

1 (Published in the Topeka Metro News October 17, 2007)

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3 **ORDINANCE NO. 18972**

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5 AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending  
6 City of Topeka Code § 142-152 concerning amendments to the  
7 Standard Traffic Ordinance, and specifically repealing said original  
8 code section and City of Topeka Ordinance No. 18806.

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10 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

11 Section 1. That City of Topeka Code § 142-152, Amendments, is hereby  
12 amended to read as follows:  
13

14 **Amendments.**

15 The current edition of the Standard Traffic Ordinance for Kansas Cities as  
16 adopted by reference, shall be amended as follows:

17 The current edition of the Standard Traffic Ordinance for Kansas Cities as adopted by  
18 reference, shall be amended as follows:

19 (a) Section 1 of the standard traffic ordinance, relating to definitions, is hereby  
20 amended as follows:

21 Other competent evidence includes: (1) Alcohol concentration tests obtained  
22 from samples taken two hours or more after the operation or attempted operation of a  
23 vehicle; and (2) readings obtained from a partial alcohol concentration test on a breath  
24 testing instrument.

25 (b) Section 13 of the standard traffic ordinance, relating to traffic control signal  
26 legend, is hereby declared to be and is omitted and deleted.

27 (c) Section 33 of the standard traffic ordinance, relating to maximum speed  
28 limits, is hereby declared to be and is omitted and deleted.

29 (d) Section 37 of the standard traffic ordinance, relating to racing on

30 highways; exhibition of speed, is amended to read as follows:

31 (1) No person shall drive any vehicle on any road, street, alley, public  
32 or private parking lot or highway in the city in any race, speed competition or  
33 contest, drag race or acceleration contest, test of physical endurance, or for the  
34 purpose of making a speed record, and no person shall in any manner participate  
35 in any such race, competition, contest, or test. For purposes of this section,  
36 "speed competition or contest" means the operation of one or more motor  
37 vehicles to conduct a race or a time trial, including but not limited to, rapid  
38 acceleration, exceeding reasonable and prudent speeds for highways and  
39 existing traffic conditions, vying for position, or performing one or more lane  
40 changes in an attempt to gain advantage over one or more of the other racing  
41 participants.

42 (2) No person shall knowingly engage in a speed exhibition on a  
43 highway. For purposes of this section, "speed exhibition" means the operation of  
44 a motor vehicle to present a display of speed or power. "Speed exhibition"  
45 includes, but is not limited to, squealing the tires of a motor vehicle while it is  
46 stationary or in motion, rapid acceleration, rapid swerving or weaving in and out  
47 of traffic, producing smoke from tire slippage, or leaving visible tire acceleration  
48 marks on the surface of the highway or ground.

49 (e) Section 50 of the standard traffic ordinance relating to right, left and U-  
50 turns at intersection: obedience to, is hereby declared to be and is omitted and deleted.

51 (f) Section 67 of the standard traffic ordinance, relating to pedestrians to use  
52 right half of crosswalks, is hereby declared to be and is omitted and deleted.

53 (g) Section 104 of the standard traffic ordinance, relating to inattentive driving,  
54 is hereby declared to be and is omitted and deleted.

55 (h) Section 107 of the standard traffic ordinance, relating to unattended motor  
56 vehicles, is hereby deleted in its entirety and the following provisions shall be  
57 substituted therefore:

58 (a) No person driving or in charge of a motor vehicle shall permit it to  
59 stand unattended without first stopping the engine, locking the ignition, removing  
60 the key from the ignition, effectively setting the brake thereon and, when standing  
61 upon any grade, turning the front wheels to the curb or side of the highway.

62 (b) For the purpose of this section, unattended shall not be construed  
63 to mean a motor vehicle with an engine that has been activated by a remote  
64 starter system, when the motor vehicle is locked and when the ignition keys are  
65 not in the motor vehicle.

66 (c) This section shall not apply to public or private utility vehicles  
67 engaged in the restoration of utility services or to emergency vehicles (as defined  
68 by K.S.A. 8-1404 either in use during an emergency or in the performance of law  
69 enforcement, firefighting, rescue or medical duties, including those vehicles  
70 transporting canines as part of a law enforcement function.

71 (i) Section 114.1 of the standard traffic ordinance, relating to unlawful  
72 operation of All-Terrain Vehicle, is hereby deleted in its entirety and the following  
73 provisions shall be substituted therefore:

74 (a) Except as provided in subsections (b) and (c), it shall be unlawful  
75 for any person to operate an all-terrain vehicle:

76                           (1) On any interstate highway, federal highway or state highway;

77                           or

78                           (2) Within the corporate limits of a city of the first class.

79                           (b) Notwithstanding the provisions of subsection (a), all-terrain vehicles  
80                           owned and operated by a county noxious weed department, or all-terrain  
81                           vehicles owned and operated by persons contracting with a county noxious weed  
82                           department or the Kansas department of transportation may be allowed to  
83                           operate such all-terrain vehicles upon the right-of-way of any federal highway or  
84                           state highway for the purpose of eradicating noxious weeds and such all-terrain  
85                           vehicles may be operated incidentally upon such federal highway or state  
86                           highway.

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

90                           (d) No all-terrain vehicle shall be operated on any public highway,  
91                           street or road between sunset and sunrise unless equipped with lights as  
92                           required by law for motorcycles.

93                           (e) All-terrain vehicles operated pursuant to subsections (b) and (c)  
94                           need not be registered pursuant to article 1, chapter 8 of the Kansas Statutes  
95                           Annotated to operate on the public highways, streets, roads and alleys within the  
96                           corporate limits of the city.

97                           (hj) Section 119 of the standard traffic ordinance, relating to parades and  
98 processions, is hereby declared to be and is omitted and deleted.

