

CHAPTER XIV. TRAFFIC

- Article 1. Standard Traffic Ordinance
- Article 2. Local Traffic Regulations
- Article 3. Abandoned Motor Vehicles
on Public Property
- Article 4. Hazardous Materials

ARTICLE 1. STANDARD TRAFFIC ORDINANCE

- 14-101. INCORPORATING STANDARD TRAFFIC ORDINANCE. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Valley Falls, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities," Edition of 2005, 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 ordinance shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Valley Falls, 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. (Ord. 14-115, Sec. 1; Code 2006)
- 14-102. SAME; TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES. (a) An ordinance traffic infraction is a violation of any section of this article that prescribes or requires the same behavior as that prescribed 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 article, and which are not ordinance traffic infractions as defined in subsection (a) of this section, shall be considered traffic offenses. (Ord. 14-115, Sec. 2; Code 2006)
- 14-103. PENALTY FOR SCHEDULED FINES. The fines for a violation of an ordinance traffic infraction, or a violation of any other traffic infraction for which the municipal judge establishes a fine in a schedule of fines, not to be less than \$15.00, nor more than \$2,500.00. (Ord. 14-115, Sec. 3; Code 2006)

City of
VALLEY FALLS

Incorporated May 17, 1869

ORDINANCE NO. 14-108

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF VALLEY FALLS, KANSAS, INCORPORATING BY REFERENCE, THE “STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES” EDITION 2010 AND REPEALING ALL ORDINANCE IN CONFLICT HEREWITH.

BE ORDAINED BY THE GOVERNING BODY OF THE CITY OF VALLEY FALLS, KANSAS:

SECTION 1. INCORPORATING STANDARD TRAFFIC ORDINANCE. It is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Valley Falls, Kansas that certain standard ordinance known as the “Standard Traffic Ordinance for Kansas Cities”, edition 2010 prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. Not less than three (3) copies of said Standard Ordinance shall be marked or stamped “Official Copy” as adopted by Ordinance No. 14-108 and to which shall be attached a copy of this ordinance and filed with the City Clerk to be open to the public at all reasonable hours. The Police Department and the Municipal Judge and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such standard 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 prescribes the same behavior as that prescribed or required by a statutory provision that is classified as a traffic infraction K.S.A. 8-2118. (b) All traffic violations which are included within this ordinance, and which are not ordinance traffic infractions, as defined in subsection (a) of this section, shall be considered traffic offenses.

SECTION 3. PENALTY FOR SCHEDULED FINES. The fines 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 be less than \$15.00 nor more than \$2500.00. A person tried and convicted for violation of any 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 \$2500.00.

SECTION 4. REPEAL. Ordinance No. 14-107 is repealed.

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in the Valley Falls Vindicator, the official City paper of the City of Valley Falls, Jefferson County, Kansas.

PASSED BY THE CITY COUNCIL THIS 4th DAY OF AUGUST, 2010.

PASSED BY THE MAYOR THIS 4th DAY OF AUGUST, 2010.

Charles Stutesman
MAYOR

ATTEST:

Millie C. Bickford
CITY CLERK

CITY OFFICE
421-B MARY STREET - VALLEY FALLS, KANSAS 66088-1200
PHONE 785-945-6612 – FAX 785-945-3341
vfcity@giantcomm.net

City of
VALLEY FALLS

Incorporated May 17, 1869

ORDINANCE NO. 14-109

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF VALLEY FALLS, KANSAS, INCORPORATING BY REFERENCE, THE “STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES” EDITION OF 2011 AND REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING CERTAIN PENALTIES AND REPEALING ORDINANCE NUMBERED 14-108.

BE ORDAINED BY THE GOVERNING BODY OF THE CITY OF VALLEY FALLS, KANSAS:

SECTION 1. INCORPORATING STANDARD TRAFFIC ORDINANCE. It is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Valley Falls, Kansas that certain standard ordinance known as the “Standard Traffic Ordinance for Kansas Cities”, edition 2011 prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. Not less than three (3) copies of said Standard Ordinance shall be marked or stamped “Official Copy” as adopted by Ordinance No. 14-109 and to which shall be attached a copy of this ordinance and filed with the City Clerk to be open to the public at all reasonable hours. The Police Department and the Municipal Judge and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such standard 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 prescribes the same behavior as that prescribed or required by a statutory provision that is classified as a traffic infraction K.S.A. 8-2118. (b) All traffic violations which are included within this ordinance, and which are not ordinance traffic infractions, as defined in subsection (a) of this section, shall be considered traffic offenses.

SECTION 3. PENALTY FOR SCHEDULED FINES. The fines 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 be less than \$15.00 nor more than \$2500.00. A person tried and convicted for violation of any 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 \$2500.00.

SECTION 4. REPEAL. Ordinance No. 14-108 is repealed.

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in the Valley Falls Vindicator, the official City paper of the City of Valley Falls, Jefferson County, Kansas.

PASSED BY THE CITY COUNCIL THIS 7th DAY OF SEPTEMBER, 2011.

PASSED BY THE MAYOR THIS 7th DAY OF SEPTEMBER, 2011.

Charles Stutesman
MAYOR

ATTEST:

Millie C. Bickford
CITY CLERK

ORDINANCE NO 14-110.

AN ORDINANCE AUTHORIZING THE OPERATION OF WORK-SITE UTILITY VEHICLES, MICRO UTILITY TRUCKS, ALL TERRAIN VEHICLES AND GOLF CARTS ON THE STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF VALLEY FALLS, KANSAS; PROVIDING FOR RELATED MATTERS, INCLUDING PENALTIES FOR VIOLATION THEREOF; AND, PROVIDING FOR THE REPEAL OF ORDINANCES NO. 14-108 AND 14-207 AND HEREBY AMEND AND REPLACE SECTIONS 114.1, 114.2, 114.4 AND 114.5 OF THE 2011 STANDARD TRAFFIC ORDINANCE, AS ADOPTED BY ORDINANCE No. 14-109.

Be it Ordained by the Governing Body of the City of Valley Falls, Kansas:

Section 1. OPERATION OF WORK-SITE UTILITY VEHICLES. (a) Work-site utility vehicles may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city.

(b) No work-site utility vehicle shall be operated on any public highway, street, road or alley between sunset and sunrise. No work-site utility vehicle shall be operated on any interstate highway, federal highway or state highway.

(c) Every person operating a work-site utility vehicle on the public highways, streets, roads and alleys of the city shall be subject to all of the duties applicable to a driver of a vehicle imposed by law.

Section 2. SAME: VALID DRIVER'S LICENSE REQUIRED; PENALTY. No person 14 years of age or older shall operate a work-site utility vehicle on any public highway, street, road or alley within the corporate limits of the city unless such person has a valid driver's license or permit. Drivers between the age of 14 and 17 must possess a valid Farm permit, Instruction permit, or Restricted License. Violation of this section is punishable by a fine of not more than \$1000.

Section 3. SAME; DEFINITION: "Work-site utility vehicle" means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 135 inches, has an un-laden weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more low pressure tires, a steering wheel and bench or bucket type seating allowing at least two people to sit side-by-side, and may be equipped with a bed or cargo box for hauling materials. "Work-site utility vehicle" does not include a micro utility truck.

Section 4. SAME; PENALTY. Unless specifically provided for herein, a violation of this section shall be deemed an ordinance traffic infraction. Upon an entry of a plea of guilty or no contest or upon being convicted of such violation, the penalty imposed shall be in accordance with Section 201, 2011 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

Section 5. SAME; INSURANCE REQUIRED; PENALTY: (a) Every owner of an Work-site Utility Vehicle shall provide liability coverage in accordance with Section 200 of the 2011 Standard Traffic Ordinance, and amendments thereto, and the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101, *et seq.*, and amendments thereto.

(b) All provisions of Section 200 of the 2011 Standard Traffic Ordinance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of Work-site Utility vehicles.

Section 6. OPERATION OF MICRO UTILITY TRUCKS. (a) Micro utility trucks may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city.

(b) No micro utility truck shall be operated on any public highway, street, road or alley, unless such truck complies with the equipment requirements under Article 17 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto. No micro utility truck shall be operated on any interstate highway, federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a micro utility truck from crossing a federal or state highway.

(c) Every person operating a micro utility truck on the public highways, streets, roads and alleys of the city shall be subject to all of the duties applicable to a driver of a vehicle imposed by law.

Section 7. SAME: VALID DRIVER'S LICENSE REQUIRED; PENALTY. No person 14 years of age or older shall operate a micro utility vehicle on any public highway, street, road or alley within the corporate limits of the city unless such person has a valid driver's license or permit. Drivers between the age of 14 and 17 must possess a valid Farm permit, Instruction permit, or Restricted License. Violation of this section is punishable by a fine of not more than \$1000.

Section 8. SAME; DEFINITION: "Micro utility truck" means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 160 inches, has an un-laden weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab. "Micro utility truck" does not include a work-site utility vehicle.

Section 9. SAME; PENALTY. Unless specifically provided for herein, a violation of this section shall be deemed an ordinance traffic infraction. Upon an entry of a plea of guilty or no contest or upon being convicted of such violation, the penalty imposed shall be in accordance with Section 201, 2011 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

Section 10. SAME; INSURANCE REQUIRED; PENALTY: (a) Every owner of an Micro-Utility vehicle shall provide liability coverage in accordance with Section 200 of the 2011 Standard Traffic Ordinance, and amendments thereto, and the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101, *et seq.*, and amendments thereto.

(b) All provisions of Section 200 of the 2011 Standard Traffic Ordinance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of Micro-Utility vehicles.

Section 11. OPERATION OF ALL-TERRAIN VEHICLES. (a) All-terrain vehicles may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city; provided, however, that no all-terrain vehicle shall be operated on any interstate highway, federal highway or state highway.

(b). No all-terrain vehicle shall be operated on any public highway, street, road or alley between sunset and sunrise.

(c) Every person operating an all-terrain vehicle on the public highways, streets, roads and alleys of the city shall be subject to all of the duties applicable to a driver of a vehicle imposed by law.

(d) A person operating an all-terrain vehicle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on an all-terrain vehicle, unless such all-terrain vehicle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the all-terrain vehicle at the rear or side of the operator.

(e) A person shall ride upon an all-terrain vehicle only while sitting astride the seat, facing forward, with one leg on each side of the all-terrain vehicle.

(f) No person shall operate an all-terrain vehicle while carrying any package, bundle, or other article which prevents such person from keeping both hands on the handlebars.

(g) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the all-terrain vehicle or the view of the operator.

Section 12. SAME: VALID DRIVER'S LICENSE REQUIRED; PENALTY. No person 14 years of age or older shall operate an all-terrain vehicle on any public highway, street, road or alley within the corporate limits of the city unless such person has a valid driver's license or permit. Drivers between the age of 14 and 17 must possess a valid Farm permit, Instruction permit, or Restricted License. Violation of this section is punishable by a fine of not more than \$1000.

Section 13. SAME; DEFINITION. "All-terrain vehicle" means any motorized non-highway vehicle 50 inches or less in width, having a dry weight of 1,500 pounds or less, traveling on three or more non-highway tires, and having a seat to be straddled by the operator. As used in this subsection, "non-highway tire" means any pneumatic tire six inches or more in width, designed for use on wheels with rim diameter of 14 inches or less.

Section 14. SAME; ROADWAYS LANED FOR TRAFFIC. (a) All all-terrain vehicles are entitled to full use of a lane, and no motor vehicle shall be driven in such a manner as to deprive any all-terrain vehicle of the full use of a lane. This subsection shall not apply to all-terrain vehicles operated two (2) abreast in a single lane.

(b) The operator of an all-terrain vehicle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(c) No person shall operate an all-terrain vehicle between lanes of traffic or between adjacent lines or rows of vehicles.

(d) All-terrain vehicles shall not be operated more than two (2) abreast in a single lane.

(e) Subsections (b) and (c) shall not apply to police officers in the performance of their official duties.

Section 15. SAME; CLINGING TO OTHER VEHICLES PROHIBITED. No person riding upon a all-terrain vehicle shall attach himself, herself or the all-terrain vehicle to any other vehicle on a roadway.

Section 16. SAME; OPERATION OF ALL-TERRAIN VEHICLES; EQUIPMENT REQUIRED FOR OPERATORS AND RIDERS. (a) No person under the age of 18 years shall operate or ride upon an all-terrain vehicle unless wearing a helmet which complies with minimum guidelines established by the national highway traffic safety administration pursuant to the national traffic and motor vehicle safety act of 1966 for helmets designed for use by motorcyclists and other motor vehicle users.

(b) No person shall operate an all-terrain vehicle unless such person is wearing an eye-protective device which shall consist of protective glasses, goggles or transparent face shields which are shatter proof and impact resistant, except when the all-terrain vehicle is equipped with a windscreen which has a minimum height of 10 inches measured from the center of the handlebars.

Section 17. SAME; PENALTIES. Unless specifically provided herein, a violation of any provision in sections 12 through 14 shall be deemed an ordinance traffic infraction. Upon an entry of a plea of guilty or no contest or upon being convicted of such violation, the penalty imposed shall be in accordance with Section 201, 2011 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

Section 18. SAME; INSURANCE REQUIRED; PENALTY: (a) Every owner of an all-terrain vehicle shall provide liability coverage in accordance with Section 200 of the 2011 Standard Traffic Ordinance, and amendments thereto, and the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101, *et seq.*, and amendments thereto.

(b) All provisions of Section 200 of the 2011 Standard Traffic Ordinance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of all-terrain vehicles.

Section 19. OPERATION OF GOLF CARTS. (a) Golf carts may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city; provided, however, that no golf cart may be operated upon any public highway, street, road and alley with a posted speed limit in excess of 30 miles per hour. No golf cart shall be operated on any interstate highway, federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a golf cart from crossing a federal or state highway or a street or highway with a posted speed limit greater than 30 miles per hour.

(b) No. golf cart shall be operated on any public highway, street, road or alley between sunset and sunrise.

(c) Every person operating a golf cart on the public highways, streets, roads and alleys of the city shall be subject to all of the duties applicable to a driver of a vehicle imposed by law.

Section 20. SAME: VALID DRIVER'S LICENSE REQUIRED; PENALTY. No person 14 years of age or older shall operate a golf cart on any public highway, street, road or alley within the corporate limits of the city unless such person has a valid driver's license or permit. Drivers between the age of 14 and 17 must possess a valid Farm permit, Instruction permit, or Restricted License: Violation of this section is punishable by a fine of not more than \$1000.

Section 21: SAME; DEFINITION: "Golf cart" means a motor vehicle that has not less than three wheels in contact with the ground, an un-laden weight of not more than 1,800 pounds, is designed to be operated at not more than 25 miles per hour and is designed to carry not more than four persons, including the driver.

Section 22..SAME; PENALTY. Unless specifically provided herein, a violation of this section shall be deemed an ordinance traffic infraction. Upon an entry of a plea of guilty or no contest

or upon being convicted of such violation, the penalty imposed shall be in accordance with Section 201, 2011 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.

Section 23. SAME; INSURANCE REQUIRED; PENALTY: (a) Every owner of an Golf Cart shall provide liability coverage in accordance with Section 200 of the 2011 Standard Traffic Ordinance, and amendments thereto, and the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101, *et seq.*, and amendments thereto.

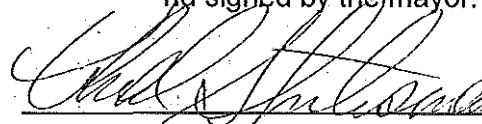
(b) All provisions of Section 200 of the 2011 Standard Traffic Ordinance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of Golf Carts.

Section 24. REPEALER. Ordinance Numbers 14-108 and 14-207 of the Code of the City of Valley Falls, Kansas are hereby repealed. Sections 114.1, 114.2, 114.4 and 114.5 of the 2011 Standard Traffic Ordinance, as adopted in Ordinance No. 14,109 are hereby repealed and replaced with this ordinance.

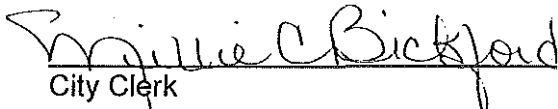
Section 25. PUBLICATION; EFFECTIVE DATE: This ordinance shall be published one time in the official city newspaper, The Vindicator and shall take effect and be in force from and after said publication.

Passed by the city council on this 19th day of October, 2011, and signed by the mayor.

and signed by the mayor.



ATTEST:


Minnie C. Bickford
City Clerk

ARTICLE 2. LOCAL TRAFFIC REGULATIONS

- 14-201. TRAFFIC CONTROL DEVICES AND MARKINGS. The Standard Traffic Ordinance as adopted is hereby modified by adding thereto the following: The governing body may, by resolution, establish and fix the location of such traffic control devices as may be deemed necessary to guide and warn traffic under the provisions of this chapter, other traffic ordinances and the state laws. The city shall place and maintain such traffic control signs, signals and devices when and as may be required by the authority of the governing body to make effective the provisions of this chapter and other ordinances for the regulation of traffic. Any official traffic control device placed pursuant to this section shall be marked and labeled on a map of the City of Valley Falls for the purpose of displaying all such traffic control devices and shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours of business. (Code 2006)
- 14-202. SCHOOL ZONE. (a) The speed limit on Phoebe Street in the city shall be as follows:
- (1) Beginning at the west city limit and extending east for 0.20 mile to 35 feet west centerline of Mulberry Street at 30 mph.
- (2) From 35 feet west of Mulberry Street, thence east again for 0.50 mile to the east city limit at 30 mph.
- A school lane shall be located on the crossing of Phoebe Street as follows:
- At the intersection of Walnut and Phoebe Streets. The crossing shall be marked at 20mph during the hours of 8:15 a.m. to 9:05 am., 11:30 a.m. to 1:05 p.m., and 3:30 p.m. to 4:15 p.m.
- The school lane speed zone shall be established 500 feet through the school lane at Walnut Street and shall begin 285 feet west of Walnut Street and extend east for 500 feet.
- (b) It is deemed necessary by the governing body of the city that one-way driving and parking be established around the public schools of the city: Going south on Elm Street between Caroline and Katherine Street; going north on Oak Street between Katherine and Caroline Street; and going west on the street between Oak and Elm on Caroline Street.
- Parking on Elm Street shall be on the right hand side only during school hour; and on Oak Street, parking shall be on the right hand side only during school hours; and on Caroline Street there shall be no parking on the north side of the street during school hours.
- (Code 1983)
- 14-203. PARKING RESTRICTIONS. (a) Vehicles shall be parked on Broadway between the Depot and Oak Streets at an angle of 45 degrees with the right front wheel touching the curb. All parking of trucks exceeding the size of one ton is prohibited. Parking in front of the theater or within 10 feet of any fire hydrant and center parking is prohibited and double parking is prohibited except for the loading and unloading of supplies and then not longer than five minutes.
- In the block north of Broadway on Walnut Street, cars shall park at an angle on the east side of the street and parallel on the west side. In the block

south of Broadway on Walnut, parking is prohibited except parallel parking on the west side south of the first station. In the block north of Broadway on Sycamore, angle parking is allowed on the east side of the street and parallel parking on the west side of the street. In the block south of Broadway on Sycamore, angle parking is allowed on the west side of the street and on the east side of street to the alley, and parallel to the corner. Parallel parking is allowed on all streets in the rest of the city with the right hand side of the car to the curb as close as possible.

No parking is allowed overnight on Broadway between Maple and Oak Streets.

No truck parking is allowed on any street for over one hour when it creates a safety hazard.

No parking will be allowed on the South side of Francis Street from Walnut Street to the alley (approximately 170 feet west of Walnut Street).

The governing body can by resolution prescribe no parking zones within the city when it is considered necessary in the interest of safety, and the zone shall be clearly marked.

(b) All automobiles parked on Broadway Street between Maple Street and Oak Street, shall, when leaving, be backed far enough to allow the driver to go ahead in the same direction as he or she was going before parking.

(c) Vehicles may, for the purpose of loading and unloading, delivery or loading for delivery, be backed parallel with the curb, long enough only to so load or unload in no case more than 15 minutes.

(d) It shall be unlawful to park any vehicle on the streets of this city within 10 feet of any intersection.

(Ord. 14-214, Sec. 1; Code 2006)

14-204. **TRUCK PARKING PROHIBITED.** Whenever authorized signs are erected giving notice thereof, no person shall park any truck at any time upon that portion of the streets so posted or signed for No Truck Parking, excepting that vehicles used for the transportation of merchandise or materials may stand or be parked at the curb to take on or discharge loads on any street so marked. For purposes of this section, truck shall be defined as every motor vehicle designed, used, or maintained primarily for the transportation of property. (Code 1983)

14-205. **RESTRICTING THE PARKING OF CERTAIN TRUCKS AND TRAILERS.**

(a) Any person desiring to park a truck tractor or trailer on the streets for a period in excess of four hours must show good cause to the governing body of the city and obtain a written permit for the parking from the city clerk.

(b) No truck tractor or trailer may be parked on the street or within 300 feet of any residence and leave the motor, either truck or refrigeration, running to create a nuisance to residents in the area.

(Ord. 14-208, Secs. 2:3; Code 2006)

14-206. **TRAILER PARKING.** (a) Except as provided in ChapterS of this code, it shall be unlawful for any person to park any trailer on any street, alley, highway, or other public place, or any tractor of land, whether owned by the person himself, herself or by others, within the city limits.

(b) No person shall park or occupy any trailer outside a duly authorized trailer camp or trailer lot, unless the trailer complies with all of the regulations that apply to a permanent dwelling in the same area. No trailer shall be permitted to be parked within 40 feet of the dwelling house of any person, unless the owner thereof shall give his or her consent in writing to permit such parking.

(c) Emergency or temporary stopping or parking shall be done only in accordance with the traffic regulations and other ordinances of the city and as the same may be permitted or authorized by the chief of police.
(Code 1983)

14-207.

ATVS, DIRT BIKES, POCKET BIKES (MINIS) AND GO-CARTS. (a) Section 114.1(a) of the Standard Traffic Ordinance is hereby changed to read as follows: It is hereby declared to be a violation of the ordinances of this city to operate an all-terrain vehicle, a dirt bike, a pocket bike (mini), or a go-cart on the streets of the city unless the vehicle is registered with the State of Kansas, tagged, motor vehicle liability insurance coverage, and equipped with lights as required by law.

(b) A violation of this ordinance shall be considered to be a misdemeanor and prosecuted according to the ordinances of the City.
(Ord. 13-208, Sec. 1; Ord. 13-208(a), Secs. 1:2; Code 2006)

ORDINANCE NO. 14-203.1

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

SECTION 1. PARKING RESTRICTIONS. (a) Vehicles shall be parked on Broadway Street between Maple Street and Oak Street at an angle of 45 degrees with the right front wheel touching the curb. All parking of trucks exceeding the size of one ton is prohibited. Parking within 10 feet of any fire hydrant and center parking is prohibited and double parking is prohibited except for the loading and unloading of supplies and then not longer than five minutes.

Parallel parking is allowed on all streets in the rest of the city with the right hand side of the car to the curb as close as possible.

No truck parking will be allowed on the South side of Francis Street from Walnut Street to the alley (approximately 170 feet west of Walnut Street).

The Governing Body can by resolution prescribe no parking zones within the city when it is considered necessary in the interest of safety, and the zone shall be clearly marked.

(b) All automobiles parked on Broadway Street between Maple Street and Oak Street, shall, when leaving, be backed far enough to allow the driver to go ahead in the same direction as he she was going before parking.

(c) Vehicles may, for the purpose of loading and unloading, delivery or loading for delivery, be backed parallel with the curb, long enough only to so load or unload in no case more than 15 minutes.

(d) It shall be unlawful to park any vehicle on the streets of this city within 10 feet of any intersection.

SECTION 2. REPEAL. Ordinance No. 14-203 is repealed.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect and be in force after it publication in the Valley Falls Vindicator, the official city newspaper of the City of Valley Falls, Jefferson County, Kansas.

PASSED BY THE CITY COUNCIL THE 16TH DAY OF APRIL, 2008

APPROVED BY THE MAYOR THIS 16TH DAY OF APRIL, 2008.

ATTEST:

**SUSAN GREY
MAYOR**

**DENISE STREETER
CITY CLERK**

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VALLEY FALLS

Incorporated May 17, 1869

ORDINANCE NO. 14-208

AN ORDINANCE RELATING TO THE PARKING OF
VEHICLES ON WALNUT STREET BETWEEN 11th STREET
AND 12TH STREET IN THE CITY OF VALLEY FALLS, KANSAS

BE IT ORDAINED by the Governing Body of the City of Valley Falls, Kansas.

SECTION 1. No Parking will be allowed on the East Side of Walnut Street from
12th Street North 100 feet for the purpose of a Fire Lane.

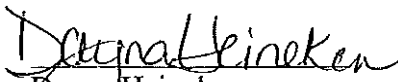
SECTION 2. PENALTIES: The penalties for violation of this ordinance
are pursuant to the Standard Traffic Ordinances for Kansas Cities.

This ordinance shall take effect and be in force from and after the
publication of this ordinance in the Official City Newspaper.

Passed by the Governing Body of the City of Valley Falls, Kansas this 3rd
day of April, 2006.

ATTEST:

Robert H. Zieg
Mayor


Dayna Heineken
City Clerk

CITY OFFICE
421-B Mary Street • Valley Falls, Kansas 66088-1200
Phone 785-945-6612 • Fax 785-945-3341

ORDINANCE No. 14-209

AN ORDINANCE RELATING TO PARKING OF VEHICLES UPON STREETS DESIGNATED AS EMERGENCY SNOW ROUTES WHEN SNOW REMOVAL OPERATIONS ARE NECESSARY.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VALLEY FALLS, KANSAS, AS FOLLOWS:

Section 1. Findings of the Governing Body. The Governing Body finds that parking of vehicles on certain streets covered by a heavy accumulation of snow is a matter affecting the health, safety, and welfare of the citizens of Valley Falls for the reason that parked and stalled vehicles impede snow removal operations and cause serious traffic congestion and hazard.

Section 2. Declaration of Traffic Emergency. Whenever snow has accumulated or there is a possibility that snow will accumulate to one (1") inch or more in depth and snow removal operations will be required this ordinance shall take effect and until such traffic emergency is terminated it shall be unlawful between the hours of 12:00 a.m. and 7:00 a.m. to park a vehicle on any street designated as an emergency snow route as defined in Section 5 of this ordinance.

Section 3. Termination of Traffic Emergency. Upon the removal of the snow from the streets the parking emergency shall be terminated.

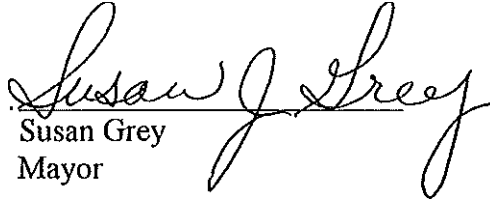
Section 4. Removal of Parked Vehicles. All vehicles parked on emergency snow routes must be removed with the enactment of a traffic emergency. All stranded or abandoned vehicles impeding snow removal operations or causing traffic congestion may be removed or caused to be removed by law enforcement to the nearest garage or other place of safety. The vehicle may not be recovered until the towing and storage are paid by the owner of the vehicle.

Section 5. Emergency Snow Routes; Establishment; Signs. Upon the enactment of the Emergency Snow Ordinance, the street listed in this section shall be designated and marked with "Emergency Snow Route" signs. These signs shall be posted on the right hand side of the driving lane at intervals not to exceed one (!) block. The emergency snow route is Broadway Street from Maple Street to Oak Street. Appropriate signs shall be installed along each of said streets designated emergency snow routes.

Section 6. Penalty. Any operator of a vehicle who shall violate the provisions of this ordinance shall, upon conviction thereof, be guilty of a traffic infraction and fined an amount not to exceed One Hundred Dollars (\$100.00) plus courts costs.

Section 7. Effective Date. This ordinance shall take affect and shall be in full force and effect after its publication in The Valley Falls Vindicator, the official city newspaper.

Passed by the Governing Body of the City of Valley Falls, Kansas, and approved by the Mayor, this 5th day of March, 2008.


Susan Grey
Mayor

Attest:

Denise Stræter
City Clerk

ORDINANCE NO. 14-210

AN ORDINANCE RELATING TO THE TRAFFIC AND PARKING OF VEHICLES ON ELM STREET BETWEEN FRANCIS (7TH) STREET AND CATHERINE (8TH) STREET, LOCATED BETWEEN BLOCK 65 AND BLOCK 66 IN THE CITY OF VALLEY FALLS, KANSAS.

BE IT ORDAINED by the Governing Body of the City of Valley Falls, Kansas:

SECTION 1. THAT Elm Street between Francis (7th) Street and Catherine (8th) Street be a two way driving street.

SECTION 2. No parking will be allowed on the west side of Elm Street between Francis (7th) Street and Catherine (8th) Street.

SECTION 3. That the intersection at Catherine (8th) and Elm Streets be established as a 4-way stop intersection in the City of Valley Falls, Kansas.

SECTION 4. This ordinance shall become effective after passage and publication in the Valley Falls Vindicator.

PASSED AND APPROVED by the Governing Body of the City of Valley Falls, Kansas, this 4th day of March, 2009.

Susan Grey
Mayor

ATTEST:

Millie C. Bickford
City Clerk

ORDINANCE NO. 14-211

AN ORDINANCE RELATING TO THE PARKING OF VEHICLES ON BROADWAY STREET BETWEEN MAPLE STREET AND SYCAMORE STREET IN THE CITY OF VALLEY FALLS, KANSAS.

BE IT ORDAINED by the Governing Body of the City of Valley Falls, Kansas:

SECTION 1. Two parking stalls on the North side of Broadway between Maple Street and Sycamore Street located at 320 Broadway will be designated as 30-minute parking stalls between the hours of 9:00 A.M. and 6:00 P.M.

SECTION 2. PENALTIES: The penalties for violation of this ordinance are pursuant to the Standard Traffic Ordinance for Kansas Cities.

SECTION 3. This ordinance shall take effect and be in force from and after publication of this ordinance in the Official City Newspaper.

Passed by the Governing Body of the City of Valley Falls, Kansas, this 16th day of June, 2010.

Charles Stutesman, Mayor

ATTEST:

Millie C. Bickford, City Clerk

City of

VALLEY FALLS

Incorporated: May 17, 1869

ORDINANCE NO. 14-212

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF VALLEY FALLS, KANSAS, ESTABLISHING A SPEED LIMIT ALONG A PORTION OF SYCAMORE STREET IN VALLEY FALLS.

BE ORDAINED BY THE GOVERNING BODY OF THE CITY OF VALLEY FALLS, KANSAS:

SECTION 1. ESTABLISHING A MAXIMUM SPEED LIMIT. The maximum speed limit on Sycamore Street from the intersection of Broadway to the intersection of Catherine Street shall be posted at 20 miles per hour for both north and south traffic.

SECTION 2. ADDITION TO STANDARD TRAFFIC ORDINANCE. The 20 miles per hour speed limit is a variance from the Standard Traffic Ordinance and shall serve as an addition to the STO adopting ordinance 14-109 previously adopted by the City Council of Valley Falls, Kansas.

SECTION 3. PENALTY FOR SCHEDULED FINES. The fines 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 be less than \$15.00 nor more than \$2500.00. A person tried and convicted for violation of any 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 \$2500.00.


SECTION 5. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in the Valley Falls Vindicator, the official City paper of the City of Valley Falls, Jefferson County, Kansas.

PASSED BY THE CITY COUNCIL THIS 18th DAY OF APRIL, 2012.

SIGNED BY THE MAYOR THIS 18th DAY OF APRIL, 2012

Charles Stutesman
MAYOR

ATTEST:


Millie C. Bickford
CITY CLERK

CITY OFFICE
421-B MARY STREET - VALLEY FALLS, KANSAS 66088-
1200 PHONE 785-945-6612 - FAX 785-945-3341
vfcity@qiantcomm.net

ARTICLE 3. ABANDONED MOTOR VEHICLES ON PUBLIC PROPERTY

14-301. DEFINITIONS. For the purpose of this article, the following terms, phrases, words and their derivations shall have the following meanings:

(a) Highway - The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. Where the word "highway" or the word "street" is used in this article, it means street, avenue, boulevard, thoroughfare, alley, and other public way for vehicular travel by whatever name, unless the context clearly indicates otherwise.

(b) Motor Vehicle - Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively on stationary rails or tracks.

(c) Owner or Occupant - A party having fee simple title in the real property, or a party having a leasehold interest in the real property, or a party who is the beneficiary of a private easement for the purpose of egress or ingress to or from said real property.

(Code 1983)

14-302. IMPOUNDING VEHICLES. The police department may cause to be impounded:

(a) Any motor vehicle unlawfully parked on a highway in violation of any provision of a city ordinance which prohibits the parking of vehicles at the place where or time when the impounded motor vehicle is found.

(b) Any motor vehicle that has been abandoned and left on a highway or other property open to use by the public for a period in excess of 48 hours pursuant to K.S.A. 8-1102.

(c) Any vehicle which interferes with public highway operations.

(d) Any motor vehicle which:

(1) Is subject to removal pursuant to K.S.A. 8-1570, or 8-1102, or

(2) Is subject to seizure and forfeiture under the laws of the state, or

(3) Is subject to being held for use as evidence in a criminal trial.

(e) Any motor vehicle, the continued presence of which, because of the physical location or condition of the motor vehicle, poses a danger to the public safety or to the motor vehicle.

(f) Any motor vehicle which has been abandoned or parked on any real property, other than public property or property open to use by the public, may be moved and disposed of in accordance with the terms of this article by the police department upon the request of the owner or occupant of such real property. The real property referred to herein shall not be owned or leased by the person who abandons or parks said vehicle or by the owner or lessee of such vehicle. The city or any person, partnership, corporation or their agent conducting a business enterprise for the purpose of towing vehicles which removes such vehicle from the real property at the request of the police department shall have a possessory lien on such vehicle for the cost incurred in removing, towing and storing such vehicle.

For purposes of this article, common areas shall be construed not to mean public property or property open to the public.

(Code 1983)

14-303. SAME. The police department may authorize storage of such impounded motor vehicles at any location, public or private, which is zoned for the storage of motor vehicles. (Code 1983)

14-304. NOTICE OF IMPOUNDMENT; STORAGE OF VEHICLE. (a) When Owner Present. When the police department intends to impound a motor vehicle pursuant to section 14-302 and the owner of the motor vehicle is then present, the police department shall before the motor vehicle is removed, provide the owner with a notice, in the form prescribed by the police department that the motor vehicle is being impounded, that towing and storage charges will be assessed against the impounded motor vehicle, that the owner may claim and regain possession of the impounded motor vehicle at the location to which it is being removed for storage without prepayment of towing and storage charges and that the owner may request a hearing as to the propriety of the impoundment and as to the amount of and the owner's liability for the towing and storage charges. The notice shall also state the location where the impounded motor vehicle will be stored and the place where the owner may make his or her request for the hearing. The notice shall also state, in prominent language, that failure by the owner to request a hearing within five days after receipt of the notice may act as a waiver of his or her right to a hearing and that this may result in the placing of a lien against the motor vehicle for the towing and storage charges without further notice to the owner; and that the motor vehicle be sold at public auction to the highest bidder for cash after 15 days from the date of the mailing of the notice. The owner of the impounded motor vehicle shall sign the notice as an acknowledgment that he or she has received a copy of the notice and a copy of the notice shall be provided to the owner.

(b) When Owner not Present. (1) When the police department impounds and removes a motor vehicle pursuant to section 14-302(a) and the owner of the motor vehicle is not present at the time of the impoundment, the police department shall, if such motor vehicle has displayed thereon a registration plate issued by the division of vehicles and has been registered with said division, mail a notice by certified mail to the registered owner thereof, addressed to the address as shown on the certificate of registration, and to the lienholder, if any, of record in the county in which the title shows the owner resides, if registered in this state. The notice shall be in the form prescribed by the police department containing the same information as required by section 14-304(a). The police department shall use reasonable diligence in determining the title owner, or if from a non-title state, the registered owner, of the vehicle, and shall inquire by mail of the office of the register of deeds of the county in which the title shows the owner resides, if registered in this state, as to whether there are any lienholders of record. If the owner cannot be served by certified mail at the address on the motor vehicle registration and there is no other known address of the owner, the owner shall be deemed to be a resident of the state whose whereabouts are unknown and service shall be made on the Secretary of State as provided in K.S.A. 8-401.

If the owner does not reside in the state, as appears from the motor vehicle registration and the owner cannot be served by certified mail at the address on the motor vehicle registration and there is no other known address of the owner, the owner shall be deemed a nonresident of the state and service shall be made on the Secretary of State as provided in K.S.A. 8-401.

(c) Failure or Refusal to Sign Notice. If any person required by this section to sign a notice of impoundment willfully fails or refuses to do so, or if such person cannot be found, the police department shall note this fact on the face of the notice, which shall constitute prima facie evidence of delivery or service of notice as required by this section.
(Code 1983)

14-305.

IMPOUNDMENT AFTER REQUEST TO LEAVE MOTOR VEHICLE. In all cases wherein the owner or operator of a motor vehicle which is on a public street has requested that the motor vehicle be left unattended at that location, in lieu of impoundment of the motor vehicle pursuant to section 14-302, the police department may honor said request for a period of time not exceeding 24 hours, after which time the motor vehicle shall either be removed from the location by the owner or operator or be impounded by the police department pursuant to section 14-304. The police department shall be immune from liability for any damage, loss or destruction of the motor vehicle occasioned by its being left unattended pursuant to the request of the owner or operator thereof, in lieu of impoundment. Nothing in this section shall be construed to limit the authority of the police department to order the removal of a motor vehicle by its owner or operator or to impound a motor vehicle pursuant to section 14-304 at any time whenever in his or her judgment the presence of the unattended motor vehicle constitutes a danger to the public safety. (Code 1983)

14-306.

RELEASE OF MOTOR VEHICLE FROM IMPOUNDMENT. (a) Generally, unless the vehicle is impounded pursuant to section 14-302(b) herein, the owner of an impounded motor vehicle may secure the release of the motor vehicle from impoundment upon requesting such release and presenting proof of ownership satisfactory to the custodian of the place where the motor vehicle is stored. If the custodian is satisfied that the person making the request is the owner or his or her authorized agent, he or she shall release the motor vehicle to the owner or his or her agent. Nothing in the preceding sentence shall preclude the owner of the impounded motor vehicle or his or her agent from paying any towing and storage charges that may be assessed against the motor vehicle, but neither the police department nor the custodian of the storage space may require payment of any towing or storage charges as a condition precedent to such release. At the same time as the owner or his or her agent requests release of the impounded motor vehicle, and if such request is made within 40 days after the owner receives a copy of the notice of impoundment, the police department shall provide him or her an opportunity to make a request for a hearing on the propriety of the impoundment and on the amount and his or her liability for the towing and storage charges occasioned by the impoundment; provided, that if the owner or his or her agent requests release of the impounded motor vehicle more than 40 days after the owner receives a copy of the notice of impoundment, no hearing may be requested on the impoundment or on the towing and storage charges and the owner shall be conclusively presumed to have consented to the impoundment and to the amount of and his or her liability for the towing and storage charges.

(b) Security for Payment of Charges. If the ownership of the impounded motor vehicle is evidenced by a title certificate issued by the Kansas Department

of Highway Safety and Motor Vehicles, the owner or his or her agent may secure the release of the motor vehicle from impoundment without the payment of any towing or storage charges or the deposit of any security for the payment thereof. If the ownership of the impounded motor vehicle is evidenced by a foreign title instrument, or if the jurisdiction in which title is recorded is not evidenced from the document establishing ownership, the owner or his or her agent, before the custodian of the place where the motor vehicle is stored authorizes release of the motor vehicle from impoundment, shall deposit with the custodian cash in the amount of the towing and storage charges to the date of the request. If the owner or his or her agent refuses to provide the cash deposit, the custodian shall not authorize release of the impounded motor vehicle but if the request is timely made, a date shall be set for the hearing on the impoundment and charges.
(Code 1983)

14-307.

HEARING. If the owner of an impounded motor vehicle or his or her agent timely requests the release of the motor vehicle from impoundment and a hearing on the impoundment and charges, as provided in section 14-306, a date shall be set, not more than five days after the date of request, for the hearing. The city attorney shall provide a hearing examiner to conduct the hearings required by this section. At the hearing, the owner, his or her agent, or his or her attorney shall be afforded an opportunity to present, by oral testimony or documentary evidence, his or her objections to (a) the impoundment of the motor vehicle and (b) (1) the amount of the towing and storage charges and (2) his or her liability for the payment thereof.

If the owner or his or her agent requested the hearing more than five days but not more than 40 days after the owner received a copy of the notice of impoundment, the owner, his or her agent or his or her attorney shall be required at the hearing, as a condition precedent to the presentation of any objections by the owner, to show good cause for the delay in making the request more than five days after the owner received a copy of the notice of impoundment: if good cause cannot be shown, the hearing officer shall dismiss the hearing and make the finding stated in subsection (b) below; otherwise, the hearing examiner shall proceed to hear the owner's objections. At the conclusion of the hearing on the owner's objections, the hearing examiner shall render his or her decision if the hearing examiner:

- (a) Finds that the impoundment was improper, he or she shall:
 - (1) Find that the owner is not liable for any towing or storage charges occasioned by the impoundment and
 - (2) Determine whether and to what extent the city shall be the expense of the towing and storage charges; or
- (b) Finds that the impoundment was proper, he or she shall establish:
 - (1) The amount of the towing and storage charges to be assessed against the impounded motor vehicle and
 - (2) The extent of the liability of the owner for payment of the towing and storage charges so established. The decision of the hearing examiner shall be final, and a copy of the decision shall be furnished to the owner of the impounded motor vehicle, to the custodian of the place where the motor vehicle is stored and to the city attorney.

In the event that the impoundment was pursuant to K.S.A. 8-1102(b), the owner or occupant of the real property upon which the abandoned vehicle was located shall not be assessed the costs of towing and storage of the vehicle. Further, nothing within this article shall be construed to modify or effect the validity of the possessory lien of the person removing such vehicle from the real property established by K.S.A. 8-1102(b).
(Code 1983)

14-308. **CHARGES CONSTITUTE A LIEN.** The towing and storage charges occasioned by the impoundment of a motor vehicle pursuant to section 14-302 shall be and constitute a lien upon the impounded motor vehicle, except as provided in this section. If the hearing examiner finds pursuant to section 14-307 that the impoundment was improper and if he or she determines that the city shall bear part or all of the towing and storage charges, the lien created by this section shall be discharged. If the hearing examiner finds pursuant to section 14-306 that the impoundment was proper but that the towing and storage charges should be in an amount less than the amount of the lien, the lien created by this section shall be discharged to the extent that it exceeds the amount established by the hearing examiner. The holder of a lien created by this section may perfect such lien in any manner provided by law, but he or she may not retain possession of the motor vehicle when it has been released pursuant to section 14-306(a). In the event that the impounded motor vehicle is released from impoundment and the owner or his or her agent has provided security for payment of charges as required by section 14-306(b), the lien created by this section shall also be a lien against the security so provided, subject to being wholly or partially discharged as provided in this section. (Code 1983)

14-309. **SATISFACTION OF LIEN; NOTICE OF PUBLIC SALE.** The holder of a lien against a motor vehicle created by section 14-308, to the extent that such lien has not been discharged as provided in section 14-308 or otherwise satisfied, may enforce such lien in any manner provided by law after 60 days from the date the motor vehicle is impounded by the police department. If the owner of the motor vehicle or his or her agent has provided security for the payment of the lien as provided in section 14-306(b), the lien shall first be satisfied out of the security so provided and, if any portion of the lien remains unsatisfied and undischarged, may then be enforced in any manner provided bylaw. If the motor vehicle against which the lien is created pursuant to section 14-308 is still under impoundment 60 days from the date it is impounded by the police department and the owner has not requested release of the motor vehicle from impoundment nor paid the towing and storage charges that are the basis for the lien, the motor vehicle shall be sold at public sale to the highest and best bidder for cash to satisfy the lien. Notice of the sale shall be given in accordance with K.S.A. 8-1102. Publication, required by K.S.A. 8-1102, may be made before the termination of the 60 day period for a sale thereafter. (Code 1983)

14-310.

REDEMPTION. If the city is to conduct the sale:

(a) Any holder of a recorded lien or retained title on a motor vehicle to be sold by the city under the provisions of section 14-309 may claim and take possession thereof, upon payment of accrued charges and estimated costs of publication of the notice of sale to the police department and the deposit with the police department of sufficient assurance by surety bond or otherwise, approved by the city attorney, that the motor vehicle will be forthcoming for public sale thereof or upon claim of the rightful owner prior to the sale. The police department shall, within three days, make a report to the city treasurer and deliver the charges and costs so paid to the city treasurer, taking a receipt therefor and filing it, together with a duplicate copy of the report to the city treasurer, with the records in his or her office. The funds shall be held in a trust account until final disposition of the motor vehicle. Not less than five days before the date for sale of the motor vehicle, the police department shall notify the lienholder or retained titleholder of the time and place for the sale, and the lienholder or retained titleholder shall deliver such motor vehicle to the police department at or before 12:00 noon of the day before the sale. At the sale the amount paid shall be credited on the bid of the lienholder or retained titleholder.

If the lienholder or retained titleholder is the successful bidder for the motor vehicle, the police department shall report this fact to the city treasurer and then the funds previously paid by the lienholder or retained titleholder shall be relieved of the trust previously impressed and become the same as other funds received by the city for storage and costs of impounded motor vehicles. If the motor vehicle is sold for a higher bid to any person other than the lienholder or retained titleholder, the police department shall report this fact to the city treasurer and the lienholder or retained titleholder shall be refunded the amount previously paid by him out of the trust account.

(b) And if the rightful owner of the motor vehicle claims the same before the sale by payment of the accrued charges, the police department shall immediately notify the lienholder or retained titleholder in possession of the motor vehicle and he or she shall return the same to the police department within 12 hours. The police department shall report this redemption by the rightful owner to the city treasurer and the lienholder or retained titleholder shall be refunded the amount previously paid by him or her out of the trust account.

(Code 1983)

14-311.

SALE PROCEEDS. The proceeds of a public sale held pursuant to section 14-308 whether such sale was conducted by the city or by any other person, after payment of the towing and storage charges and costs and expenses incident to the sale, shall be deposited with the city treasurer, if the owner of the motor vehicle is absent from the sale, for credit to the trust account. The funds deposited in the trust account pursuant to this section shall remain in the account subject to the order of the person legally entitled thereto, but if no claim is made for these funds within a period of one year after the sale, the funds shall become the property of the city, be released from the trust account and be paid into the general fund as miscellaneous revenues. (Code 1983)

- 14-312. STATUTORY PROCEDURES. Nothing in this article shall be construed to augment, diminish, supersede or otherwise interfere with any statutory procedure established by the legislature for the collection of unpaid towing and storage charges. The procedures in this article are supplementary and cumulative to any statutory procedures. (Code 1983)
- 14-313. IMPLEMENTATION OF ARTICLE. The police department and city treasurer are authorized to make rules for the implementation and administration of this article. (Code 1983)
- 14-314. REIMBURSEMENT FOR DISCHARGED LIENS. If a lien created by section 14-308 and held by a private wrecker or towing firm is discharged by section 14-308 pursuant to a determination by a hearing examiner that an impoundment was improper and that the city shall bear part or all of the towing and storage charges, the city shall pay to the firm the amount determined by the hearing examiner. No payment shall be made until it is authorized by the city attorney. (Code 1983)

ARTICLE 4. HAZARDOUS MATERIALS

- 14-401. HAZARDOUS MATERIAL DEFINED. As used in this article, the term hazardous material shall mean any material or combination of materials which, because of its quantity, concentration, or physical, chemical, biological, or infectious characteristics, poses a substantial present or potential hazard to human health or safety or the environment if released into the workplace or environment or when improperly treated, stored, transported, or disposed of or otherwise managed. (Code 2006)
- 14-402. SAME; EXCEPTIONS. The provisions of this article shall not apply to any container which shall have a capacity of 150 gallons or less which shall be used for the purpose of supplying fuel for the vehicle on which it is mounted. These provisions shall also not apply to vehicles, trailers, containers or tanks containing anhydrous ammonia or other material primarily used by farmers for fertilizer purposes when such vehicles, trailers, containers or tanks are parked or housed upon property designated for the placement of such vehicle, trailer, container or tank by any farmers cooperative, elevator company or farm supply store located within the city limits. (Code 2006)
- 14-403. TRANSPORTATION OF HAZARDOUS MATERIALS. Except as provided in section 14-404 it shall be unlawful for any person, firm, corporation or other entity to transport any hazardous material upon any street, avenue, highway, road, alley or any other public right-of-way in the city. (Code 2006)
- 14-404. HAZARDOUS MATERIALS ROUTES. The provisions of section 14-403 shall apply to all streets, avenues, highways, roadways, alleys or other public right-of-ways within the city except those specified within this section where transportation of hazardous materials shall be allowed. Transportation of hazardous materials shall be allowed upon the following streets, avenues, highways or roadways:
- (a) (Reserved)
 - (b) (Reserved)
 - (c) (Reserved)
- (Code 2006)
- 14-405. PARKING OF VEHICLES OR TRAILERS CARRYING HAZARDOUS MATERIALS. (a) Except as provided in subsections (b) and (c), it shall be unlawful for any person, firm, corporation or other entity to park any vehicle, trailer or semi-trailer carrying any hazardous material within any of the following city zoning districts as defined in Chapter 16 of this code:
- (1) (Reserved)
 - (b) Subsection (a) shall not apply to vehicles, trailers or semi-trailers parked for continuous periods of time not to exceed one hour Where such vehicles, trailers or semi-trailers are parked along those routes specified in section 14-404 of this code.

(c) Subsection (a) shall not apply to any vehicle, trailer or semi-trailer carrying any hazardous material where such vehicle, trailer or semi-trailer is not parked within 500 feet of any structure used for human habitation.
(Code 2006)

14-406.

REMOVAL OF ILLEGALLY PARKED TRAILERS. If any vehicle, trailer or a semi-trailer is found parked in violation of the provisions of this article, the fire chief or assistant chief or any law enforcement officer may require the owner, operator or lessee of the trailer to move it within two hours. If such removal is not accomplished on the order of any such officer, it may be accomplished by any such officer, by any reasonable means, if the continued presence of the trailer or semi-trailer at its parked location constitutes, adds to or prevents correction of a situation threatening imminent injury or damage to persons or property.
(Code 2006)