

(Summary Published in the Rose Hill Reporter on August 19, 2021)

ORDINANCE NO. 692

**AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF ROSE HILL, KANSAS: INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES", EDITION 48<sup>th</sup> OF 2021 PREPARED AND PUBLISHED BY THE LEAGUE OF KANSAS MUNICIPALITIES WITH CERTAIN OMISSIONS, CHANGES AND ADDITIONS: PRESCRIBING ADDITIONAL REGULATIONS: PROVIDING CERTAIN PENALTIES AND REPEALING ORDINANCE NUMBERED 685, AND AMENDING CHAPTER 14, ARTICLE 1, OF THE CITY CODE.**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ROSE HILL, KANSAS:

**SECTION 1. INCORPORATING STANDARD TRAFFIC ORDINANCE.** There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Rose Hill, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities", Edition 48<sup>th</sup> of 2021, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified, or changed. No fewer than three (3) copies of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Incorporated by Ordinance No. 692," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omissions or change to which shall be attached a copy of this Ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Police Department, Municipal Judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied at the cost of the city, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.

**SECTION 2. TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES.** (a) An ordinance traffic infraction is a violation of any section of this ordinance that proscribes or requires the same behavior as that described or required by a statutory provision that is classified as a traffic infraction in K.S.A. Supp. 8-2118. (b) All traffic violations which are included within this ordinance, and which are not ordinance traffic infractions, as defined in this subsection (a) of the section, shall be considered traffic offenses.

**SECTION 3. PENALTY FOR SCHEDULED FINES.** The fine for violation of an ordinance traffic infraction or any other traffic offense for which the Rose Hill Municipal Judge establishes a fine in a fine schedule shall not be less than twenty dollars (\$20.00), nor more than five hundred dollars (\$500.00) except that the Municipal Judge shall establish a fine schedule for an ordinance parking violation in an amount not less than one dollar (\$1.00) nor more than one hundred dollars (\$100). A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the Court not to exceed five hundred dollars (\$500.00).

**SECTION 4. THE STANDARD TRAFFIC ORDINANCE IS HEREBY SUPPLEMENTED AS FOLLOWS:**

Article 7, Section 33, Subsection (a) of said Standard Traffic Ordinance is hereby changed to read as follows:

**SEC. 33. MAXIMUM SPEED LIMITS.**

(a) Except when a special hazard exists that requires lower speed for compliance with Section 32., the speed limits posted on the signs giving notice thereof shall be the maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of such maximum limits. Provided, however, that in any area where no signs are posted giving notice of the maximum speed limits, no person shall drive a vehicle at a speed in excess of the following maximum limits:

- (1) Thirty (30) miles per hour in any business district;

The maximum speed limit established by or pursuant to this paragraph shall be of force and effect regardless of whether signs are posted giving notice thereof.

Article 13 of said Standard Traffic Ordinance is hereby supplemented by adding the following sections:

**SEC. 88a TRESPASS TO PARK**

Trespass to park is:

- (a) driving a vehicle upon the real property of another for the purpose of parking a vehicle without the express authority or permission of the owner or occupant to do so; or
- (b) driving a vehicle upon the real property of a commercial establishment during business hours to park a vehicle,
  - (1) without conducting any business at the commercial establishment; or
  - (2) not removing the vehicle from the property of the establishment within a reasonable time after completing a business transaction at the establishment.

(K.S.A. 8-1336; K.S.A. 8-1546)

**SEC. 93a PARKING CERTAIN VEHICLES AND TRAILERS IN PROHIBITED AREAS**

- (a) Unless written permission, from an authorized city official, is first obtained, no vehicle, including but not limited to transport, truck tractors, semitrailers, commercial trailer not mechanized, recreational vehicles or truck of a rated capacity of more than 1 ½ tons or being in an aggregate length of 20 feet or more, including one or more connected vehicles, shall be, at any time, parked or left unattended on any street, avenue or public way within those portions of the city that are zoned: A-1, RE-1, R-1, R-2, R-3, R-4, MH-1, CN, C-1, and Public Parks, provided, that nothing herein shall deny the right to park any such vehicles for emergency refueling or making an emergency repair or for the purpose of making delivery or pick up within prohibited areas; provided further, that all such vehicles may be parked in areas of the city so long as such parking shall not be contrary to other ordinances of the city relating to the parking of such vehicles.

- (b) It shall be unlawful for any person or persons to park vehicles as set forth in this section and any such person so violating any of the provisions shall upon conviction thereof, be punished by a fine of not more than \$50.

Article 14 of said Standard Traffic Ordinance is hereby supplemented by adding the following section:

**SEC. 206. CARELESS DRIVING.**

No person shall operate, drive or halt any vehicle upon the streets, road or alleys of the City of Rose Hill or in any vehicle area open and accessible to the public, said area being within the corporate city limits of Rose Hill, in such a manner as to indicate a careless disregard for, or negligent inattention of, the rights or safety of others, or in such a manner as to endanger or be likely to endanger any person or property. This section shall not apply to a vehicle driven by a person on private property owned by him or her.

Article 20 of said Standard Traffic Ordinance is hereby supplemented by adding the following section:

**SEC. 207. FAILURE TO APPEAR.**

Failure to Appear or Otherwise Obey Notice to Appear or Complaint: Any person who fails to appear as required by law in answer or response to any written notice to appear or complaint under this ordinance which is served upon him or her by a law enforcement officer shall be deemed guilty of a traffic offense.

**SECTION 5. REPEAL.** Ordinance numbered 685 is hereby repealed.

**SECTION 6. EFFECTIVE DATE.**

This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

**SECTION 7. AMENDMENT OF CODE.** The provisions of this ordinance shall be included and incorporated in the Code of the City of Rose Hill, Kansas, as an addition or amendment thereto, and shall be appropriately numbered to conform to the uniform numbering system of the Code by establishing sections 14-101 through 14-106.

SIGNED by the Mayor this 16th day of August, 2021

  
GARY WEAVER, MAYOR



ATTEST:

  
KELLY MENDOZA  
CITY CLERK

APPROVED AS TO FORM:

  
RICHARD SAMANIEGO  
CITY ATTORNEY