.196.3 Unlawful use of identification card.

It shall be unlawful for any person to:

- (1) Display, cause or permit to be displayed, or have in one's possession, any canceled, fictitious, fraudulently altered or fraudulently obtained identification card.

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- (2) Lend any identification card to any other person or knowingly permit the use thereof by another.
- (3) Display or represent any identification card not issued to the person as being the person's card.
- (4) Display or possess any photograph, photostat, duplicate, reproduction, or facsimile of an identification card unless authorized by law.
- (5) Lend any identification card to or knowingly permit the use of any identification card by any person under 21 years old for use in the purchase of any alcoholic liquor.
- (6) Lend any identification card or knowingly permit the use of any identification card by any person under the legal age for consumption of cereal malt beverage for use in the purchase of cereal malt beverage.
- (7) Lend any identification card, driver's license, or other form of identification card to aid another person in obtaining an identification card or duplicate identification card.

(History: Ord. TC-1260,B §4, 85)

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ARTICLE XX. PENALTIES GENERALLY

12.04.197 Penalties.

- (a) It is unlawful for any person to violate any of the provisions of this ordinance.
- (b) Every person convicted of a violation of any of the provisions of this ordinance for which another penalty is not provided shall be punished for conviction thereof by a fine of not more than \$500 or by imprisonment for not more than six months or by both such fine and imprisonment.

(History: K.S.A.8-2116; Ord. TC-1260 §213, 84)

12.04.198 Parties to a Violation.

Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of, any act declared herein to be unlawful, whether individually or in connection with one or more other persons or as a principal, agent or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits or directs another to violate any provision of this ordinance is likewise guilty of such offense.

(History: K.S.A. 8-2101; Ord. TC-1260 §214, 84)

12.04.199 Offenses by Persons Owning or Controlling Vehicles.

It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle, to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to this ordinance.

(History: KSA 8-2102; Ord. TC-1260 §215, 84)

12.04.199.1 Citation Deemed Lawful Complaint.

In the event the form of citation provided for in O.P.M.C. Sections 2.33.355 or 2.33.370 and any amendments thereto includes information required by law and is signed by the officer preparing the same, then such citation when filed with the court having jurisdiction, shall be deemed to be a lawful complaint for the purpose of prosecution under this ordinance.

(History: Ord. TC-1260, NNN §1, 2008; TC-1260 §216, 84)

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ARTICLE XXI. SEPARABILITY

12.04.200 Separability.

If any part or parts of this ordinance shall be held to be invalid, such invalidity shall not affect the validity of the remaining parts of this ordinance. The Governing Body hereby declares that it would have passed the remaining parts of this ordinance if it had known that such part or parts thereof would be declared invalid.

(History: Ord. TC-1260 §217, 84)

12.04.200.1 Savings Clause.

Neither the adoption of this ordinance nor the repeal or amendment of any ordinance or part or portion thereof shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance, and all rights and obligations thereunder appertaining shall continue in full force and effect.

(History: Ord. TC-1260 §218, 84)

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