

CHAPTER XV. TRAFFIC

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ARTICLE 1. STANDARD TRAFFIC ORDINANCE**15-101. Incorporating Standard Traffic Ordinance.**

There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities," 2016 Edition prepared and published in book form by the League of Kansas Municipalities, 300 S. W. 8th Street, Topeka, Kansas, 66603-3912, save and except sections, parts or portions as are hereafter omitted, deleted, modified or changed by this Ordinance, such incorporation being authorized by K.S.A. 12-3009 through 12-3012, inclusive, as amended. Not less than one (1) copy of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Incorporated by Ordinance No. 2437 of the City of Bonner Springs, Kansas", with all Sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or changes and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. All persons duly charged with enforcing and administering said Standard Traffic Ordinance shall be provided copies thereof.

(Ord. 2186, 2233, 2254, 2284, 2320, 2345, 2368; Code 2014; Ord. 2390, 2414, 2437)

15-102. Traffic Infractions and Traffic Offenses.

(a) An ordinance traffic infraction is a violation of any Section of this ordinance 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. 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. 2368; Code 2014; Ord. 2390, 2414, 2437)

15-103. Amendments to Standard Traffic Ordinance.

The Standard Traffic Ordinance incorporated by Section 15-101 is amended as provided in the following Sections.

(Ord. 2368; Code 2014; Ord. 2390, 2414, 2437)

15-104. Definitions.

Article 1, Section 1 of the Standard Traffic Ordinance is amended to add the following definitions:

(a) Lines, Center - A continuous or broken line marked upon the surface of a roadway by paint or otherwise to indicate each portion of the roadway allocated to traffic proceeding in opposite directions, and if the line is not so painted or otherwise marked, it is an imaginary line in the roadway equally distant from the edges of the roadway.

(Ord. 2368; Code 2014; Ord. 2390, 2414, 2437)

15-105. Authority to Make Emergency, Temporary and Experimental Regulations.

Article 2, Section 3 of the Standard Traffic Ordinance is hereby amended to read as follows:

(a) The Chief of Police, City Manager or City Engineer are each hereby empowered to make regulations necessary to make effective the provisions of this and other traffic ordinances of the City, to establish no parking zones on special occasions to expedite traffic or for safety purposes, signs being

properly posted, to make and enforce temporary or experimental regulations to cover emergencies or special conditions or to determine the advisability of permanent regulations for recommendation to the Governing Body, and test traffic-control devices under actual conditions of traffic. No temporary or experimental regulation shall remain in force for more than one (1) year.

(b) The City Clerk shall keep a record of all regulations adopted under the power and authority herein granted. A copy of this record shall be kept in the City offices and be subject to public inspection.

(Ord. 2368; Code 2014; Ord. 2390, 2414, 2437)

15-106. Careless Driving.

Article 6, of the Standard Traffic Ordinance is hereby amended by adding a new Section 29.1 as follows: No person shall operate any vehicle in such a manner as to indicate a careless or heedless disregard for the rights or the safety of others, or in such a manner as to endanger, or be likely to endanger, any person or property. A violation of this Section is a standard traffic infraction.

(Ord. 2368; Code 2014; Ord. 2390, 2414, 2437)

15-107. Maximum Speed Limits.

Article 7, Section 33(a) of the Standard Traffic Ordinance is amended as follows:

(a) Except when a special hazard exists or except as provided by Subsection (b) of this Section that requires lower speed for compliance with Section 32, the limits specified in this Section or established as hereinafter authorized shall be maximum lawful speeds and no person shall drive a vehicle at a speed in excess of such maximum speed limits:

- (1) Twenty (20) miles per hour in any business district.
- (2) Thirty (30) miles per hour in all other districts of the City not enumerated herein.
- (3) Ten (10) miles per hour in any park.
- (4) On any separated multilane highway, as designated and posted by the Secretary of Transportation, 75 miles per hour or such lower speed as posted.
- (5) Sixty (60) miles per hour on all State Highways within the City where signs indicating such speeds are posted.
- (6) Notwithstanding any other ordinance to the contrary, the Governing Body of this City by separate ordinance may specify and establish other speed limits for specific streets or portions of streets.

(Ord. 2368; Code 2014; Ord. 2390, 2414, 2437)

15-108. Officers Authorized to Remove Vehicles.

Article 13, Section 84 of the Standard Traffic Ordinance is hereby amended by adding the following as Subsection (c)(4):

- (4) Said motor vehicle does not display license plates or displays license plates reported stolen.

(Ord. 2368; Code 2014; Ord. 2390, 2414, 2437)

15-109. Stopping, Standing or Parking Prohibited in Specified Places.

Article 13, Section 85 of the Standard Traffic Ordinance is amended by adding the following as Subsection (a)(12):

- (12) At any location where the curb has been painted yellow which is the official curb paint color of the City indicating “no parking”.

(Ord. 2368; Code 2014; Ord. 2390, 2414, 2437)

15-110. Parking Prohibited at All Times in Designated Places of Certain Vehicles.

Article 13, Section 96 of the Standard Traffic Ordinance is hereby amended to read as follows

(a) When authorized signs are erected giving notice thereof, no person shall park a vehicle at any time upon that portion of any of the streets so posted or signed for "No Parking".

(b) It shall be unlawful for the driver, owner, or operator of any trailer, truck-trailer, tractor-trailer, semi-trailer, farm or road tractor or any other similar vehicle or vehicles with license capacity of more than 16,000 pounds (8 tons) to park or be left unattended at any time on any street, avenue or public roadway within the City of Bonner Springs, except those streets constructed of concrete or untreated gravel; it being specifically intended that no vehicle of more than 16,000 pounds (8 tons) capacity shall park on any street paved with bituminous concrete mat, asphalt or sealed with bituminous oil sealant.

(c) This Section shall not apply to those vehicles parked or left unattended for the purposes of emergency refueling and emergency repairs or for loading or unloading.

(Ord. 2368; Code 2014; Ord. 2390, 2414, 2437)

15-111. Spilling Loads on Highways Prohibited.

Article 17, Section 179(a) is hereby amended to read as follows:

(a) No vehicle shall be driven or moved upon any street, highway, road or alley in the City of Bonner Springs, Kansas, unless such vehicle is so constructed, loaded and securely covered as to prevent any of its load from spilling, dropping, sifting, leaking or otherwise escaping therefrom, and no vehicle shall be driven or moved upon any street, highway, road or alley creating a hazard by reason of mud, debris, or dirt dropping from the tires of said vehicle. The dropping of sand for the purpose of securing traction, or water, or other substances being sprinkled upon any street, highway, road or alley in the cleaning or maintaining of such street, highway, road or alley is hereby excepted from the provisions of this Section.

(Ord. 2368; Code 2014; Ord. 2390, 2414, 2437)

15-112. Penalty for Scheduled Fines.

The fine for violations 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 \$20 nor more than \$500. A person tried and convicted for violation of an 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 \$500.00.

(Ord. 2368; Code 2014; Ord. 2390, 2414, 2437)

ARTICLE 2. LOCAL TRAFFIC REGULATIONS

15-201. Local Control Traffic Regulations Code.

There is hereby incorporated by reference the “City of Bonner Springs Local Control Traffic Regulations Code” that contains Section 15-201 through 15-202 prepared by the City Clerk’s Department, 205 East Second Street, P. O. Box 38, Bonner Springs, KS 66012. The City Clerk shall mark and stamp one (1) copy as an “Official Copy as Adopted by Ordinance No. 2316” to be incorporated in the City of Bonner Springs, Kansas Code. Such copy shall be open to public inspection and available at all regular business hours.

(Ord. 1312, 1346, 1556, 1567, 1568, 1591, 1625, 1713, 1731, 1819, 1824, 1895, 2077, 2210, 2247, 2253, 2283, 2288, 2316, 2340, 2367)

15-202. Load Restrictions Upon Vehicles Using Certain Streets or Highways or Portions of Streets or Highways.

It shall be unlawful for any person to operate any commercial vehicle with a gross weight in excess of 16,000 pounds (8 Tons) at any time upon any of the streets or highways or portions of streets or highways in this City except on the truck route specifically provided herein:

(a) K-7 - From entrance at K-32 Highway to the North City Limits.

(b) K-32 Highway - From the west City limits (142nd Street) to the intersection of 138th Street/Scheidt Lane and from Cedar to the east City Limits.

(c) Front Street.

(d) Loring Drive.

(e) Scheidt - K-32 to Loring Drive

Provided, however, the provisions set forth above shall not prevent those commercial vehicles having a gross weight in excess of 16,000 pounds (8 Tons) from traveling upon any street in the City for the purposes of loading and unloading cargo or for purposes of making deliveries or pickups on such street or to or from property accessible only from such street if such commercial vehicle uses the nearest or most direct route off of the truck route.

(Ord. 1312, Sec. 7; Ord. 1893, Sec. 1; Code 2000; Code 2014)

ARTICLE 3. IMPOUNDMENT OF MOTOR VEHICLES**15-301. Definitions.**

For the purpose of this Article, the following terms, phrases, words and their derivations shall have the following meanings:

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.

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.

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 1989)

15-302. 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 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.

(d) 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.

(e) 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 of Bonner Springs, Kansas; 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.

(f) Any motor vehicle which is found to be operating on any roadway without proof of insurance and current registration.

(g) Any motor vehicle operated by a person whose driver's license is found to be canceled, suspended, revoked, expired, or never issued. A reasonable effort should be made to permit a licensed driver to remove a vehicle from the scene with the permission of the driver or owner.

(Code 1989; Ord. 1833; Code 1999)

15-303. 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 1989)

15-304. Notice of Impoundment; Storage of Vehicle.

(a) When Owner Present. When the Police Department intends to impound a motor vehicle pursuant to Section 15-302 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 (5) 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 15-302(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 15-304(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 1989)

15-305. 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 15-302, 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 15-304. 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 15-304 at any time whenever in his or her judgment the presence of the unattended motor vehicle constitutes a danger to the public safety. (Code 1989)

15-306. Release of Motor Vehicle from Impoundment.

(a) Generally. Unless the vehicle is impounded pursuant to Section 15-302(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 with forty (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 forty (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 1989)

15-307. 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 15-306, a date shall be set, not more than five (5) 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 (5) days but not more than forty (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 (5) 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 1989)

15-308. Charges Constitute a Lien.

The towing and storage charges occasioned by the impoundment of a motor vehicle pursuant to Section 15-302 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 15-307 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 15-306 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 15-306(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 15-306(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 1989)

15-309. Satisfaction of Lien; Notice of Public Sale.

The holder of a lien against a motor vehicle created by Section 15-308, to the extent that such lien has not been discharged as provided in Section 15-308 or otherwise satisfied, may enforce such lien in any manner provided by law after sixty (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 15-306(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 by law. If the motor vehicle against which the lien is created pursuant to Section 15-308 is still under impoundment sixty (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 sixty (60) day period for a sale thereafter. (Code 1989)

15-310. 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 15-309 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 (3) 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 (5) 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 1989)

15-311. Sale Proceeds.

The proceeds of a public sale held pursuant to Section 15-308 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 (1) 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 1989)

15-312. 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 1989)

15-313. Implementation of Article.

The Police Department and City Clerk are authorized to make rules for the implementation and administration of this Article.

(Code 1989)

15-314. Reimbursement for Discharged Liens.

If a lien created by Section 15-308 and held by a private wrecker or towing firm is discharged by Section 15-308 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 1989)

ARTICLE 4. HAZARDOUS MATERIALS

15-401. 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 2003)

15-402. 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 1989)

15-403. Transportation of Hazardous Materials.

Except as provided in Section 15-404 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 1989)

15-404. Hazardous Materials Routes.

The provisions of Section 15-403 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) K-7 Highway throughout Bonner Springs;
- (b) K-32 Highway in Bonner Springs;
- (c) Front Street/portions of Loring Drive westward from the intersection of Cedar and Front to south City limits.

(Code 1989)

15-405. Parking of Vehicles or Trailers Carrying Hazardous Materials.

(a) 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.

(b) Except as provided in Subsections (c) and (d), 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.

(c) Subsection (b) shall not apply to vehicles, trailers or semi-trailers parked for continuous periods of time not to exceed one (1) hour where such vehicles, trailers or semi-trailers are parked along those routes specified in Section 15-404 of this code.

(d) Subsection (b) 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 1989)

15-406. 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 (2) 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 1989)

ARTICLE 5. VEHICLE SIZE RESTRICTIONS

15-501. Vehicle Height, Weight, Length and Width.

(a) No person shall operate a motor vehicle or combination of vehicles the height or length of which, including any load thereon, exceeds the limitations as to such prescribed by K.S.A. 8-1904 (1996 Supp.) or any amendments thereto, which are incorporated by reference as if set out in full herein.

(b) No person shall operate a motor vehicle or combination of vehicles the total outside width of which, or any load thereon, exceeds the limitations as to such prescribed by K.S.A. 8-1902 (1996 Supp.) or any amendments thereto, which are incorporated by reference as if set out in full herein.

(c) No person shall operate a motor vehicle or combination of vehicles the gross weight of which, as to wheel and axle load, exceeds the limitations as to such prescribed by K.S.A. 8-1908 or any amendments thereto, which are incorporated by reference as if set out in full herein.

(d) No person shall operate a motor vehicle or combination of vehicles unless such motor vehicle is registered and licensed according to gross weight as prescribed in K.S.A. 8-143 (1996 Supp.) or any amendments thereto, which are incorporated by reference as if set out in full herein.

(e) No person shall operate a motor vehicle or combination of vehicles the gross weight of which exceeds the limitation as to such prescribed by K.S.A. 8-1909 or any amendments thereto which are incorporated by reference as if set out in full herein.

(f) It shall be unlawful to operate within this City a vehicle or combination of vehicles whose weight, with cargo, is in excess of the gross weight for which the vehicle, truck or truck-tractor propelling the same is licensed and registered except as provided by K.S.A. 8-1911 (1996 Supp.), or any amendments thereto and K.S.A. 8-1543 (1996 Supp.) or any amendments thereto. (Ord. 1792)

15-502. Enforcement of Vehicle Weight Laws; Officers May Weigh Vehicles; Portable Scales; Required Drive to Stationary Scales; Off-Loading or Load Redistribution Required, When.

(a) Any police officer having reason to believe that the gross weight of a vehicle or combination of vehicles or the gross weight on any axle or sets of axles is unlawful is authorized to require the driver to stop and submit to a weighing of the same by means of either portable or stationary scales and may require that such vehicle be driven to any scales suitable for this purpose within five (5) miles. When portable scales are used for weighing for the purpose of this Section, the location of such portable scales shall be not more than ten (10) miles from any stationary scales whose accuracy is certified in accordance with law.

(b) Whenever a police officer, upon weighing a vehicle or combination of vehicles, determines that the weight is unlawful, such officer may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle or combination of vehicles or remove or redistribute the gross weight on any axle or sets of axles to such limit as permitted in this Section. All material so unloaded shall be cared for by the owner, lessee, or operator of such vehicle at the risk of such owner, lessee or operator.

(c) Any driver of a vehicle or combination of vehicles who fails or refuses to stop and submit such vehicle or combination of vehicles to weighing as provided in this Section or who fails or refuses when directed by a police officer to comply with the provisions of this Section shall be guilty of a violation of this Article.

(Ord. 1792, Sec. 2)

15-503. Penalty for Violation.

(a) Every person who is convicted of a violation of this Article shall be fined according to the following schedule:

Weight	First 1,000 lbs. over limit	\$50
	Per lb. over 1,000 lbs.	\$10
Height, Length, Width over limit	\$30 plus \$1 per inch	

for a second violation of this Article within two (2) years such person shall, upon conviction, be fined 1 ½ times the applicable amount based on the above fine schedule. for a third violation of this Section within two (2) years, such person shall, upon conviction, be fined two (2) times the applicable amount from the above fine schedule. for fourth and each succeeding violation of this Subsection within two (2) years, such person, upon conviction, shall be fined 2 ½ times the applicable amount from the above fine schedule.

(b) Any person failing to comply with Section 15-502(c) above, upon conviction, shall be assessed a fine not exceeding \$500.

(Ord. 1792, Sec. 3)

ARTICLE 6. FEDERAL MOTOR CARRIER SAFETY REGULATIONS**15-601. Federal Motor Carrier Safety Regulations Incorporated by Reference.**

The Federal Motor Carrier Safety Regulations parts 382, 383, 390- 397, August 2012 Edition, prepared and published in book form by J.J. Keller and Associates, Inc., 3003 W. Breezewood Lane, P.O. Box 368, Neenah, WI 54957- 0368 is hereby incorporated by reference and made part of this Chapter save and except such Articles, Sections, parts or portions as are hereafter omitted, deleted, modified or changed. (Ord. 1960; Ord. 2010; Ord. 2026; Ord. 2360)

15-602. Same; Marked Copies of Regulations on File.

There shall not be less than one (1) copy of said code kept on file in the office of the City Clerk, to which shall be attached a copy of the incorporating ordinance, shall be marked or stamped, "Official Copies as Incorporated by Ordinance No. 2360 with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and filed with the City Clerk and open to inspection and available to the public at all reasonable hours. The Police Department, Municipal Judges and all administrative departments of the City charged with the enforcement of the incorporating ordinance shall be supplied, at the cost of the City, such number of official copies of such standard. (Ord. 1960; Ord. 2010; Ord. 2026; Ord. 2360)

15-603. Sections Deleted.

Sections 382.507, 383.53, and 390.37 of the Federal Motor Carrier Safety Regulations as incorporated in Chapter XIV, Article 7, are hereby deleted. (Ord. 1960; Ord. 2010; Ord. 2026; Ord. 2360)

15-604. Section 396.9 Amended; Inspection of Motor Vehicles in Operation.

Section 396.9 of the Federal Motor Carrier Safety Regulations entitled "Inspection of Motor Vehicle" is amended and changed to read as follows:

(a) Personnel authorized to perform inspections. Inspections of motor carriers' vehicles in operation shall be conducted by Commercial Vehicle Safety Alliance (CVSA) certified officers. These certified officers are authorized to enter upon and perform inspections of motor carriers' vehicles in operation.

(b) Prescribed inspections report. A driver/vehicle examination reports shall be used to record results of motor vehicle inspections conducted by authorized City of Bonner Springs personnel.

(c) Motor vehicles declared "out of service."

(1) Authorized personnel shall declare and mark "out of service" any motor vehicle which by reason of its mechanical condition or loading would likely cause an accident or a breakdown. An "Out of Service Vehicle" sticker, shall be used to mark vehicles "out of service."

(2) No motor carrier shall require or permit any person to operate nor shall any person operate any motor vehicle declared and marked, "out of service" until all repairs required by the "out of service notice" have been satisfactorily completed. The term "operate" as used in this Section shall include towing the vehicle, except that vehicles marked "out of service" may be towed away by means of a vehicle using a crane or hoist. A vehicle combination consisting of the emergency towing vehicle and an "out of service" vehicle shall not be

operated unless such combination meets the performance requirements of this subchapter except for those conditions noted on the driver equipment compliance check.

- (3) No person shall remove the “out of Service Vehicle” sticker from any motor vehicle prior to completion of all repairs required by the “out of service notice.”
- (d) Motor Carrier’s disposition.
 - (1) The driver of any motor vehicle receiving an inspection report shall deliver it to the motor carrier operating the vehicle upon his arrival at the next terminal or facility. If the driver is not scheduled to arrive at a terminal or facility of the motor carrier operating the vehicle within twenty-four (24) hours, the driver shall immediately mail the report to the motor carrier.
 - (2) Motor carriers shall examine the report. Violations or defects noted thereon shall be corrected.
 - (3) Within fifteen (15) days following the date of the inspection, the motor carrier shall:
 - (4) Certify that all violations noted have been corrected by completing the “Signature of Carrier Official, Title, and Date Signed” portions of the form; and
 - (5) Return the completed roadside inspection form to the address indicated on the form and retain a copy at the motor carrier’s principal place of business or where the vehicle is housed for twelve (12) months from the date of inspection.

(Ord. 1960; Ord. 2010; Ord. 2026; Ord. 2360)

15-605. Penalties.

- (a) It is unlawful for any person to violate any of the provisions of this ordinance.

(b) The Judge in the Municipal Court shall in the manner prescribed by K.S.A. 12-4305 and amendments thereto establish scheduled fines for violation of any Section of this ordinance. Such fines shall be imposed upon a voluntary entry of appearance and upon a plea of guilty or no contest to a complaint alleging such violation and payment of the fine and any court costs.

(c) Any person convicted of a violation of any of the provisions of this ordinance shall be punished, subject to limitations otherwise provided in this adopting ordinance, by a fine not to exceed Five Hundred Dollars (\$500.00) or imprisonment in jail for not more than six (6) months, or be both so fined and imprisoned. Each day during or upon which a violation occurs or continues shall constitute a separate offense and shall be punishable as such hereunder.

(Ord. 1960; Ord. 2010; Ord. 2026; Ord. 2360)

15-606. Severability.

If any provision of this Chapter is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the code and the applicability thereof to other persons and circumstances shall not be affected thereby.

(Ord. 1960; Ord. 2010; Ord. 2026; Ord. 2360)

15-607. Savings Clause.

Neither the adoption of this ordinance nor the repeal or amendment of any ordinance or part or portion thereof shall in any manner affect the prosecution or civil enforcement for violations of ordinances, which violations were committed prior to the effective date hereof, not be construed as a waiver of any license, fee or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance, and all rights and obligations thereunder appertaining shall continue in full force and effect.

(Ord. 1960; Ord. 2010; Ord. 2026; Ord. 2360)