

(Published in the Topeka Metro News January 13, 2020)

ORDINANCE NO. 20234

AN ORDINANCE introduced by Council Member Brendan Jensen, creating Chapter 10.80 in Title 10 of the Topeka Municipal Code concerning Pedestrian and Traffic Safety.

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

Section 1. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 10.80.010, which said section reads as follows:

Findings.

The governing body makes the following findings:

(a) The high volume of motor vehicles travelling on congested roadways in the city makes mixing pedestrian and the moving, slowing or temporarily stopping of motor vehicles in the same space, at the same time, inherently dangerous.

(b) Pedestrians distracting drivers from the task of driving by approaching a stopped vehicle, attracting and/or attempting to attract the attention of the driver of a motor vehicle for the purpose of inducing that driver to slow or stop the vehicle to facilitate the transfer of anything by the pedestrian to the driver or passenger is hazardous to public safety, both for occupants of motor vehicles and for pedestrians.

(c) The prohibitions set forth in this chapter are narrowly tailored to serve the significant interest of promoting and protecting the public health, safety and welfare and that these prohibitions leave open ample alternative channels of communication throughout the city.

(d) It is the intent of this chapter to protect the health, safety and general welfare of the citizens of the city, to assure the free, orderly, uninterrupted movement of motor vehicles at designated intersections within city limits, and to provide for the safety and interests of pedestrians and of occupants of motor vehicles located at designated intersections within the city and to reduce the number of pedestrian and motor vehicles accidents occurring within the city.

(e) Pedestrians are increasingly using highways and roadways in ways for which the roads were not designed or intended. These uses include approaching vehicles when stopped or in use or staying upon medians and in the public right of way for purposes other than crossing the highway. These activities create safety hazards for pedestrians and distract drivers, making automobile accidents more likely. This chapter is designed to decrease the safety hazards by restricting such activity. These safety concerns are most acute in the busiest intersections in the city.

Section 2. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 10.80.020, which said section reads as follows:

Designated Intersections.

Due to the high number of reported crashes and the prevalence of distracted driving as a contributing factor in these crashes, the following intersections are hereby designated as having restricted pedestrian activity as specified in section 10.80.030:

S 5th Street and SW Topeka Boulevard

SW 12th Street and SW Jackson Street

SW 6th Avenue and Orchard Street

SW 8th Avenue and SW Topeka Boulevard

- 51 SW 10th Avenue and SW Topeka Boulevard
- 52 SW Huntoon Street and SW Gage Boulevard
- 53 SW 21st Street and SW Fairlawn Road
- 54 SW 6th Avenue and SW Topeka Boulevard
- 55 SW 10th Avenue and SW Lane Street
- 56 SE 21st Street and SE Adams Street
- 57 SW 29th Street and SW Fairlawn Road
- 58 SW 21st Street and SW Gage Boulevard
- 59 SW 6th Avenue and SW Gage Boulevard
- 60 SW 21st Street and SW Wanamaker Road
- 61 SW 17th Street and SW Wanamaker Road
- 62 SW Huntoon Street and SW Fairlawn Road
- 63 SE 15th Street and SE Adams
- 64 SW 29th Street and SW Gage Boulevard
- 65 SW 29th Street and SW Topeka Boulevard
- 66 SW 21st Street and SW Washburn Avenue
- 67 SW 29th Street and SW Wanamaker Road
- 68 SW 21st Street and SW Topeka Boulevard
- 69 SW 17th Street and SW Westover Road and SW Oakley Street

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73 Section 3. That The Code of the City of Topeka, Kansas, is hereby amended

by adding a section, to be numbered 10.80.030, which said section reads as follows:

Prohibition: Pedestrians Entering or Staying Upon Roadways at Certain Intersections.

(a) It shall be unlawful for any person to go upon any roadway or remain alongside any roadway at any of the intersections designated in Section 10.80.020 and approach a vehicle stopped on the roadway or attempt to attract the attention of the driver or occupant of a motor vehicle for the purpose of inducing the driver of the motor vehicle to remain stopped, slow or stop the vehicle to facilitate a transfer of anything from the driver or occupant of the vehicle to the pedestrian or the transfer of anything by the pedestrian to the driver or occupant.

(b) No person shall be upon the median of a roadway at any of the intersections designated in Section 10.80.020 unless that person is in the process of crossing the roadway.

(c) No person shall activate a pedestrian crosswalk signal for any purpose other than to stop traffic to allow such person to cross the roadway.

(d) It is prima facie evidence of a violation of subsection (b) and (c) if the person stays on the median or at the intersection through two consecutive opportunities to legally cross the roadway. This may include a change in the traffic control signal or lack of traffic. After two such consecutive opportunities, such person shall not be considered to be using the crosswalk for purposes of the exception in subsection (f)(1).

(e) No driver or operator of a motor vehicle shall park, stop, or leave standing a vehicle on a roadway at any of the intersections designated in Section 10.80.020 or suddenly decrease the speed of such vehicle or deviate from a traffic lane for the

purpose of responding to persons violating subsection (a), (b), or (c).

(f) Exceptions. This chapter does not apply to:

(1) Persons using a crosswalk to cross the roadway.

(2) Persons engaged in law enforcement, emergency, or rescue activities, including providing assistance to an injured or disabled vehicle or person.

(3) Persons engaged in repair or maintenance activities of highways under the direction of the city or state.

(4) Streets or portions thereof that have been closed pursuant to authorization from the City, including but not limited to special events permitted pursuant to Chapter 12.70.

Section 4. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 10.80.040, which said section reads as follows:

Penalty.

Any person who violates the provisions of TMC 10.80.030 is guilty of a misdemeanor. Upon conviction, a person shall be sentenced to a fine not to exceed four hundred and ninety-nine dollars (\$499) and/or imprisonment not to exceed thirty (30) days.

Section 5. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 10.80.050, which said section reads as follows:

Severability.

If any section, subsection, sentence, clause, or other provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such decision

shall not affect the validity of the remaining portions of this ordinance.

Section 6. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 7. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 8. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the City Council on January 7, 2020.

CITY OF TOPEKA, KANSAS

Michelle De La Isla, Mayor

ATTEST:

Brenda Younger, City Clerk