

(Published in the Topeka Metro News February 21, 2011)

**ORDINANCE NO. 19513**

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., concerning the adoption of the 2010 Standard Traffic Ordinance and amendments thereto by amending City of Topeka Code § 10.15.010 and § 10.15.020 and specifically repealing said original sections as well as repealing in its entirety § 10.10.190 and creating § 10.20.125.

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

Section 1. That section 10.15.010, Incorporation of Standard Traffic Ordinance, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Incorporation of Standard Traffic Ordinance.**

(a) Generally – Copies. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the city of Topeka, Kansas, that certain Standard Traffic Ordinance known as the “Standard Traffic Ordinance for Kansas Cities,” Edition of ~~2006~~2010, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections or parts or portions as are hereafter omitted, deleted, modified or changed. No fewer than three copies of the Standard Traffic Ordinance shall be marked or stamped “Official Copy as Adopted by Ordinance No. ~~48732~~ 19513,” with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of the ordinance codified in this chapter 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 the Standard Traffic Ordinance similarly marked, as may be deemed expedient.

(b) Traffic Infractions and Traffic Offenses.

(1) A traffic infraction is a violation of any section of this title or of the Standard Traffic Ordinance that prohibits or requires the same behavior as that prohibited or required by a statutory provision that is classified as a traffic infraction in K.S.A. 8-2118, and amendments thereto.

(2) All traffic violations which are included within this title and which are not traffic infractions as defined in subsection (b)(1) of this section shall be considered traffic offenses.

Section 2. That section 10.15.020, Amendments, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Amendments.**

The current edition of the Standard Traffic Ordinance for Kansas Cities as adopted by reference, shall be amended as follows:

~~(a) Section 1 of the Standard Traffic Ordinance, relating to definitions, is hereby amended as follows:~~

~~Other competent evidence includes: (1) Alcohol concentration tests obtained from samples taken two hours or more after the operation or attempted operation of a vehicle; and (2) readings obtained from a partial alcohol concentration test on a breath testing instrument.~~

~~(b) Section 13 of the Standard Traffic Ordinance, relating to traffic control signal legend, is hereby declared to be and is omitted and deleted.~~

(ea) Section 33 of the Standard Traffic Ordinance, relating to maximum speed limits, is hereby declared to be and is omitted and deleted and the provisions set forth at 10.20.060 shall be substituted therefor .

~~(d) Section 37 of the Standard Traffic Ordinance, relating to racing on highways—exhibition of speed, is amended to read as follows:~~

~~(1) No person shall drive any vehicle on any road, street, alley, public or private parking lot or highway in the city in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, or for the purpose of making a speed record, and no person shall in any manner participate in any such race, competition, contest, or test. For purposes of this section, “speed competition or contest” means the operation of one or more motor vehicles to conduct a race or a time trial, including but not limited to, rapid acceleration, exceeding reasonable and prudent speeds for highways and existing traffic conditions, vying for position, or performing one or more lane changes in an attempt to gain advantage over one or more of the other racing participants.~~

~~(2) No person shall knowingly engage in a speed exhibition on a highway. For purposes of this section, “speed exhibition” means the operation of a motor vehicle to present a display of speed or power. “Speed exhibition” includes, but is not limited to, squealing the tires of a motor vehicle while it is stationary or in motion, rapid acceleration, rapid swerving or weaving in and out of traffic, producing smoke from tire slippage, or leaving visible tire acceleration marks on the surface of the highway or ground.~~

(eb) Section 50 of the Standard Traffic Ordinance relating to right, left and U-turns at intersection – obedience to, is hereby declared to be and is omitted and deleted and the provisions set forth at 10.20.200 shall be substituted therefor.

(fc) Section 67 of the Standard Traffic Ordinance, relating to pedestrians to use right half of crosswalks, is hereby declared to be and is omitted and deleted.

(gd) Section 104 of the Standard Traffic Ordinance, relating to inattentive driving, is hereby declared to be and is omitted and deleted and the provisions set forth at 10.20.100 shall be substituted therefor.

(he) Section 107 of the Standard Traffic Ordinance, relating to unattended motor vehicles, is hereby declared to be and is omitted and deleted in its entirety and the following provisions set forth at 10.20.125 shall be substituted therefor:

~~(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.~~

~~(c) — This section shall not apply to public or private utility vehicles engaged in the restoration of utility services or to emergency vehicles (as defined by K.S.A. 8-1404) either in use during an emergency or in the performance of law enforcement, firefighting, rescue or medical duties, including those vehicles transporting canines as part of a law enforcement function.~~

101           ~~(i) Section 114.1 of the Standard Traffic Ordinance, relating to unlawful~~  
102 ~~operation of all-terrain vehicle, is hereby deleted in its entirety and the following~~  
103 ~~provisions shall be substituted therefor:~~

104           ~~— (a) Except as provided in subsections (b) and (c), it shall be unlawful~~  
105 ~~for any person to operate an all-terrain vehicle:~~

106                     ~~(1) On any interstate highway, federal highway or state highway;~~

107                     ~~or~~

108                     ~~(2) Within the corporate limits of a city of the first class.~~

109           ~~(b) Notwithstanding the provisions of subsection (a), all-terrain vehicles~~  
110 ~~owned and operated by a county noxious weed department, or all-terrain~~  
111 ~~vehicles owned and operated by persons contracting with a county noxious weed~~  
112 ~~department or the Kansas department of transportation may be allowed to~~  
113 ~~operate such all-terrain vehicles upon the right-of-way of any federal highway or~~  
114 ~~state highway for the purpose of eradicating noxious weeds and such all-terrain~~  
115 ~~vehicles may be operated incidentally upon such federal highway or state~~  
116 ~~highway.~~

117           ~~(c) Notwithstanding the provisions of subsection (a), all-terrain vehicles~~  
118 ~~may be operated on streets, highways and elsewhere in the city by law~~  
119 ~~enforcement officers performing law enforcement duties.~~

120           ~~(d) No all-terrain vehicle shall be operated on any public highway,~~  
121 ~~street or road between sunset and sunrise unless equipped with lights as~~  
122 ~~required by law for motorcycles.~~

123           ~~(e) All-terrain vehicles operated pursuant to subsections (b) and (c)~~  
124 ~~need not be registered pursuant to article 1, chapter 8 of the Kansas Statutes~~

~~Annotated to operate on the public highways, streets, roads and alleys within the corporate limits of the city.~~

(jf) Section 119 of the Standard Traffic Ordinance, relating to parades and processions, is hereby declared to be and is omitted and deleted and the provisions set forth in Chapter 10.50 shall be substituted therefor.

(kg) Section 194 of the Standard Traffic Ordinance, relating to driving while license canceled, suspended or revoked, is hereby declared to be and is omitted and deleted.

(lh) Section 195.1 of the Standard Traffic Ordinance, relating to operation of a motor vehicle when a habitual violator, is hereby declared to be and is omitted and deleted.

(mi) Section 198 of the Standard Traffic Ordinance, relating to vehicle license – illegal tag, is hereby declared to be and is omitted and deleted and the provisions set forth at 10.05.060 shall be substituted therefor.

Section 3. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 10.20.125, which said section reads as follows:

**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

148 system, when the motor vehicle is locked and when the ignition keys are not in the  
149 motor vehicle.

150 (c) This section shall not apply to public or private utility vehicles engaged in  
151 the restoration of utility services or to emergency vehicles (as defined by K.S.A. 8-1404)  
152 either in use during an emergency or in the performance of law enforcement,  
153 firefighting, rescue or medical duties, including those vehicles transporting canines as  
154 part of a law enforcement function.

155 Section 4. That section 10.10.190, Traffic control signal legend, of The Code  
156 of the City of Topeka, Kansas, is hereby repealed.

157 **Traffic control signal legend.**

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

163 ~~(a) Green Indication.~~

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

169 ~~(2) Vehicular traffic facing a green arrow signal, shown alone or in combination with~~  
170 ~~another indication, may enter the intersection cautiously only to make the movement~~  
171 ~~indicated by such arrow, or such other movement as is permitted by other indications~~

172 ~~shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians~~  
173 ~~lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.~~

174 ~~(3) Unless otherwise provided by a pedestrian control signal, pedestrians facing any~~  
175 ~~green signal, except when the sole green signal is a turn arrow, may proceed across the~~  
176 ~~roadway within any marked or unmarked crosswalk.~~

177 ~~(b) Steady Yellow Indication.~~

178 ~~(1) Vehicular traffic facing a steady yellow light is thereby warned that the related green~~  
179 ~~signal movement has been terminated and that a red signal (indicative that vehicular~~  
180 ~~traffic shall not enter the intersection) will be exhibited immediately thereafter. Vehicular~~  
181 ~~traffic facing a steady yellow signal shall stop before entering the nearest crosswalk at~~  
182 ~~the intersection, or if none, at a clearly marked stop line, or if none, then before entering~~  
183 ~~the intersection. Any driver of any vehicle who enters such crosswalk, or if none, such~~  
184 ~~clearly marked stop line, or if none, such intersection, while facing a steady yellow~~  
185 ~~signal and thereupon turns or proceeds through the intersection, during which time the~~  
186 ~~signal changes to red prior to such vehicle completely clearing the intersection, shall be~~  
187 ~~guilty of a yellow light violation. Nothing in this subsection shall prohibit a driver from~~  
188 ~~executing a lawful right turn on red after a complete stop in accordance with subsection~~  
189 ~~(c)(2) of this section.~~

190 ~~(2) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian~~  
191 ~~control signal, are thereby advised that there is insufficient time to cross the roadway~~  
192 ~~before a red indication is shown and no pedestrian shall then start to cross the roadway.~~

193 ~~(c) Steady Red Indication.~~

194 ~~(1) Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop~~  
195 ~~line, but if none, before entering the crosswalk on the near side of the intersection, or if~~



196 none, then before entering the intersection, and shall remain standing until an indication  
197 to proceed is shown, except as provided in subsections (c)(2) and (c)(3) of this section.

198 Any turn provided for in subsections (c)(2) and (c)(3) of this section shall be governed  
199 by the applicable provisions of ordinance.

200 (2) Unless a sign is in place prohibiting a turn, vehicular traffic facing a steady red signal  
201 may cautiously enter the intersection to make a right turn after stopping as required by  
202 subsection (c)(1) of this section. Such vehicular traffic shall yield the right-of-way to  
203 pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the  
204 intersection.

205 (3) When appropriate signs are posted, vehicular traffic upon a roadway restricted to  
206 one-way traffic facing a steady red signal at the intersection of such roadway with  
207 another roadway restricted to one-way traffic which is proceeding to the left of such  
208 vehicular traffic, may cautiously enter the intersection to make a left turn after stopping  
209 as required by subsection (c)(1) of this section. Such vehicular traffic shall yield the  
210 right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic  
211 lawfully using the intersection.

212 (4) Unless otherwise directed by a pedestrian control signal, pedestrians facing a steady  
213 red signal alone shall not enter the roadway.

214 If an official traffic control signal is erected and maintained at a place other than an  
215 intersection, the provisions of this section shall be applicable except as to those  
216 provisions which by their nature can have no application. Any stop required shall be  
217 made at a sign or marking on the pavement indicating where the stop shall be made,  
218 but in the absence of any such sign or marking the stop shall be made at the signal.

Section 5. That original § 10.15.010 and § 10.15.020 of The Code of the City of Topeka, Kansas, is hereby specifically repealed.

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 any 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 Governing Body February 15, 2011.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk