

## CHAPTER 11. TRAFFIC OFFENSES

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## ARTICLE 1. TRAFFIC REGULATIONS: STANDARD

**11-101. INCORPORATING STANDARD TRAFFIC ORDINANCE.** There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Westwood Hills, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities", Edition of 2011, prepared and published in book form by the League of Kansas Municipalities, save and except such articles, sections, parts, or portions as are hereafter omitted, deleted, modified, or changed, such incorporation being authorized by K.S.A. 12-3009 through 12-3012, inclusive, as amended. No fewer than three copies of said standard traffic ordinance shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Westwood Hills, Kansas", 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 this section, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

**11-102. SPEED LIMITATIONS AND RESTRICTIONS.** The Governing Body has determined that the speed limits permitted under state law and Section 33 of the Standard Traffic Ordinance is less than reasonable and safe in all business districts and also is more than reasonable and safe in all residential districts and does determine and declare that the reasonable and safe speed limits within the City of Westwood Hills (except when a special hazard exists that requires lower speed for compliance with Section 32 of the Standard Traffic Ordinance) are the limits specified in this section, or established as hereinafter authorized, and shall be maximum lawful speeds. No person shall drive a vehicle at a speed in excess of such maximum limits:

<u>Street</u>	<u>Portion Controlled</u>	<u>Applicable Speed Limit</u>
48th Street Terrace	Within City Limits	25 mph
49th Street	Within City Limits	25 mph
49 <sup>th</sup> Street Terrace	Within City Limits	25 mph
50 <sup>th</sup> Street	Within City Limits	25 mph
50th Street Terrace	Within City Limits	25 mph
Glendale Road	Within City Limits	25 mph
Rainbow Boulevard	Within City Limits	35 mph
State Line Road	Within City Limits	30 mph

The maximum speed limit established by or pursuant to this section shall be of force and effect regardless of whether signs are posted giving notice thereof and notwithstanding any signs giving notice of maximum speed limits in excess thereof, and any sign giving notice of a maximum speed limit in excess of the limits established by or pursuant to this section shall not be of any force or effect.

The Chief of Police is hereby directed to cause to have erected appropriate signs giving notice of such speed limit along said streets.

## **ARTICLE 2. TRAFFIC REGULATIONS: LOCAL**

**11-201. DESIGNATION OF THROUGH STREET OR HIGHWAY AND REQUIRING VEHICLES TO STOP BEFORE ENTERING SAME.** Rainbow Boulevard and State Line Road are hereby designated as through streets or highways. All vehicles shall stop before entering or crossing Rainbow Boulevard from and after the date traffic control signals exhibiting the word "Stop" shall have been posted upon the streets of the City entering upon said through street or highway.

**11-202. VEHICLE STOPS AT CERTAIN TIMES AND PLACES.** For the protection of pedestrians, vehicles and other traffic, the driver of any vehicle shall bring the same to a complete stop at the following locations:

a. When the vehicle is moving east on 48th Street Terrace or 49th Street, immediately before entering the intersection of that street with State Line Road;

b. When the vehicle has been moving easterly on 49th Street and is proceeding southeasterly on the westerly leg or branch of Glendale Road, immediately before entering the intersection of such westerly leg or branch with the easterly leg or branch of Glendale Road a short distance south of 49th Street;

c. When the vehicle is moving east on 49th Street, immediately before entering the intersection of that street with the easterly leg or branch of Glendale Road;

d. When the vehicle is moving west on 49th Street, immediately before entering the intersection of that street with the easterly leg or branch of Glendale Road;

e. When the vehicle is moving northwesterly on the westerly leg or branch of Glendale Road, immediately before entering the intersection of that leg or branch with 49th Street;

f. When the vehicle is moving easterly on the southerly leg or branch of 49th Street Terrace, immediately before entering the intersection of that street with Glendale Road;

g. When the vehicle is moving southeasterly on Glendale Road, immediately before entering the intersection of that road with the southerly leg or branch of 49th Street Terrace;

h. When the vehicle is moving northwesterly on the south leg or branch of 49th Street Terrace near Glendale Road, immediately before entering the intersection of such southerly leg or branch of 49th Street with the intersection of the northerly leg or branch of 49th Street Terrace;

i. When the vehicle is moving east on 50th Street, immediately before entering the intersection of that street with the easterly leg or branch of Glendale Road;

j. When the vehicle is moving east on 50th Street, immediately before entering the intersection of that street with the westerly leg or branch of Glendale Road;

k. When the vehicle is moving west on 50th Street, immediately before entering the intersection of that street with the westerly leg or branch of Glendale Road;

l. When the vehicle is moving southeasterly on the easterly leg or branch of Glendale Road, immediately before entering the intersection of that road with 50th Street.

m. When the vehicle has been moving westerly on 50th Street and is proceeding northwesterly on the easterly leg or branch of Glendale Road, immediately before entering the intersection of such easterly leg or branch with the westerly leg or branch of Glendale Road a short distance north of 50th Street;

n. When the vehicle is moving south on State Line Road, immediately before entering the intersection of that street with 50th Street;

o. When the vehicle is moving west on 48th Street Terrace, 49th Street, 49th Street Terrace, 50th Street Terrace immediately before entering the intersection of any of those streets with Rainbow Boulevard;

provided that no person shall be convicted of a violation of this section unless a "Stop" sign has been erected and is being maintained at the place where the alleged violation occurred.

**11-203. REGULATION OF ALL TURNS AT INTERSECTIONS AND PROHIBITING SUCH TURNS AT CERTAIN INTERSECTIONS AND TIMES.** It shall be unlawful for the driver of any vehicle to:

a. make a left turn between the hours of 4:00 p.m. and 6:00 p.m. at any of the following intersections:

1. Off of 48<sup>th</sup> Street Terrace and into Rainbow Boulevard
2. Off of 49<sup>th</sup> Street and into Rainbow Boulevard
3. Off of 49<sup>th</sup> Street Terrace and into Rainbow Boulevard
4. Off of 50<sup>th</sup> Street Terrace and into Rainbow Boulevard

b. make a left turn between the hours of 7:00 a.m. and 9:00 a.m. at any of the following intersections:

1. Off of Rainbow Boulevard and into 48<sup>th</sup> Street Terrace
2. Off of Rainbow Boulevard and into 49<sup>th</sup> Street
3. Off of Rainbow Boulevard and into 49<sup>th</sup> Street Terrace
4. Off of Rainbow Boulevard and into 50<sup>th</sup> Street Terrace

c. make a right turn on red traffic signal at the following intersections:

1. Off of 50th Street onto Rainbow Boulevard
2. Off of Rainbow Boulevard onto 50th Street

provided that no person shall be convicted of making an unlawful turn at any of the designated intersections until the proper signs have been erected.

**11-204. UNAUTHORIZED RIDES.** No person shall ride in or on any vehicle without the consent of the driver.

**11-205. MOLESTING VEHICLES.** No unauthorized person shall interfere with or molest any vehicle.

**11-206. REGULATION OF TRUCK TRAFFIC.** Regulations of truck traffic in the City of Westwood Hills shall be as follows:

a. Regulation of truck traffic. No vehicle or truck carrying a manufacturer's rating of one (1) ton or more other than those carrying passengers or constructed to carry passengers shall be allowed to enter the City of Westwood Hills, except for vehicles carrying goods, merchandise, building material or other articles to be delivered in the City, provided, however, that this restriction shall not be effective unless there are signs setting forth this regulation posted upon the streets of entry into the City.

b. Exceptions. Rainbow Boulevard shall be exempt from the above regulations.

**11-207. PUSHING VEHICLES.** No vehicle shall be pushed for a distance exceeding three hundred feet (300') nor at a speed exceeding twenty miles per hour (20 mph).

**11-208. BRIDGE WEIGHT RESTRICTIONS.** With respect to bridges under the jurisdiction of the City of Westwood Hills, Kansas, the Governing Body may by resolution impose restrictions as to the maximum gross weight of vehicles operated thereon, provided, however, that no such restriction shall be effective unless signs giving notice thereof are erected upon or adjacent to the bridge to which such restriction applies.

**11-209. PROJECTING LOADS ON PASSENGER VEHICLES.** No passenger type vehicle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than six inches (6") beyond the line of the fenders on the right side thereof.

**11-210. PROHIBITED DRIVING AREAS.** Prohibited driving areas in the City shall be as follows:

a. Trespass by motor vehicle. No person shall operate a motor vehicle over private property of another except a driveway, and then only with the express or implied permission of the owner.

b. Over curbs. No person shall drive any vehicle over or across any curb on any of the streets or boulevards of the City of Westwood Hills except where a driveway has been constructed and except at building or construction sites when a building permit has been issued.

### **ARTICLE 3. PARKING REGULATIONS**

**11-301. PARKING PROHIBITED AT CERTAIN PLACES.** No person shall park any vehicle on Rainbow Boulevard, State Line Road, the south side of 48th Street Terrace, the north side of 49th Street, the north side of 49th Street Terrace, the north side of 50th Street, the north side of 50th Street Terrace or the west side of Glendale; provided that no person shall be convicted of illegal parking until the proper signs have been erected.

Additionally, no person shall park any vehicle within 40 feet of the intersections of the following streets:

- a. 48<sup>th</sup> Street Terrace and Rainbow Boulevard;
- b. 48<sup>th</sup> Street Terrace and State Line Road;
- c. 49<sup>th</sup> Street and Rainbow Boulevard;
- d. 49<sup>th</sup> Street Terrace and Rainbow Boulevard;
- e. 50<sup>th</sup> Street and Rainbow Boulevard; and
- f. 49<sup>th</sup> Street and State Line Road.

For the purposes of this Chapter, intersection is defined as the area embraced within the prolongation or connection of the lateral curb lines of each street which join one another at, or approximately at, right angles.

Painting the curb area in which parking is prohibited and lettering on the curb the words "No Parking" shall be sufficient notice that parking is prohibited within such area.

**11-302. COMMERCIAL VEHICLE OR TRUCK PARKING.** It shall be unlawful to park or leave any truck or commercial vehicle upon any street within the City for more than one hour between sundown of one day and sunrise the following day, except for such period of time as may be necessary for the bona fide delivery to or receipt from a residence or place of business of merchandise or goods.

**11-303. TEMPORARY STORAGE CONTAINER PARKING.** It shall be unlawful to park or leave any storage container upon any public property within the City, and it shall be unlawful to park or leave any storage container upon any private property within the City for a period longer than five (5) days, without first obtaining a permit to do so.

**11-304. PARKING PROHIBITED ON GRASS.** It shall be unlawful to park or leave any vehicle upon the grass, sod, soil or grass area on any property within the City.

**11-305. BUS STOPS.** The Governing Body shall designate and establish by resolution zones or areas on the public streets for the stopping of buses for the safe and convenient loading and unloading of passengers.

**11-306. PARKING AND STANDING OF BUSES.** The driver of a bus shall not stand or park the same upon any street in the City at any place other than at a bus stop, except that this provision shall not prevent the driver of any school bus from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers.

**11-307. OBEDIENCE BY DRIVERS OF OTHER VEHICLES.** No person shall stop, stand or park a vehicle other than buses in a bus stop when any such stop has been officially designated and appropriately signed, provided, however, that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus waiting to enter or about to enter such zones.

**11-308. REMOVAL OF VEHICLES FROM CITY STREETS TO FACILITATE SNOW REMOVAL FROM SAID STREETS.** Any person having a vehicle parked on the streets of the City of Westwood Hills must move that vehicle from the street following snow accumulation of

two inches or more, and such vehicle must remain off the streets of the City for a period of twenty-four (24) hours following such accumulation.

**11-309. REMOVAL OF VEHICLES FROM CITY STREETS TO FACILITATE CLEANING OF OR LEAF REMOVAL FROM SAID STREETS.** Any person having a vehicle parked on the streets of the City of Westwood Hills must move that vehicle from the street during the time period specified by the City in a notice provided or posted by the City of a scheduled street cleaning or leaf pickup from the city streets.

**11-310. PROHIBITED PARKING OF CERTAIN VEHICLES.** No person shall park or place, or cause to be parked or placed, other than in an enclosed garage, any vehicle not in operating condition, upon any private or public property within the City of Westwood Hills for a period of more than one (1) week. Additionally, no person shall park, or cause to be parked, any vehicle which is in operating condition on any public property within the City for a period of more than fourteen (14) days without moving such vehicle.

**11-311. TOWING OF VEHICLES.** Any vehicle remaining on a street following a snow accumulation of two inches or during the time period prohibited due to scheduled street cleanings or leaf pickup and any vehicle remaining on a street in violation of Section 11-310 may be towed from the city street by the City at the expense of the owner of the vehicle.

#### **ARTICLE 4. TOWING**

**11-401. TOWING.** The police department and all members thereof are authorized to remove and/or tow away, or have removed and towed away by a commercial towing service, to an impound lot or other safe place designated by the City, all motor vehicles found under the following enumerated circumstances:

a. When any motor vehicle upon a street is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle cannot safely operate the motor vehicle or are unable to provide for its custody or removal to a lawfully secure location; or

b. When any motor vehicle is parked illegally in such a manner as to constitute a hazard or obstruction to the safe movement of traffic; or

c. When the operator of any motor vehicle is arrested and taken into custody by the police department and such vehicle would thereby be left unattended and create a hazard or obstruction to the safe movement of traffic; or

d. When any motor vehicle is abandoned or left unattended on a highway, public road or City-owned property for a period of time in excess of 48 consecutive hours; or

e. When any vehicle is found being driven on the streets and is not in proper or safe condition to be driven and cannot be removed safely to a lawfully secured location by the owner or operator; or

f. When any motor vehicle determined to be stolen is found upon the public street;  
or

g. When any motor vehicle is subject to seizure as evidence in a criminal prosecution; or

h. When any motor vehicle is subject to seizure or forfeiture under the laws of this state or under federal law.

## **ARTICLE 5. PENALTIES**

**11-501. PENALTIES.** The fine for violation of an ordinance traffic infraction or any other traffic offense for which the municipal judge establishes a fine in a fine schedule shall not exceed \$500.00. A person who has been convicted of a traffic infraction may be sentenced to pay a fine which shall be fixed by the municipal court judge in an amount not exceeding \$500.00.

Every person convicted of a violation of any provision of this Chapter 11 for which another penalty is not provided by this ordinance or by the schedule of fines established by the municipal court judge shall be punished as follows: for a first conviction, by a fine of not more than \$500.00 or by imprisonment for not more than one (1) month or by both such fine and imprisonment; for a second conviction within (1) year of the first conviction, by a fine of not more than \$1,000.00 or by imprisonment for not more than six (6) months or by both such fine and imprisonment; and for a third or subsequent conviction within one (1) year of the first conviction, by a fine of not more than \$2,500.00 or by imprisonment for not more than one (1) year or by both such fine and imprisonment.