

## **CHAPTER 23**

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## Article I. In General

### Sec. 23-101 Definitions

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them herein, unless the text clearly indicates otherwise:

**“Angle or Diagonal Parking”** The standing or parking of a motor vehicle on a public street with the long axis of the vehicle extending away from the street curb or roadway edge.

**“Curb Loading Zone”** A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

**“Dealer”** Every person engaged in the business of buying, selling or exchanging vehicles who has an established place of business for such purpose in Kansas and to whom current dealer registration plates have been issued by the department.

**“Delivery Vehicle”** Every vehicle designed, maintained, identified and used primarily for the transportation of commercial property.

a. There shall be displayed on both sides of such vehicle the name or trademark of the owner.

b. The display of the name or trademark shall be in letters in sharp contrast to the background and shall be of such size, shape and color as to be readily legible, during daylight hours, from a distance of 50 feet.

**“Four-Way Stop Intersection”** Any intersection where every driver of a vehicle must stop such vehicle in obedience to a properly erected stop sign before entering the intersection at each entrance thereto; then proceed pursuant to Sec. 23-619.

**“KDOT”** The Kansas Department of Transportation acting directly or through its duly authorized employees, officers and agents.

**“Parallel Parking”**

a. On streets with curbs, the standing or parking of the vehicle with the right hand wheels thereof parallel and within 12 inches of the right hand curb or roadway edge, subject to the exceptions permitting left side parallel parking as hereinafter provided.

b. On streets without curbs, the standing or parking of a motor vehicle with the right hand wheels thereof parallel with the right edge of the roadway so that at least 20 feet of the width of the roadway remains for the free movement of vehicular traffic.

**“School Zone”** All the streets adjacent to school grounds and all of such streets extending a distance of one-half block from the school grounds, or as posted.

**“Side Strip”** That portion of a street between the curb or lateral lines of a roadway, and the adjacent lot lines not occupied by a sidewalk.

Words and phrases not defined herein shall have the meanings ascribed to them by the state laws relating to motor vehicles.

*(Ord. 2007-04, Adop. 2/20/2007)*

### **Sec. 23-102 Applicability of chapter generally.**

**This chapter supplements the Standard Traffic Ordinance adopted by reference by the governing body.**

The provisions of this chapter relating to operation of vehicles refer exclusively to the operation of vehicles upon streets and highways within this city, except:

Whenever with respect to any private property used by the public for purposes of vehicular traffic by permission of the owner, the owner, after securing written consent of the City Manager, causes to be posted at each entrance thereto a permanently lettered clearly legible sign with the following legend:

**"TRAFFIC REGULATIONS OF THE CITY OF  
HUTCHINSON ENFORCED ON THIS PROPERTY.  
SPEED LIMIT 12 M.P.H." (OR AS OTHERWISE POSTED),**

then such private property shall thereafter be deemed to be under the traffic regulations of the city as provided by law. *(Ord. 2007-04, Adop. 2/20/2007)*

## **Article II. Traffic Offenses**

### **Sec. 23-201 Loud Sound Amplification Systems in Vehicles**

a. No person operating or occupying a motor vehicle on a street, highway, alley, parking lot or driveway, whether public or private property, shall operate or permit the operation of any sound amplification system from within the vehicle so that the sound is plainly audible at a distance of fifty or more feet from the vehicle.

b. "Sound amplification system" means any radio, tape player, compact disc player, loud speaker, or other electronic device used for the amplification of sound.

c. "Plainly audible" means any sound produced by a sound amplification system from within the vehicle, which clearly can be heard at a distance of fifty feet or more. Measurement standards shall be by the auditory senses, based on direct line of sight. Words or phrases need not be discernible and bass reverberations are included.

The motor vehicle may be stopped, standing, parked or moving on a street, highway, alley, parking lot, or driveway, on either public or private property.

d. It is an affirmative defense to a charge under this section that the operator was not otherwise prohibited by law from operating the sound amplification system, and that any of the following apply:

1. The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition;
2. The vehicle was an emergency or public safety vehicle;
3. The vehicle was owned and operated by the City of Hutchinson or a gas, electric, communications or refuse company; or
4. The system or vehicle was used in authorized public activities, such as parades, fireworks, sports events, musical productions, the Kansas State Fair or any activities at the Kansas State Fair facilities, and other activities which have the approval of the Governing Body or a department of the city authorized to grant such approval.

e. Any person, individual, partnership, corporation or association who violates any of the provisions of this Section is guilty of a misdemeanor, and upon conviction, shall be punished as follows:

1. for a first offense, a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00); and
2. for a second and subsequent offense in a calendar year, a fine of not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00) and a sentence of three days in jail.

Each separate offense in violation hereof which is found to exist or continues to exist shall be a separate offense and punishable as such hereunder.

*(Ord. 2007-04, Adop. 2/20/2007)*

### **Sec. 23-202 School Zone Speed Limits**

Twenty (20) mile per hour speed limits in the school zone locations set forth below are hereby established from 7:00 a.m. to 8:30 a.m. and from 3:00 p.m. to 4:00 p.m. during the days school is in session.

School Speed Zone	South/West Boundary	North/East Boundary
Avenue A	100' south of Avenue B on Monroe	100' north of Avenue A on Monroe
Avenue A	100' west of Monroe on Avenue A	100' east of Madison on Avenue A
Allen	100' south of 9 <sup>th</sup> Avenue on Monroe	100' north of 10 <sup>th</sup> Avenue on Monroe
HMS 8	100' south of 14 <sup>th</sup> Avenue on Adams	100' north of 17 <sup>th</sup> Avenue on Adams
Wiley	100' south of 21 <sup>st</sup> Avenue on Tyler	100' north of 22 <sup>nd</sup> Avenue on Tyler
Morgan	100' south of 27 <sup>th</sup> Avenue on Adams	100' north of 29 <sup>th</sup> Avenue on Adams
Holy Cross	At the stop sign at 26 <sup>th</sup> & Independence	South of Catalina on Independence north of the gate in the fence
Graber	100' north of the north crosswalk on Cleveland	At the stop sign at 15 <sup>th</sup> Avenue and Cleveland
Graber	100' west of Cleveland on 17 <sup>th</sup> Avenue	Eastern school boundary on 17 <sup>th</sup> Avenue
HMS 7	100' west of Poplar on Avenue A	100' east of Maple on Avenue A
Lincoln	100' south of Campbell on Maple	100' north of Bigger on Maple
Lincoln	100' south of Campbell on Elm	100' north of Bigger on Elm
Lincoln	100' west of Maple on Bigger	100' east of Elm on Bigger

Central Christian/ Union Valley	100' west of Central Christian School's property	100' west of K-61 on 30 <sup>th</sup> Avenue
Plum Creek Elementary	Foothill Drive on 43 <sup>rd</sup> Avenue	1200' west of Lorraine centerline on 43 <sup>rd</sup> Avenue
Prairie Hills Middle School	North line of East 30 <sup>th</sup> Avenue at Lucille Drive	Spyglass Drive at Lucille Drive
Faris	50' south of East 10 <sup>th</sup> Avenue on Maple and 100' west of Elm on East 9 <sup>th</sup> Avenue and 100' west of Elm on East 10 <sup>th</sup> Avenue	50' north of East 9 <sup>th</sup> Avenue on Maple and 100' West of Maple on East 9 <sup>th</sup> Avenue and 100' west of Maple on East 10 <sup>th</sup> Avenue
Grandview	265' west of North Chemical on East 4 <sup>th</sup> Avenue	100' west of North Chemical on East 4 <sup>th</sup> Avenue

*(Ord. 2017-28; Adop. 11/21/2017; Ord. 2015 – 41; Adop. 10/06/2015; Ord. 2014 – 18, Adop. 11/04/2014; Ord. 2014 – 13, Adop. 9/16/2014; Ord. 2011-20, Adop. 10/18/2011; Ord. 2008-21, Adop. 8/19/2008; Ord. 2007-53, Adop. 12/18/2007; Ord. 2007-04, Adop. 2/20/2007; Ord. 2006-33, Adop. 9/19/2006; Ord. 7647, Adop. 10/19/1999)*

### **Article III. Stopping, Standing or Parking**

#### **Sec. 23-301 Trespass for the purpose of standing or parking a vehicle.**

a. No person shall stand or park any vehicle upon the property of another without the consent of the property owner, his authorized agent or other person authorized to have control of such property.

b. Standing or parking a vehicle contrary to the posting of adequate information upon private property, or the verbal notice of the owner, his authorized agent or other person authorized to have control of such private property, shall constitute a trespass for the purpose of standing or parking a vehicle.

*(Ord. 2007-04, Adop. 2/20/2007; Ord. 6283, Adop. 4/24/1973)*

#### **Sec. 23-302 Parking and operating vehicles for certain purposes prohibited.**

No person shall operate or park a motor vehicle or other vehicle on any street in the city for the primary purpose of advertising. *(Ord. 2007-04, Adop. 2/20/2007)*

**Sec. 23-303 Limited-time parking zones; parking more than 72 consecutive hours on street or in parking station prohibited.**

It shall be unlawful for any person to park any vehicle for a period longer than 72 hours continuously in the same place on the street or on a city owned parking lot. (*Ord. 2007-04, Adop. 2/20/2007*)

**Sec. 23-304 Parking buses, trucks, tractors, etc., in residential districts over two hours; permit required.**

It shall be unlawful to park a truck with a registered gross weight over 12,000 pounds, or a bus, truck, tractor, road tractor, farm tractor, trailer or semitrailer on any street in a residential district for longer than 2 hours; except, that parking longer than 2 hours is permitted when it is necessary for the loading or unloading of merchandise and a permit, issued by the traffic division of the police department authorizing the same, is in the possession of the operator or in the vehicle at the time the vehicle is parked over 2 hours. These permits shall be issued for each instance over-parking is necessary. (*Ord. 2007-04, Adop. 2/20/2007*)

**Sec. 23-305 Regulation of truck loading zones.**

It shall be unlawful for any person or operator to stop or park in any truck loading zone, when the same has been designated, established and marked as such, other than the operator of a delivery vehicle; it shall further be unlawful for the operator of a delivery vehicle to stop or park in such truck loading zone for a period of time longer than is necessary for the expeditious loading and unloading of merchandise and in no event in excess of 30 minutes; provided, however, that no loading or unloading of merchandise shall take place on streets located in the business district of the city between the hours of 4:30 p.m. and 6 p.m. on weekdays; provided, further, that all motor vehicles may park in truck loading zones between the hours of 7 p.m. and 7 a.m. and on Sundays and legal holidays. (*Ord. 2007-04, Adop. 2/20/2007*)

**Sec. 23-306 Prohibited in specified places; moving another's vehicle into prohibited area.**

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

a. Stop, stand or park a vehicle in all parking areas designated in the Standard Traffic Ordinance Sec. 85 (K.S.A. 8-1571) as well as:

At any place where official signs or yellow curb markings prohibit stopping.



b. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers in all areas designated in Standard Traffic Ordinance Sec. 85 (K.S.A. 1571), as well as:

At any place where official signs or yellow curb markings prohibit standing.

c. Park a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers in all areas designated in Standard Traffic Ordinance Sec. 85 (K.S.A. 1571) as well as:

At any place where official signs or yellow curb markings prohibit parking.

*(Ord. 2007-04, Adop. 2/20/2007)*

### **Sec. 23-307 Parking in alleys in business district.**

No person shall stop or park a motor vehicle in any alley in the business district except in the case of a delivery vehicle, which shall be permitted to park in an alley while actually engaged in loading or unloading or for a period of time not to exceed 30 minutes; provided, that such delivery vehicle shall not be parked or permitted to stand in any alley in such a manner or under such conditions as to leave available less than 10 feet of width of the alleyway for free movement of vehicular traffic; except, that in alleys with less than 16 feet of width for the free movement of vehicular traffic, delivery vehicles shall be parked either with the wheels within 6 inches of a curb where there is a curb or the side of the vehicle within 6 inches of abutting buildings or loading docks where no curb is provided.  
*(Ord. 2007-04, Adop. 2/20/2007)*

### **Sec. 23-308 Disabled vehicles defined.**

Any one of the following conditions shall raise the presumption that a vehicle is inoperable, junk or disabled:

a. Absence of a current and valid registration plate upon such vehicle;

b. Placement of the vehicle, or parts thereof, upon jacks, blocks, chains or other supports, other than a properly registered trailer (trailer must meet all required regulations); or

c. Absence of one or more parts of the vehicle necessary for the lawful operation of the vehicle upon the streets and highways as defined by Kansas Statutes and the City Code of the City of Hutchinson.

*(Ord. 2007-04, Adop. 2/20/2007)*

## **Article IV. Prohibited Conduct**

### **Sec. 23-401 Obstructions to vision at intersections.**

a. It shall be the duty of the owner of real property to remove from such property any tree, plant, shrub or other obstruction, or part thereof, which, by obstructing the view of any driver, constitutes a traffic hazard.

b. When the governing body determines upon the basis of an engineering and traffic investigation that such a traffic hazard exists, it shall notify the owner and order that the hazard be removed within ten days.

c. The failure of the owner to remove such traffic hazard within ten days shall constitute an offense punishable by a penalty of \$10 and every day said owner shall fail to remove it shall be a separate and distinct offense.

*(Ord. 2007-04, Adop. 2/20/2007)*

### **Sec. 23-402 Littering from a motor vehicle**

It shall be unlawful for any person occupying a motor vehicle to intentionally or recklessly drop, throw or otherwise deposit refuse of any kind, or any object which tends to pollute, mar or deface:

a. Any highway park or public place, except by direction of any public officer or employee authorized by law to direct or permit such acts; or

b. Any private property, without the consent of the owner or authorized agent thereof, of the private property.

*(Ord. 2007-04, Adop. 2/20/2007)*

### **Sec. 23-403 When secretary of transportation or local authorities may restrict use of streets and highways.**

a. The governing body of the city, with respect to streets and highways under its jurisdiction, may prohibit, by ordinance or resolution, the operation of vehicles upon any such street or highway or impose restrictions as to the weight of vehicles to be operated upon any such street or highway, for a total period of not to exceed 90 days in any 1 calendar year, whenever any such street or highway by reason of deterioration, rain, snow or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.

b. The governing body of the city, upon enactment of such an ordinance or resolution, shall cause to be erected and maintained signs designating the provisions of such ordinance or resolution at each end of that portion of any street or highway affected

thereby, and the ordinance or resolution shall not be effective unless and until such signs are erected and maintained.

c. The governing body of the city, with respect to streets and highways under its jurisdiction, may also by ordinance or resolution prohibit the operation of trucks or other commercial vehicles, or may impose limitations as to the weight or size thereof, on designated streets or highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways; provided, that premises adjacent to such restricted streets or highways may be served, and such restrictions shall not apply to any street or highway which is a connecting link of the state highway system unless a satisfactory alternate route is provided and has been approved by KDOT.

d. KDOT likewise shall have authority, as hereinabove granted to the governing body, to determine by resolution and to impose restrictions as to the weight or size of vehicles operated upon any highways under the jurisdiction of KDOT and such restrictions shall be effective when signs giving notice thereof are erected upon the highway or portion thereof affected by such resolution.

*(Ord. 2007-04, Adop. 2/20/2007)*

#### **Sec. 23-404 Restricted use of certain public property.**

a. No persons shall drive any vehicle or animal, nor shall any person stop, park or leave standing any vehicle or animal, whether attended or unattended, upon the driveways, paths or any of the grounds of any public school, state, county or municipal institution, building or property, or any educational institution exempted in whole or in part from taxation, except with the permission of, and upon and subject to such conditions and regulations as may be imposed by the governing board or officer of such public school, state, county or municipal institution, building or property or educational institution.

b. Every governing board or officer herein referred to shall erect or place appropriate signs giving notice that special conditions or regulations have been imposed hereunder, and every such board or officer shall prepare and keep available at the principal administrative office of such board or officer, for examination by all interested persons, a written statement of any and all such special conditions and regulations adopted hereunder.

c. When the governing board or officer herein referred to permits public traffic upon the driveways, paths or grounds under their control then in absence of any special conditions or regulations applicable to such traffic, all the provisions of this code relating to traffic upon the highways shall be applicable to such traffic upon such driveways, paths or grounds.

*(Ord. 2007-04, Adop. 2/20/2007)*

**Sec. 23-405 Unlawful turn to park.**

It shall be unlawful for the driver of any vehicle to turn such vehicle across the center line of any two-way through street or highway for the purpose of angle parking at or alongside the opposite side of such through street or highway. *(Ord. 2007-04, Adop. 2/20/2007)*

**Sec. 23-406 Liability for damage to highway or structure.**

a. Any person driving any vehicle, object or contrivance upon any highway or highway structure shall be liable for all damage which such highway or structure may sustain as a result of any illegal operation, driving or moving of such vehicle, object or contrivance, or as a result of operation, driving or moving any vehicle, object or contrivance weighing in excess of the maximum weight in this chapter but authorized by a special permit issued as provided for in K.S.A. 8-1911.

b. Whenever such driver is not the owner of such vehicle, object or contrivance, but is so operating, driving or moving the same with the express or implied permission of such owner, then such owner and driver shall be jointly and severally liable for any such damage.

c. Such damage may be recovered in a civil action brought by the authorities in control of such highway or highway structure.  
*(Ord. 2007-04, Adop. 2/20/2007)*

**Sec. 23-407 Offenses by persons owning or controlling vehicles.**

It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle, to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to this chapter. *(Ord. 2007-04, Adop. 2/20/2007)*

**Article V. Bicycles**

**Sec. 23-501 Observation of regulations generally.**

A police bicycle shall be construed as an authorized emergency vehicle but shall not be required to have any special equipment thereof. A police officer operating such a bicycle is authorized to ride upon a sidewalk within the business district. *(Ord. 2007-04, Adop. 2/20/2007; Ord. 7388, Adop. 3/16/1993)*

**Sec. 23-502 Parking.**

a. No person shall park a bicycle upon a street or against a building or curb in such manner as to obstruct pedestrian traffic.

b. Any bicycle parked upon a street in a manner not in compliance with the provisions of subsection "a" of this section shall constitute a nuisance and shall be abated by impounding of such bicycle by the chief of police.  
(Ord. 2007-04, Adop. 2/20/2007; Ord. 4750, Adop. 12/09/1960)

**Sec. 23-503 Riding on sidewalks.**

No person shall ride a bicycle or skateboard or use in-line skates upon a sidewalk within the business district or any place within Avenue A Park. Persons riding upon any other such sidewalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian. (Ord. 2007-04, Adop. 2/20/2007; Ord. 7575, Adop. 2/10/1998, Ord. 7554, Adop. 6/17/1997)

**Sec. 23-504 Compliance with chapter; impounding.**

Every person violating any provision of this article shall upon conviction be deemed guilty of a misdemeanor. In addition, the judge of the court at which such conviction is had may, in his discretion, impound any bicycle or skateboard for infraction and violation of this chapter for a period of time in lieu of fine. (Ord. 2007-04, Adop. 2/20/07; Ord. 4750, Adop. 12/09/1960)

**Article VI. Limited Time Parking Zones and  
Off-Street Parking Stations**

**Sec. 23-601 Definitions.**

In this article, unless the context otherwise requires:

**College parking zone** means one or more areas, which may include public streets in and around the Hutchinson Community College campus, designated by the College as prohibited parking for students who have been issued parking permits for College parking lots and whose vehicles are so identified.

**Legal holidays** mean January 1st, Memorial Day, July 4th, Labor Day, Veteran's Day, Thanksgiving Day and December 25th; provided, that if any such holiday shall be on a Sunday, the following day shall be considered and treated as a legal holiday.

**Off-street parking station** means any area which is owned or operated by the city and designated as a public place for parking of vehicles.

**Parking space** means any space upon a public street or within an off-street parking station, which is duly designated for the parking of a single vehicle by lines painted or otherwise durably marked on the curb or on the pavement.

**Parking zone** means any street area or off-street parking station designated by resolution of the governing body for limited parking time only.  
(Ord. 2007-04, Adop. 2/20/2007; Ord. 2004-22, Adop. 8/03/2004)

**Sec. 23-602 Purpose for which fees levied; parking fund established.**

a. The monies derived from the operation of this article are hereby assessed as fees for the following uses and purposes:

1. To provide for the proper regulation and control of traffic upon the public streets;
2. To acquire and maintain off-street parking locations and facilities in the city as authorized by state statute; and
3. To cover the cost of supervising and regulating the parking of motor vehicles in the parking zones and off-street parking stations in the city.

b. A parking fund is hereby established, and such fees, when collected by the city as provided in this article, shall be deposited with the general funds of the city, but shall be credited by appropriate accounting procedure to the parking fund. Money so credited to the parking fund may be disbursed and used for any one or all of the uses and purposes above specified.  
(Ord. 2007-04, Adop. 2/20/2007)

**Sec. 23-603 Exercise of police power.**

This entire article shall be deemed and construed to be an exercise of the police power of the city for the preservation and protection of public safety, and all of its provisions shall be liberally construed so as to effectuate such purpose. (Ord. 2007-04, Adop. 2/20/2007)

**Sec. 23-604 Designation of parking zones; time limitations thereon; persons with a disability parking.**

a. The governing body may by resolution designate any street area or off-street parking station as a parking zone and shall prescribe maximum time limitations on parking within any parking zone so designated. Such resolution may provide for unlimited parking in all or any part of any parking zone so designated, upon such terms and conditions as the governing body shall deem reasonable to effectuate the purposes of this article.

b. With respect to any area designated as a parking zone by resolution of the governing body, the city manager:

1. Shall cause appropriate signs to be erected, giving notice that parking spaces within such parking zone may be used for parking for a limited time only, and specifying such time limitation;

2. May establish a system whereby residents of a parking zone are allowed to park in the same block in which their residence is located in violation of the time limitations by the display of a permit issued by the City Clerk.

3. May, notwithstanding any other provision of this article, designate certain parking spaces in any parking zone as "person with a disability parking space", and any parking space so designated shall be clearly identified and marked. Parking in any parking space designated and marked "person with a disability parking space" shall be subject to the following conditions:

(a) Any vehicle occupying a person with a disability parking space shall either:

(1) Have properly displayed within such vehicle a person with a disability parking placard issued by the state, or

(2) Have displayed upon the rear of such vehicle a state license or registration plate indicating issuance to a person with a disability.

(b) Time limitations upon parking, established by resolution for the parking zone in which any person with a disability parking space is located, shall apply to any vehicle parked in a "person with a disability parking space".

c. Time limitations upon parking in parking zones shall apply for any time period and day of the week set forth in the resolution and stated on the sign erected.

d. Notwithstanding any other provisions of this article, the city may provide for bus stops, for taxicab stands and other matters of similar nature, including the loading or unloading of trucks, vans or other commercial vehicles.

*(Ord. 2007-04, Adop. 2/20/2007; Ord. 7382, Adop. 2/02/1993; Ord. 7380, Adop. 1/05/1993)*

### **Sec. 23-605 Prohibited acts.**

It shall be unlawful for any person:

a. To cause, permit or allow any vehicle operated by such person to be parked beyond the period of legal parking time prescribed for any parking space in any parking zone designated pursuant to this article;

b. To cause, permit or allow any vehicle operated by such person to be parked in such a manner that such vehicle is not entirely within the marked limits of the parking space occupied;

c. To cause, permit or allow any vehicle operated by such person to be backed into any parking space in an off-street parking station which has been designated as a parking zone pursuant to this article; or

d. To circumvent or attempt to circumvent any parking time limitation imposed pursuant to this article by erasing or otherwise obliterating any mark applied to any vehicle by an agent of the city as a means of enforcing compliance with the provisions of this article.

*(Ord. 2007-04, Adop. 2/20/2007; Ord. 7375, Adop. 11/10/1992)*

**Sec. 23-606 Penalties for violation of article; notice of violation; towing authorized.**

a. Any person adjudged guilty of a violation of Sec. 23-605 of this chapter, or any amendments thereto, shall be subject to punishment as provided in Sec. 23-901 of the Code of the City of Hutchinson, Kansas, and any amendments thereto.

b. Any vehicle found to be parked in violation of Sec. 23-605 of this chapter shall have attached to it by a police officer, or other officer of the city duly appointed to enforce parking regulations, a notice advising the owner or operator thereof that such vehicle has been parked in violation of a specific provision of said Sec. 23-605, except that cars that bear license plates from other than Reno County may be given a courtesy ticket not requiring the payment of a fine.

Each such owner or operator may, within five days of the time such notice was attached to such vehicle, enclose such notice with two dollars, or alternatively, enclose such notice with a validation coupon, and deposit the same in a courtesy penalty collection box provided, or pay or deliver the same to the city for and in full satisfaction of such violation. In the event such notice with the two dollars penalty or notice with validation coupon enclosed is not paid or delivered to the city within five days of the time such notice was attached to such vehicle, the violator may, prior to institution of a prosecution by the city in the municipal court, pay to the city the sum of five dollars in full satisfaction of such violation.

The foregoing procedure for satisfaction of parking violations is a privilege only, afforded by the city to violators of said Sec. 23-605.

c. If a violator of said Sec. 23-605 of this chapter does not satisfy such violation with five days of the time such notice was affixed to such vehicle, pursuant to subsection (b) hereof, the overtime parking ticket office shall send to the owner or, if known, the operator of the motor vehicle to which the notice was affixed, a letter informing such owner or operator of the violation and warning that in the event such letter is disregarded for a period of five days, a complaint will be filed and a warrant of arrest will be issued.



d. In addition to or in lieu of attaching to an unlawfully parked vehicle the notice required by subsection (b) of this section, such vehicle may be impounded, towed to, and stored in the city impoundment lot or other place of safety. No vehicle so impounded shall be released to the owner or other authorized person until a reasonable charge, as fixed by the chief of police, for such towing and storage shall have been paid to the city.

e. The city manager may have prepared and distributed validation coupons which may be used as provided in subsection (b) of this section for and in full satisfaction of a violation of any provision, of section 23-605 of this chapter. Such validation coupons may be sold to retail and commercial establishments and professional offices doing business within the parking zones established pursuant to this chapter for fifty cents each. Such validation coupons may be used by said purchasers for distribution to consumers. *(Ord. 2007-04, Adop. 2/20/2007; Ord. 7375, Adop. 11/10/1992)*

### **Sec. 23-607 Collections; designation of collectors.**

The City Manager shall designate such collectors as are necessary to properly collect all monies deposited in parking fine boxes. All money so collected shall be deposited to the city; provided, that a separate accounting shall be maintained at all times of such money so deposited. *(Ord. 2007-04, Adop. 2/20/2007)*

### **Sec. 23-608 Construction of article.**

This article shall be deemed to be in addition and supplementary to, and not in conflict with nor a repeal of, prior or existing ordinances of this city relating to regulation of traffic or parking generally, but shall be an additional provision for the regulation of traffic and parking in parking zones provided for in this article. *(Ord. 2007-04, Adop. 2/20/2007)*

### **Sec. 23-609 Regulation of parking in college parking zone**

The administration of Hutchinson Community College has the authority to designate a college parking zone and enforce through its own regulations a parking violation by any student whose vehicle is illegally parked. *(Ord. 2007-4, Adop. 2/20/2007; Ord. 2004-22, Adop. 8/03/2004)*

## **Article VII. Truck Routes**

### **Sec. 23-701 General**

It shall be unlawful for any person, firm or corporation to operate a truck, trailer, or semi-trailer with a registered gross vehicle weight in excess of 20,000 lbs., on any street within the corporate limits of the City of Hutchinson, other than the following designated truck routes:

- a. Highway K-61 from the north city limits to Highway U.S. 50;

b. Highway U.S. 50 from the east city limits to the south city limits; and

c. 4th Avenue from the east city limits to the west city limits.  
(*Ord. 2007-04, Adop. 2/20/2007; Ord. 7407, Adop. 9/21/1993*)

### **Sec. 23-702 Exceptions**

Notwithstanding any provision to the contrary, intracity deliveries shall be made via the most direct route between origin and destination using truck routes whenever possible. Trucks making multiple deliveries shall use truck routes whenever possible to reach their initial destination; trucks may leave truck routes using the most direct route between stops and back to a truck route.

Appropriate signs shall be posted upon such truck routes. (*Ord. 2007-04, Adop. 2/20/2007; Ord. 7407, Adop. 9/21/1993*)

### **Sec. 23-703 Route Maps**

The City Clerk and Chief of Police shall keep and maintain accurate maps setting out truck routes on which truck traffic is permitted; the maps shall be kept on file in the office of the City Clerk and shall be available to the public for inspection. (*Ord. 2007-04, Adop. 2/20/2007; Ord. 7407, Adop. 9/21/1993*)

### **Sec. 23-704 Prohibited Truck Traffic on First Avenue West of Whiteside or on Hendricks Street South of Second.**

a. It shall be unlawful for any person, firm or corporation to operate a truck, trailer, or semi-trailer with a registered gross vehicle weight in excess of 20,000 lbs., on First Avenue West of Whiteside or on Hendricks Street South of Second. (*Ord. 2007-04, Adop. 2/20/2007; Ord. 7578, Adop. 2/24/1998*)

### **Sec. 23-705 Prohibited Truck Traffic on Campbell Street from Main Street to Plum Street.**

a. It shall be unlawful for any person, firm or corporation to operate a truck, trailer or semi-trailer with a registered gross vehicle weight in excess of 26,000 lbs. on Campbell Street from Main Street to Plum Street.

b. This Section shall not apply to delivery trucks, busses, emergency vehicles or utility vehicles maintaining their property or serving their customers.

c. Appropriate signs shall be placed on Campbell Street to advise motorists of this prohibition.  
(*Ord. 2007-04, Adop. 2/20/2007; Ord. 7648, Adop. 10/26/1999*)

**Sec. 23-706 Prohibited Truck Traffic on Second Avenue., West of Whiteside**

a. It shall be unlawful for any person, firm or corporation to operate a truck, trailer or semi-trailer with a registered gross vehicle weight in excess of 26,000 lbs. on Second Street, West of Whiteside.

b. This Section shall not apply to delivery trucks, busses, emergency vehicles or utility vehicles maintaining their property or serving their customers.

c. Appropriate signs shall be placed on Second Street to advise motorists of this prohibition.  
(Ord. 2007-04, Adop. 2/20/2007; Ord. 2001-05, Adop. 2/06/2001)

**Sec. 23-707 Prohibited Truck Traffic on Bigger Street from Main Street to Plum Street.**

a. It shall be unlawful for any person, firm or corporation to operate a truck, trailer or semi-trailer with a registered gross vehicle weight in excess of 26,000 lbs. on Bigger Street from Main Street to Plum Street.

b. This Section shall not apply to delivery trucks, busses, emergency vehicles or utility vehicles maintaining their property or serving their customers.

c. Appropriate signs shall be placed on Campbell Street to advise motorists of this prohibition.  
(Ord. 2007-04, Adop. 2/20/2007; Ord. 7649, Adop. 10/26/1999)

**Sec. 23-708 Prohibited Truck Traffic on Apple Lane from East 30<sup>th</sup> Avenue to East 17<sup>th</sup> Avenue**

a. It shall be unlawful for any person, firm or corporation to operate a truck, trailer or semi-trailer with a registered gross vehicle weight in excess of 16,000 lbs. on Apple Lane from East 30<sup>th</sup> Avenue to East 17<sup>th</sup> Avenue.

b. This Section shall not apply to delivery trucks, busses, emergency vehicles or utility vehicles maintaining their property or serving their customers.

c. Appropriate signs shall be placed on Apple Lane to advise motorists of this prohibition.  
(Ord. 2019-4, Adop. 7/02/2019)

**Sec. 23-709 Violations and Penalties**

Violation of this Article is a misdemeanor. Upon the first conviction of a violation of this Article, a person shall be fined \$50.00. Upon a second conviction within twelve calendar

months, a person shall be fined \$100.00. Upon a third or subsequent conviction within twelve calendar months, a person shall be fined \$150.00.

*(Ord. 2019-4, Adop. 7/02/2019; Ord. 2007-04, Adop. 2/20/2007; Ord. 7407, Adop. 9/21/1993)*

## **Article VIII - Funeral Procession Right-of-Way and Liability**

### **Sec. 23-801 Definitions**

a. "Funeral Director" and "funeral establishment" shall have the same meaning as set forth in K.S.A. 65-1713, and amendments thereto.

b. "Funeral procession" means two or more vehicles accompanying the body of a deceased person, or traveling to the church, chapel, or other location at which the funeral service is to be held, in the daylight hours, including a funeral lead vehicle or a funeral escort vehicle.

c. "Funeral lead vehicle" means any authorized law enforcement or non-law enforcement motor vehicle properly equipped pursuant to subsection (2) or a funeral escort vehicle being used to lead and facilitate the movement of a funeral procession. A funeral hearse may serve as a funeral lead vehicle.

d. "Funeral escort" means a person or entity that provides escort services for funeral processions, including law enforcement personnel and agencies.

e. "Funeral escort vehicle" means any motor vehicle that is properly equipped pursuant to subsection (2) and which escorts a funeral procession.

*(Ord. 2007-04, Adop. 2/20/2007; Ord. 7636, Adop. 7/27/1999)*

### **Sec. 23-802 Equipment.**

a. All non-law enforcement funeral escort vehicles and funeral lead vehicles shall be equipped with at least one lighted circulation lamp exhibiting an amber light or lens visible under normal atmospheric conditions for a distance of 500 feet from the front of the vehicle. Flashing amber lights may be used when such vehicles are used in a funeral procession.

b. Any law enforcement funeral escort vehicle may be equipped with red, blue or amber flashing lights which meet the criteria established in paragraph (a).

*(Ord. 2007-04, Adop. 2/20/2007; Ord. 7636, Adop. 7/27/1999)*

### **Sec. 23-803 Funeral Procession Right-of-Way; Funeral Escort Vehicles; Funeral Lead Vehicles**

a. Regardless of any traffic control device or right-of-way provisions prescribed by state or local ordinance, pedestrians and operators of all vehicles, except

as stated in paragraph (c), shall yield the right-of-way to any vehicle which is part of a funeral procession being led by a funeral escort vehicle or a funeral lead vehicle.

b. When the funeral lead vehicle lawfully enters an intersection, either by reason of a traffic control device or at the direction of law enforcement personnel, the remaining vehicles in the funeral procession may follow through the intersection regardless of any traffic control devices or right-of-way provisions prescribed by state or local law.

c. Funeral processions shall have the right-of-way at intersections regardless of traffic control devices, subject to the following conditions and exceptions:

1. Operators of vehicles in a funeral procession shall yield the right-of-way to an approaching emergency vehicle giving the audible or visible signal.

2. Operators of vehicles in a funeral procession shall yield the right-of-way when directed to do so by a police officer.

3. Operators of vehicles in a funeral procession must exercise due care when participating in a funeral procession.

*(Ord. 2007-04, Adop. 2/20/2007; Ord. 7636, Adop. 7/27/1999)*

#### **Sec. 23-804 Driving in Procession.**

a. All vehicles comprising a funeral procession shall follow the preceding vehicle in the funeral procession as closely as is practical and safe.

b. Any ordinance, law or regulation stating that motor vehicles shall be operated to allow sufficient space enabling any other vehicle to enter and occupy such space without danger shall not be applicable to vehicles in a funeral procession.

c. Each vehicle which is part of a funeral procession shall have its headlights, either high or low beam, and tail lights lighted and may also use the flashing hazard lights if the vehicle is so equipped. Funeral directors shall inform participants in a funeral procession that they should use the flashing hazard lights on their vehicles while participating in the procession.

*(Ord. 2007-04, Adop. 2/20/2007; Ord. 7636, Adop. 7/27/1999)*

#### **Sec. 23-805 Liability.**

a. Liability for any death, personal injury, or property damage suffered by any person in a funeral procession shall not be imposed upon the funeral director, funeral establishment, the City of Hutchinson or their employees or agents unless such death, personal injury, or property damage is proximately caused by the negligence or intentional act of an employee or agent of the funeral director, funeral establishment or the City of Hutchinson.

b. A funeral director, funeral establishment, funeral escort, or other participant that leads, organizes, or participates in a funeral procession in accordance with this section shall be presumed to have acted with reasonable care. *(Ord. 2007-04, Adop. 2/20/2007; Ord. 7636, Adop. 7/27/1999)*

## **Article IX. Violations and penalties**

### **Sec. 23-901 Presumption concerning parking violations.**

In any prosecution charging a violation of any law or regulation governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the complaint was in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of the violation the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred. *(Ord. 2007-04, Adop. 2/20/2007)*

### **Sec. 23-902 Impoundment Fee.**

Whenever the Hutchinson Police Department shall come into possession of a motor vehicle or other property and shall cause the same to be removed to the City impoundment lot, an impoundment fee, which shall be established from time to time by Resolution of the City's governing body, shall be charged to the owner thereof, and, in addition, a storage fee in such an amount as shall be established by Resolution of the City's governing body shall be charged to the owner thereof for every day that the vehicle remains in the impoundment lot. *(Ord. 2007-04, Adop. 2/20/2007; Ord. 2003-03, Adop. 1/14/2003; Ord. 7566, Adop. 9/23/1997; Ord. 7441, Adop. 9/20/1994)*

### **Sec. 23-903 Impoundment Notice.**

Prior to the imposition of said storage fee, the Hutchinson Police Department shall mail to or serve upon the registered owner and any lienholder listed on the title thereof a notice stating that if the motor vehicle is not claimed within five (5) days of said notice, the City will impose the storage fee as set forth above. No vehicle shall be released from the impoundment lot until the impoundment fee and storage fee have been paid, provided that the Chief of Police or his designee may waive or adjust the storage fees. *(Ord. 2007-04, Adop. 2/20/2007; Ord. 7566, Adop. 9/23/1997; Ord. 7441, Adop. 9/20/1994)*

### **Sec. 23-904 Impoundment of Vehicles**

a. Whenever the operator of a motor vehicle is arrested or cited for a violation of STO Sec. 198 or STO Sec. 200, the motor vehicle being operated is subject to impoundment at the direction of the law enforcement officer. No vehicle may be impounded solely due to the fact that the owner/operator does not have proof of valid motor vehicle liability insurance at the time of arrest or issuance of a citation.

b. A vehicle impounded under section (a) above, shall not be released until such time as the owner or authorized agent thereof provides the following:

1. Proof of financial security as required in STO Sec. 200;
2. Proof of registration; and
3. Payment of any and all impoundment and storage fees for said vehicle.

c. Any vehicle that remains in police impoundment in excess of ninety (90) days shall be considered to be an abandoned vehicle and is subject to sale at public auction.

*(Ord. 2007-04, Adop. 2/20/2007; Ord. 2004-33, Adop. 9/28/2004)*