

(Published in the Topeka Metro News October 17, 2011)

**ORDINANCE NO. 19652**

AN ORDINANCE introduced by Daniel R. Stanley, Interim City Manager, amending City of Topeka Code § 10.15.010, § 10.15.020 and § 10.20.170 and creating § 10.20.127 and § 10.05.080, all concerning the Standard Traffic Ordinances 2011 and specifically repealing said original sections as well as § 10.20.200 and Article IV of Chapter 10.20 in their entireties.

BE IT ORDAINED BY THE GOVERNING BODY 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 ~~2010~~2011, 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. ~~19543~~\_\_\_\_,” 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 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 TMC 10.20.060 shall be substituted therefor.

(b) 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 TMC 10.20.200 shall be substituted therefor.

(c) 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.

(d) Section 104 of the Standard Traffic Ordinance, relating to inattentive

55 driving, is hereby declared to be and is omitted and deleted and the provisions set forth  
56 at TMC 10.20.100 shall be substituted therefor.

57 (e) Section 107 of the Standard Traffic Ordinance, relating to unattended  
58 motor vehicles, is hereby declared to be and is omitted and deleted and the provisions  
59 set forth at TMC 10.20.125 shall be substituted therefor.

60 (f) Section 116 of the Standard Traffic Ordinance, relating to driving upon  
61 sidewalks, is hereby declared to be and is omitted and deleted and the provisions set  
62 forth at TMC 10.20.127 shall be substituted therefor.

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

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

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

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

75 (k) Section 204(b) of the Standard Traffic Ordinance, relating to fines doubled  
76 in school zones, is hereby declared to be and is omitted and deleted and the provisions  
77 set forth at TMC 10.20.170 shall be substituted therefor.

78 ~~(j) Section 1 of the Standard Traffic Ordinance, specifically the definition for~~

79 ~~"Other Competent Evidence" is hereby declared to be and is omitted and deleted and~~  
80 ~~the following provisions shall be substituted therefore: Other Competent Evidence (1)~~  
81 ~~Includes alcohol concentration tests obtained from samples taken three hours or more~~  
82 ~~after the operation or attempted operation of a vehicle; and (2) readings obtained from a~~  
83 ~~partial alcohol concentration test on a breath testing machine.~~

84 ~~(k) — Section 30 of the Standard Traffic Ordinance, relating to driving under the~~  
85 ~~influence of intoxicating liquor or drugs, is hereby declared to be and is omitted and~~  
86 ~~deleted and the provisions set forth in TMC 10.20.230 shall be substituted therefor.~~

87 ~~(l) — Section 30.1 of the Standard Traffic Ordinance, relating to driving~~  
88 ~~commercial motor vehicle under the influence of intoxicating liquor or drugs, is hereby~~  
89 ~~declared to be and is omitted and deleted and the provisions set forth in TMC 10.20.240~~  
90 ~~shall be substituted therefor.~~

91 ~~(m) — Section 30.2 of the Standard Traffic Ordinance, relating to preliminary~~  
92 ~~breath test, is hereby declared to be and is omitted and deleted and the provisions set~~  
93 ~~forth in TMC 10.20.250 shall be substituted therefor.~~

94 ~~(n) — Section 30.3 of the Standard Traffic Ordinance, relating to ignition~~  
95 ~~interlock devices; tampering, is hereby declared to be and is omitted and deleted and~~  
96 ~~the provisions set forth in TMC 10.20.260 shall be substituted therefor.~~

97 Section 3. That section 10.20.170, Penalties for violation, of The Code of the  
98 City of Topeka, Kansas, is hereby amended to read as follows:

99 **Penalties for violation.**

100 (a) Every person, upon a conviction of a moving violation, as defined in K.S.A.  
101 8-249 and Kansas Administrative Regulations 92-52-9, in a school zone shall be fined  
102 three times the amount on the fine schedule as set by the municipal court in accordance

with TMC 2.110.330, with the exception of those offenses excluded by TMC 2.110.330; such fine shall not be paroled or otherwise reduced.

(b) The municipal court is hereby authorized to establish mandatory court appearances for any person charged with violating a school zone speed limit in an amount the court finds to be excessive. ~~In addition to the fine listed in subsection (a) of this section, the municipal court, upon a conviction of violation of TMC 10.20.160, may impose a jail sentence not to exceed 90 days.~~

Section 4. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 10.20.127, which said section reads as follows:

**Driving Upon Sidewalk.**

No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway except duly authorized city employees in the performance of their duties.

Section 5. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 10.05.080, which said section reads as follows:

**Operation of All-Terrain Vehicle by Law Enforcement.**

Notwithstanding the provisions of STO 114.1(a), all-terrain vehicles may be operated on streets, highways and elsewhere in the city by law enforcement officers performing law enforcement duties.

Section 6. That section 10.20.200, U-turns, of The Code of the City of Topeka, Kansas, is hereby repealed.

Section 7. That section 10.20.230, Driving under the influence of intoxicating liquor or drugs – Penalties, of The Code of the City of Topeka, Kansas, is hereby repealed.

Section 8. That section 10.20.240, Driving commercial motor vehicle under the influence of intoxicating liquor or drugs – Penalties, of The Code of the City of Topeka, Kansas, is hereby repealed.

Section 9. That section 10.20.250, Preliminary breath test, of The Code of the City of Topeka, Kansas, is hereby repealed.

Section 10. That section 10.20.260, Ignition interlock devices – Tampering, of The Code of the City of Topeka, Kansas, is hereby repealed.

Section 11. That original §10.15.010, § 10.15.020 and § 10.20.170 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 12. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 13. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 14. 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 on October 11, 2011.

CITY OF TOPEKA, KANSAS

\_\_\_\_\_  
William W. Bunten, Mayor

ATTEST:

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Brenda Younger, City Clerk