

ORDINANCE NO. TC-1260,FFFF

AN ORDINANCE REGULATING TRAFFIC, PARADE PERMITS, AND TOWING IN THE CITY OF OVERLAND PARK, KANSAS; ADDING NEW OVERLAND PARK MUNICIPAL CODE SECTIONS 12.04.044.3 AND 12.04.195.2; AMENDING AND REPEALING EXISTING OVERLAND PARK MUNICIPAL CODE SECTIONS 12.04.001, 12.04.002, 12.04.006, 12.04.011, 12.04.014, 12.04.019, 12.04.022, 12.04.025, 12.04.028, 12.04.030, 12.04.030.05, 12.04.030.1, 12.04.031, 12.04.033, 12.04.036, 12.04.037, 12.04.041, 12.04.044.1, 12.04.044.2, 12.04.044.3, 12.04.061, 12.04.062, 12.04.063, 12.04.069, 12.04.078, 12.04.081, 12.04.082, 12.04.085, 12.04.087, 12.04.105, 12.04.106, 12.04.109, 12.04.111, 12.04.113, 12.04.119, 12.04.119.1, 12.04.124, 12.04.126.5, 12.04.131, 12.04.133, 12.04.135.1, 12.04.135.3, 12.04.143, 12.04.148, 12.04.151, 12.04.153, 12.04.155, 12.04.156, 12.04.160, 12.04.163, 12.04.165, 12.04.169, 12.04.170, 12.04.171, 12.04.174, 12.04.178, 12.04.178.2, 12.04.179, 12.04.179.1, 12.04.180, 12.04.181, 12.04.191, 12.04.191.1, 12.04.191.2, 12.04.192, 12.04.192.1, 12.04.193, 12.04.195, 12.04.195.1, 12.04.195.2, 12.04.196.1.7, 12.04.196.3, 12.04.197, 12.08.010, 12.16.030, 12.20.001, 12.20.005, 12.21.030, AND 12.21.040 AND PROVIDING SUBSTITUTE PROVISIONS THEREFORE; AND REPEALING EXISTING OVERLAND PARK MUNICIPAL CODE SECTIONS 12.04.176.2 AND 12.04.196.1.5.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS, AS FOLLOWS:

Section 1. Overland Park Municipal Code Section 12.04.001 is hereby amended to read as follows:

12.04.001 Definitions.

The following words and phrases when used in this ordinance shall, for the purpose of this ordinance and other traffic ordinances, have the meanings respectively ascribed to them in this Section unless otherwise defined in the text of the Section.

Alcohol Concentration. The number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath. *(See K.S.A. 8-1013(a))*

Alcoholic Liquor. Alcohol, spirits, wine, beer, alcoholic candy and every liquid or solid, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed as a beverage by a human being, but shall not include cereal malt beverage. *(See K.S.A. 41-102(c))*

Alley or Alleyway. A street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic. *(See K.S.A. 8-1402)*

All-terrain Vehicle. Any motorized nonhighway vehicle 55 inches or less in width measured from the outside of one tire rim to the outside of the other tire rim, having a dry weight of 1,500 pounds or less, and traveling on three or more nonhighway tires. *(See K.S.A. 8-126(a) and K.S.A. 8-1402a)*

Arterial Street. Any U. S. or state numbered route, controlled access highway or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways. *(See K.S.A. 8-1403)*

Authorized Emergency Vehicle. Such fire department vehicles, police bicycles or police vehicles which are publicly owned; motor vehicles operated by ambulance services permitted by the emergency medical services board under the provisions of K.S.A. 65-6101 *et seq.*, and amendments thereto; wreckers, tow trucks or car carriers, as defined by K.S.A. 66-1329, and amendments thereto, and having a certificate of public service from the state corporation commission; and such other publicly or privately owned vehicles as are designated as emergency vehicles by the Board of County Commissioners, pursuant to K.S.A. 8-2010 and amendments thereto. *(See K.S.A. 8-1404)*

Autocycle. A three-wheel motorcycle that has a steering wheel and seating that does not require the operator to straddle or sit astride it. *(See K.S.A. 8-1497)*

Bicycle. Every device propelled by human power upon which any person may ride, having two tandem wheels, either of which is more than 14 inches in diameter. *(See K.S.A. 8-1405)*

Bus. Every motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation. *(See K.S.A. 8-1406)*

Business District. The territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks or office buildings, railroad stations and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway. *(See K.S.A. 8-1407)*

Cancellation of a Driver's License. The annulment or termination by formal action of the division of a person's driver's license because of some error or defect in the license or because the licensee is not entitled to such license, but the cancellation of a license is without prejudice, except for a cancellation because of a violation of Section 12.04.196 or K.S.A. 8-260, and amendments thereto, and application for a new license may be made at any time after such cancellation. *(See K.S.A. 8-1408)*

Cereal Malt Beverage. Any fermented but undistilled liquor brewed or made from malt or from a mixture of malt or malt substitute or any flavored malt beverage, as defined in K.S.A. 41-2729, and amendments thereto, but not including any such liquor which is more than 3.2% alcohol by weight. *(See K.S.A. 41-2701(a))*

Chief of Police. The Chief of Police of the City, or any member of the Police Department of the City designated by the Chief of Police to act in their place.

City or this City. The City of Overland Park, Kansas.

City Traffic Engineer. The Chief Traffic Engineer for the City or any member of the City Traffic Department designated by the Chief Traffic Engineer to act in their place.

Commission. The Secretary of Transportation. *(See K.S.A. 8-1409(a))*

Compression Release Engine Braking System. A hydraulically operated device that converts a power producing diesel engine into a power absorbing retarding mechanism. *(See K.S.A. 8-1761(b))*

Controlled-Access Highway. Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway. *(See K.S.A. 8-1410)*

Crosswalk.

- a. That part of a roadway at an intersection included within the connections of the lateral lines of sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or
- b. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface. *(See K.S.A. 8-1411)*

Department. Department of Transportation. *(See K.S.A. 8-1409(c))*

Director. The Director of Vehicles. *(See K.S.A. 8-1412)*

Division. The Division of Vehicles of the Department of Revenue. *(See K.S.A. 8-1413)*

Divided Highway. A highway divided into two or more roadways by leaving an intervening space or by a physical barrier or by a clearly indicated dividing section so constructed as to impede vehicular traffic. *(See K.S.A. 8-1414)*

Drawbar. A bar across the rear of a motor vehicle, or a device securely attached to the motor vehicle, which maintains a fixed position and to which a tow bar may be coupled. *(See K.S.A. 8-1414a)*

Driveaway-Towaway Operations. Any operation in which any motor vehicle, trailer or semitrailer, singly or in combination, new or used, constitutes the commodity being transported, when one set or more of wheels of any such vehicle are on the roadway during the course of transportation, whether or not any such vehicle furnishes the motive power. *(See K.S.A. 8-1415)*

Driver. Every person who drives or is in actual physical control of a vehicle. *(See K.S.A. 8-1416)*

Driver's License. Any license to operate a motor vehicle issued under the laws of this state. *(See K.S.A. 8-1417)*

Electric-assisted Bicycle. A bicycle with two or three wheels, a saddle, fully operative pedals for human propulsion, and an electric motor. The electric-assisted bicycle's electric motor must have a power output of no more than 1,000 watts, be incapable of propelling the device at a speed of more than 20 miles per hour on level ground and incapable of further increasing the speed of the device when human power alone is used to propel the device beyond 20 miles per hour. *(See K.S.A. 8-1489)*

Electric-assisted Scooter. Every self-propelled vehicle that has at least two wheels in contact with the ground, an electric motor, handlebars, a brake, and a deck that is designed to be stood upon when riding.

Electric Personal Assistive Mobility Device. A self-balancing two non-tandem wheeled device, designed to transport only one person, with an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less. *(See K.S.A. 8-1491)*

Essential Parts. All integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation. *(See K.S.A. 8-1418)*

Explosives. Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, and which contains any oxidizing and combustible units

or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb. (See K.S.A. 8-1419)

Farm Tractor. Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry, and such term shall include every self-propelled implement of husbandry. (See K.S.A. 8-1420)

Flammable Liquid. Any liquid which has a flash point of 70 degrees Fahrenheit, or less, as determined by a tagliabue or equivalent closed cup test device. (See K.S.A. 8-1421)

Golf Cart. A motor vehicle that does not have fewer than three wheels in contact with the ground, an unladen weight of not more than 1,800 pounds, is designed to be and is operated at not more than 25 miles per hour and is designed to carry not more than four persons including the driver. (See K.S.A. 8-126(o) and K.S.A. 8-1945)

Governing Body. The Mayor and Council of this City.

Gross Weight. The weight of a vehicle without load plus the weight of any load thereon. (See K.S.A. 8-1423)

Highway. See Street or Highway.

House Trailer.

- a. A trailer or semi-trailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, and is equipped for use as a conveyance on streets and highways; or
- b. A trailer or a semi-trailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in paragraph (a), but which is used instead permanently or temporarily for the advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.
- c. **House Trailer** does not include a manufactured home or a mobile home, as such terms are defined in K.S.A. 58-4202. (See K.S.A. 8-1425)

Identifying Numbers. The numbers, and letters, if any, on a vehicle designated by the division for the purpose of identifying the vehicle. (See K.S.A. 8-1426)

Implement of Husbandry. Every vehicle designed or adapted and used exclusively for agricultural operations and only incidentally moved or operated upon the highways. Such term shall include, but not be limited to, a fertilizer spreader or nurse tank used exclusively for dispensing or spreading water, dust or liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202, and amendments thereto, regardless of ownership. **Implement of Husbandry** shall not include: (a) A truck mounted with a fertilizer spreader used or manufactured principally to spread animal dung; (b) a mixer-feed truck owned and used by a feedlot, as defined by K.S.A. 47-1501, and amendments thereto, and specially designed and used exclusively for dispensing feed to livestock in such feedlot; or (c) a truck permanently mounted with a spreader used exclusively for dispensing or spreading water, dust or liquid fertilizers or agricultural chemicals,

as defined in K.S.A. 2-2202, and amendments thereto, regardless of ownership. (*See K.S.A. 8-1427*)

Intersection.

- a. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict; or
- b. Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highway shall be regarded as a separate intersection.

The junction of an alley with a street or highway shall not constitute an intersection. (*See K.S.A. 8-1428*)

Intoxicating Liquor. Any alcoholic liquor or cereal malt beverage as defined herein.

Laned Roadway. A roadway which is divided into two or more clearly marked lanes for vehicular traffic. (*See K.S.A. 8-1429*)

Legal age for consumption of cereal malt beverage. 21 years of age, except that "legal age for consumption of cereal malt beverage" shall mean 18 years of age if at any time the provisions of P.L. 98-363 penalizing states for permitting persons under 21 years of age to consume cereal malt beverage are repealed or otherwise invalidated or nullified. (*See K.S.A. 8-2701(h)*)

License or License to Operate a Motor Vehicle. Any driver's license or any other license or permit to operate a motor vehicle issued under, or granted by, the laws of this state, including:

- a. Any temporary license or instruction permit;
- b. the privilege of any person to drive a motor vehicle whether or not such person holds a valid license; and
- c. any nonresident's operating privilege. (*See K.S.A. 8-1430*)

Litter. Rubbish, refuse, waste material, garbage, trash or debris of whatever kind or description and includes improperly discarded paper, metal, plastic or glass. (*See K.S.A. 8-15,102(b)*)

Low-speed Vehicle. Any four-wheeled electric vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour and is manufactured in compliance with the national highway and traffic safety administration standards for low-speed vehicles in 49 C.F.R. 571.500. (*See K.S.A. 8-1488*)

Mail. To deposit in the United States mail properly addressed and with postage prepaid. (*See K.S.A. 8-1433*)

Manufacturer. Every person engaged in the business of constructing or assembling vehicles of a type required to be registered in this state. (*See K.S.A. 8-1434*)

Metal Tire. Every tire, the surface of which in contact with the highway, is wholly or partly of metal or other hard non-resilient material. (*See K.S.A. 8-1435*)

Micro Utility Truck. Any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 160 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab. "Micro utility truck" does not include a work-site utility vehicle. *(See K.S.A. 8-1494)*

Motorcycle. Every motor vehicle, including autocycles, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor. *(See K.S.A. 8-1438)*

Motor-Driven Cycle. Every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower, and every bicycle with motor attached, except a motorized bicycle or an electric-assisted bicycle. *(See K.S.A. 8-1439)*

Motorized Bicycle. Every device having two tandem wheels or three wheels which may be propelled by either human power or helper motor, or by both, and which has: a motor which produces not more than 3.5 brake horsepower; a cylinder capacity of not more than 130 cubic centimeters; an automatic transmission; and the capability of a maximum design speed of no more than thirty miles per hour except a low power cycle. *(See K.S.A. 8-1439a)*

Motorized Wheelchair. Any self-propelled vehicle, designed specifically for use by a physically disabled person, that is incapable of a speed in excess of 15 miles per hour. *(See K.S.A. 8-1439c)*

Motor Home. Every motor vehicle designed to provide temporary living quarters for recreational, camping or travel use. *(See K.S.A. 8-1436)*

Motor Vehicle. Every vehicle, other than a motorized bicycle or a motorized wheelchair, which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails. *(See K.S.A. 8-1437)*

Nonhighway Tire. Any pneumatic tire six inches or more in width, designed for use on wheels with rim diameter of 14 inches or less.

Nonresident. Every person who is not a resident of this state. *(See K.S.A. 8-1440)*

Nonresident's Operating Privilege. The privilege conferred upon a nonresident by the laws of this state pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in this state. *(See K.S.A. 8-1441)*

Official Time Standard. Whenever certain hours are specified they shall mean standard time or daylight-saving time as may be in current use in this City.

Official Traffic-Control Devices. All signs, signals, markings, and devices, not inconsistent with this ordinance, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic. *(See K.S.A. 8-1442)*

Owner. A person, other than a lienholder, having the property in or title to a vehicle; and such term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security. *(See K.S.A. 8-1443)*

Park or Parking. Means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers. *(See K.S.A. 8-1444)*

Parkway. The parkway of a street shall be defined as the area extending a maximum of 15 feet back from the edge of the street or curblin, excluding the area improved and used as a parking lot or driveway.

Passenger Car. A motor vehicle, except motorcycles and motor-driven cycles, designed for carrying ten (10) passengers or less and used for the transportation of persons. *(See K.S.A. 8-1445)*

Passenger Vehicle. Every motor vehicle that is designed to primarily carry 10 or fewer passengers, and is not used as a truck. *(See K.S.A. 8-126(ee))*

Pedestrian. Any person afoot; any person in a wheelchair, either manually or mechanically propelled, or other low powered, mechanically propelled vehicle designed specifically for use by a physically disabled person; or any person using an electric personal assistive mobility device. *(See K.S.A. 8-1446)*

Person. Every natural person, firm, association, partnership or corporation. *(See K.S.A. 8-1447)*

Person with a Disability. Any individual who:

- a. has a severe visual impairment;
- b. cannot walk 100 feet without stopping to rest;
- c. cannot walk without the use of or assistance from: a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistive device;
- d. is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter or the arterial oxygen tension is less than 60 mm/hg on room air at rest;
- e. uses portable oxygen;
- f. has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association; or
- g. is severely limited in such person's ability to walk due to an arthritic, neurological or orthopedic condition. *(See K.S.A. 8-1,124)*

Pneumatic Tire. Every tire in which compressed air is designed to support the load. *(See K.S.A. 8-1448)*

Pole Trailer. Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections. *(See K.S.A. 8-1449)*

Police Officer. Every law enforcement officer, as defined in K.S.A. 21-5111, and amendments thereto, authorized to direct or regulate traffic or to make arrests for violations of traffic regulations. *(See K.S.A. 8-1450)*

Private Road or Driveway. Every way or place in private ownership and used for vehicular travel by the owner, and those having express or implied permission from the owner, but not by other persons. *(See K.S.A. 8-1451)*

Queue Jump Lane. A right turn or additional travel lane on the approach to a signalized intersection which is designed to allow higher-capacity vehicles to cut to the front of the queue, reducing the delay caused by the signal.

Railroad. A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

Railroad Sign or Signal. Any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train. *(See K.S.A. 8-1453)*

Railroad Train. A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails. *(See K.S.A. 8-1454)*

Recreational Vehicle. A vehicular-type unit built on or for use on a chassis and designed primarily as living quarters for recreational, camping, vacation or travel use and which has its own motive power or is mounted on or drawn by another vehicle, and which has a body width not exceeding eight feet and a body length not exceeding 40 feet; but such term shall not include a unit which has no electrical system which operates above 12 volts and has no provisions for plumbing, heating, and any other component or feature for which a standard is adopted by the state uniform standards code for mobile homes and recreational vehicles. *(See K.S.A. 75-1212(f))*

Recreational Off-Highway Vehicle. Any motor vehicle not greater than 75 inches in width measured from the outside of one tire rim to the outside of the other rim, having a dry weight of 3,500 pounds or less, traveling on four or more nonhighway tires. *(See K.S.A. 8-126(hh))*

Registration. The registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of vehicles. *(See K.S.A. 8-1455)*

Residence District. The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is improved, in the main, with residences or residences and buildings in use for business. *(See K.S.A. 8-1456)*

Residential District. Any place or area where the property is zoned for residential occupancy including single family, two family, and multifamily dwellings and territory contiguous thereto for 300 feet in any direction.

Revocation of Driver's License. The termination by formal action of the division of a person's license or privilege to operate a motor vehicle on the highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the division after the expiration of the applicable period of time prescribed by state law. *(See K.S.A. 8-1457)*

Right-of-Way. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other. *(See K.S.A. 8-1458)*

Road Construction Zone. That portion of the highway which is identified by posted or moving signs as being a construction or maintenance work area. The zone starts at the first sign identifying

the zone and continues until a posted or moving sign indicating the construction zone has ended. (See K.S.A. 8-1458a)

Roadway. That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively. (See K.S.A. 8-1459)

Safety Hitch. A chain, cable, or other material of sufficient weight which will prevent the towed vehicle from breaking loose in the event the tow bar or drawbar fails or becomes disconnected. (See K.S.A. 8-1459a)

Safety Zone. The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone. (See K.S.A. 8-1460)

School Bus. Every motor vehicle defined and designated as a school bus in K.S.A. 72-6486(g)(1), previously defined in K.S.A. 72-8301(g)(1). (See K.S.A. 8-1461)

School Crossing Guard. Any person 18 years of age and older or any person under 18 years of age who is being directly supervised by a person at least 18 years of age, acting with or without compensation and who is authorized under K.S.A. 8-15,104, and amendments thereto, to supervise, direct, monitor or otherwise assist school children at a street or intersection in the vicinity of a school crosswalk or bus stop. (See K.S.A. 8-1492)

Secretary. The Secretary of the Kansas Department of Transportation. (See K.S.A. 8-1409(b))

Semi-trailer. Every vehicle, with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle, and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle. (See K.S.A. 8-1464)

Sidewalk. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians. (See K.S.A. 8-1465)

Solid Rubber Tire. Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load. (See K.S.A. 8-1466)

Specially Constructed Vehicle. Every vehicle of a type required to be registered in this state, not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction. (See K.S.A. 8-1468)

Special Mobile Equipment. Every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: ditch digging apparatus, well boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and drag lines, and self-propelled cranes and earth moving equipment. The term does not include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached. (See K.S.A. 8-1467)

Stand or Standing. The halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers. *(See K.S.A. 8-1469)*

State. The State of Kansas.

Stop. When required means complete cessation from movement. *(See K.S.A. 8-1471)*

Stop or Stopping. When prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal. *(See K.S.A. 8-1472)*

Street or 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 ordinance, it shall mean street, avenue, boulevard, thoroughfare, trafficway, alley and other public way for vehicular travel by whatever name unless the context clearly indicates otherwise. The term **highway** does not include a roadway or driveway upon grounds owned by private owners, colleges, universities, or other institutions. *(See K.S.A. 8-126 (p); K.S.A. 8-1424; and K.S.A. 8-1473)*

Suspension of a Driver's License. The temporary withdrawal by formal action of the division of a person's license or privilege to operate a motor vehicle on the highways. *(See K.S.A. 8-1474)*

Through Highway. Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such highway in obedience to either a stop sign, yield sign or other traffic-control device, when such signs or devices are erected as provided in this ordinance. *(See K.S.A. 8-1475)*

Tow Bar. A rigid piece of material which is structurally adequate to hold any weight vehicle towed and which is properly and securely mounted to the towed vehicle without excessive slack but with sufficient play to allow for universal action of the connection and which is equipped with a suitable locking device to prevent accidental separation of the towing vehicle and the towed vehicle. *(See K.S.A. 8-1474a)*

Traffic. Pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highway for purposes of travel. *(See K.S.A. 8-1477)*

Traffic-Control Signal. Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed. *(See K.S.A. 8-1478)*

Traffic-Control Signal Preemption Device. Any device, instrument or mechanism designed, intended or used to interfere with the operation or cycle of a traffic-control signal. *(See K.S.A. 21-6324(d))*

Trailer. Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle, and so constructed that no part of its weight rests upon the towing vehicle. *(See K.S.A. 8-1479)*

Transportation Network Company. A corporation, partnership, sole proprietorship or other entity operating in the City that uses a digital network to connect transportation network company riders to transportation network company drivers who provide prearranged rides. A transportation network company shall not be deemed to control, direct or manage the personal vehicles or

transportation network company drivers that connect to its digital network, except where agreed to by written contract. (See K.S.A. 8-2702(e))

Transportation Network Company Driver. An individual who:

- a. Receives connections to potential passengers and related services from a transportation network company in exchange for payment of a fee to the transportation network company; and
- b. Uses a personal vehicle to provide services for riders matched through a digital network controlled by a transportation network company and receives, in exchange for providing the passenger a ride, compensation that exceeds the individual's cost to provide the ride. (See K.S.A. 8-2702(f))

Truck. Every motor vehicle that is used for the transportation or delivery of freight and merchandise or more than 10 passengers. (See K.S.A. 8-1481)

Truck-Camper. Any structure designed, used or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space. (See K.S.A. 8-1482)

Truck Tractor. Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn. (See K.S.A. 8-1483)

Urban District. The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses, situated at intervals of less than 100 feet for a distance of a quarter of a mile or more. (See K.S.A. 8-1484)

Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except electric personal assistive mobility devices, electric-assisted scooters, electric-assisted bicycles or devices moved by human power or used exclusively upon stationary rails or tracks. (See K.S.A. 8-1485)

Waste Collection Vehicle. A vehicle specifically designed and equipped and used exclusively for garbage, refuse, recycling or solid waste collection or disposal operations. (See K.S.A. 8-15, 112(b))

Work-site Utility Vehicle. Any motor vehicle which is not less than 48 inches in width, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more nonhighway tires, a steering wheel and bench or bucket-type seating allowing at least two people to sit side-by-side, and may be equipped with a bed or cargo box for hauling materials. "Work-site utility vehicle" does not include a micro utility truck. (See K.S.A. 8-1493)

Section 2. Overland Park Municipal Code Section 12.04.002 is hereby amended to read as follows:

12.04.002 Provisions of Chapter Refer to Vehicles Upon the Streets and Highways; Exceptions.

The provisions of this Chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon streets, highways, public property, and any location specifically designated in a particular Section contained in this Chapter except the provisions of Sections 12.04.023, 12.04.025, 12.04.026, 12.04.028, 12.04.029, 12.04.030; 12.04.030.05, 12.04.031,

12.04.033(c), 12.04.037, 12.04.060, 12.04.066, 12.04.080, 12.04.085(a)(12), 12.04.085(e), 12.04.087, 12.04.105, 12.04.106, 12.04.107, 12.04.111, 12.04.117, 12.04.118, 12.04.125, 12.04.138, 12.04.191, 12.04.192, and 12.04.196 shall also apply on privately-owned property and elsewhere throughout the City.

Section 3. Overland Park Municipal Code Section 12.04.006 is hereby amended to read as follows:

12.04.006 Obedience to Law Enforcement Officers.

No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control or regulate traffic.

Section 4. Overland Park Municipal Code Section 12.04.011 is hereby amended to read as follows:

12.04.011 Manuals and Specifications for Traffic Control Devices.

All traffic control devices shall conform to the manual and specifications as adopted by the state department of transportation.

Section 5. Overland Park Municipal Code Section 12.04.014 is hereby amended to read as follows:

12.04.014 Pedestrian-Control Signals.

Whenever special pedestrian-control signals exhibiting the words "walk" or "don't walk" or symbols of "walking person" or "upraised palm" are in place, such signals shall indicate as follows:

- a. **Flashing or steady walk or walking person.** Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.
- b. **Flashing or steady don't walk or upraised palm.** No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed crossing on the "walk" or "walking person" signal shall proceed to a sidewalk or safety island while the "don't walk" or upraised palm signal is showing.

Section 6. Overland Park Municipal Code Section 12.04.019 is hereby amended to read as follows:

12.04.019 Designation of Crosswalks and Safety Zones.

The City Traffic Engineer may designate and maintain by appropriate devices, marks or lines on the surface of the roadway, crosswalks at intersections where in the City Traffic Engineer's opinion there is particular danger to pedestrians crossing the roadway and at such other places as may be deemed necessary. The City Traffic Engineer may also establish and mark safety zones of such kind and character and at such places as may be deemed necessary for the protection of pedestrians.

Section 7. Overland Park Municipal Code Section 12.04.022 is hereby amended to read as follows:

12.04.022 Possession of a Traffic-Control Signal Preemption Device.

- a. No person shall knowingly possess a traffic-control signal preemption device.
- b. The provisions of this section shall not apply to the operator, passenger or owner of any of the following authorized emergency vehicles, in the course of such person's emergency duties:
 1. Publicly owned fire department vehicles;
 2. Publicly owned police vehicles; or
 3. Motor vehicles operated by ambulance services permitted by the emergency medical services board under the provisions of K.S.A. 65-6101 et seq., and amendments thereto.
- c. Possession of a Traffic-Control Signal Preemption Device is a class B violation.

Section 8. Overland Park Municipal Code Section 12.04.025 is hereby amended to read as follows:

12.04.025 Duty of Driver to Give Certain Information after Accident; Failure to Provide Proof of Liability Insurance or Financial Security; Duty to Render Aid; Proof of Liability Insurance or Financial Security by Electronic Means, Restrictions.

- a.
 1. The driver of any vehicle involved in an accident resulting in injury to or death of any person, or damage to any attended vehicle or property, shall give such driver's name, address, and the registration number of the vehicle such driver is driving and upon request shall exhibit such driver's license or permit to drive, the name of the company with which there is in effect a policy of motor vehicle liability insurance covering the vehicle involved in the accident and the policy number of such policy to any person injured in such accident or to the driver or occupant of or person attending any vehicle or other property damaged in such accident, and shall give such information and upon request exhibit such license or permit and the name of the insurer and policy number to any police officer at the scene of the accident or who is investigating the accident.
 2. Such driver, insofar as possible, shall immediately make efforts to determine whether any person involved in such accident was injured or killed, and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary, or if such carrying is requested by the injured person.
- b. If no police officer is present, the driver of any vehicle involved in such accident, or any occupant of such vehicle 18 years of age or older, shall immediately report such accident, by

the quickest available means of communication, to the nearest office of a duly authorized police authority if:

1. There is apparently property damage of \$1,000.00 or more;
 2. Any person involved in the accident is injured or killed; or
 3. The persons specified in subsection (a) are not present or in condition to receive such information.
- c. Unless the insurance company subsequently submits an insurance verification form indicating that insurance was not in force, no person charged with failing to provide the name of such person's insurance company and policy number as required in subsection (a), shall be convicted if such person produces in court, within 10 days of the date of arrest or of issuance of the citation, evidence of financial security for the motor vehicle operated, which was valid at the time of arrest or of issuance of the citation. For the purpose of this subsection, evidence of financial security shall be provided by a policy of motor vehicle liability insurance, an identification card or certificate of insurance issued to the policyholder by the insurer which provides the name of the insurer, the policy number, make and year of the vehicle and the effective and expiration dates of the policy, or a certificate of self-insurance signed by the Commissioner of Insurance. Such evidence also may be produced by displaying on a cellular phone or other type of portable electronic device evidence of financial security required by this subsection. Any person to whom such evidence of financial security is displayed shall view only such evidence of financial security. Such person shall be prohibited from viewing any other content or information stored on such cellular phone or other portable electronic devices. Upon the production in court of evidence of financial security, the court shall record the information displayed thereon on the insurance verification form prescribed by the Secretary of Revenue, immediately forward such form to the Department of Revenue, and stay any further proceedings on the matter pending a request from the prosecuting attorney that the matter be set for trial. Upon receipt of such form the Department shall mail the form to the named insurance company for verification that insurance was in force on the date indicated on the form. It shall be the duty of insurance companies to notify the Department within 30 calendar days of the receipt of such forms of any insurance that was not in force on the date specified. Upon return of any form to the Department indicating that insurance was not in force on such date, the Department shall immediately forward a copy of such form to the office of the prosecuting attorney. Receipt of any completed form indicating that insurance was not in effect on the date specified shall be prima facie evidence of failure to provide proof of financial security and a violation of this Section. A request that the matter be set for trial shall be made immediately following the receipt by the prosecuting attorney of a copy of the form from the Department of Revenue indicating that insurance was not in force. Any charge hereunder shall be dismissed if no request for a trial setting has been made within 60 days of the date evidence of financial security was produced in court.
- d. If the owner of any vehicle that has been involved in a reportable accident while the vehicle was being driven or was under the physical control of any person other than the owner has reason to believe the accident has not already been reported to the Police Department, the owner shall report the accident to police forthwith upon discovery or knowledge of such accident. Notwithstanding this conditional duty to report the accident, the owner shall cooperate with any police investigation and disclose to the Police Department all known

information about the driver of the vehicle at the time of the accident, or any other relevant information.

Section 9. Overland Park Municipal Code Section 12.04.028 is hereby amended to read as follows:

12.04.028 False Reports.

A person shall not give information in oral or written reports, as required in these ordinances, knowing or having reason to believe that such information is false.

Section 10. Overland Park Municipal Code Section 12.04.030 is hereby amended to read as follows:

12.04.030 Driving Under the Influence of Alcohol or Drugs; Penalties.

- a. Driving under the influence is operating or attempting to operate any vehicle within this City while:
 1. The alcohol concentration in the person's blood or breath as shown by any competent evidence, including other competent evidence as defined in paragraph (1) of subsection (f) of K.S.A. 8-1013, and amendments thereto, is .08 or more;
 2. The alcohol concentration in the person's blood or breath, as measured within three hours of the time of operating or attempting to operate a vehicle, is .08 or more;
 3. Under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle;
 4. Under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle;
 5. Under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely driving a vehicle.

- b.
 1. On a first conviction of a violation of this Section, a person shall be sentenced to not less than 48 consecutive hours nor more than six months' imprisonment, or in the court's discretion 100 hours of public service, and fined not less than \$750.00 nor more than \$1,000.00.
 2. On a second conviction of a violation of this Section, a person shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,250.00 nor more than \$1,750.00. The following conditions shall apply to such sentence:
 - A. As a condition of any probation granted under this subsection, the person shall serve at least 120 hours of confinement. The hours of confinement shall include at least 48 hours of imprisonment and otherwise may be served by a combination of: imprisonment; a work release program, if such work release program requires such person to return to the confinement at the end of each day in the work release

program; or a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto;

B.

- (1) If the person is placed into a work release program or placed under a house arrest program for any portion of the minimum of 120 hours of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program until the minimum sentence is met. If the person is placed into a work release program or placed under a house arrest program for more than the minimum of 120 hours of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program until the minimum of 120 hours of confinement is completed, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and
- (2) When in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence;

3. On a third conviction of a violation of this Section, a person shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,750.00 nor more than \$2,500.00. The following conditions shall apply to such sentence:

A. As a condition of any probation granted under this subsection, the person shall serve at least 30 days of confinement. After at least 48 consecutive hours of imprisonment, the remainder of the period of confinement may be served by a combination of: imprisonment; a work release program, if such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto; and

B.

- (1) If the person is placed into a work release program or placed under a house arrest program for any portion of the minimum of 30 days of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program for the first 240 hours of confinement, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and
- (2) When in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence;

- c. In addition, for a third conviction of a violation of this Section, the person shall be placed on supervision for a mandatory one-year period of supervision in accordance with K.S.A. 8-1567(b)(3), and amendments thereto, which such period of supervision shall not be reduced. An offender for whom a warrant has been issued by the court alleging a violation of such supervision shall be considered a fugitive from justice if it is found that the warrant cannot be served. If it is found the offender has violated provisions of this supervision, the court shall determine whether the time from the issuing of the warrant to the date of the court's determination of an alleged violation, or any part of it, shall be counted as time served on supervision. Any violation of the conditions of such supervision may subject such person to revocation of supervision and imprisonment in jail for the remainder of the period of imprisonment, the remainder of the supervision period, or any combination or portion thereof. The term of supervision may be extended at the court's discretion beyond one year, and any violation of the conditions of such extended term of supervision may subject such person to the revocation of supervision and imprisonment in jail of up to the remainder of the original sentence, not the term of the extended supervision.
- d. In addition, prior to sentencing for any conviction, the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.
- e. In addition, the court is authorized to order that any convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted.
- f. Any person 18 years of age or older convicted of violating this Section who had one or more children under the age of 18 years in the vehicle at the time of the offense shall have such person's punishment enhanced by one month of imprisonment. This imprisonment must be served consecutively to any other minimum mandatory penalty imposed for a violation of this Section. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.
- g. If a person is charged with a violation of this Section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.
- h. The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this Section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.
- i.
 - 1. In lieu of payment of a fine imposed pursuant to this Section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5.00 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed

or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.

2. The court may, in its discretion, waive any portion of a fine imposed pursuant to this Section, except the \$250.00 required to be remitted to the State Treasurer, upon a showing that the person successfully completed court ordered education or treatment.
- j. Upon the filing of a complaint, citation or notice to appear alleging a person has violated this Section, and prior to conviction thereof, the City Attorney shall request and shall receive from the (1) Division of Vehicles a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state, and (2) Kansas Bureau of Investigation Central Repository all criminal history record information concerning such person.
 - k. If the elements of the violation are the same as a felony violation of K.S.A. 8-1567 (Driving Under the Influence), and amendments thereto, the City Attorney shall refer the violation to the Johnson County District Attorney for prosecution.
 - l. The court shall electronically report every conviction of a violation of this Section and every diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of this Section to the Division including any finding regarding the alcohol concentration in the offender's blood or breath. Prior to sentencing under the provisions of this Section, the court shall request and shall receive from the Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state.
 - m. For the purpose of determining whether a conviction is a first, second, third, fourth or subsequent conviction in sentencing under this Section:
 1. Convictions for a violation of this Section, K.S.A. 8-1567, and amendments thereto, or a violation of an ordinance of any city or resolution of any county that prohibits the acts that this Section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this provision shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;
 2. Any convictions for a violation of the following Sections occurring during a person's lifetime shall be taken into account:
 - A. Driving a commercial motor vehicle under the influence, K.S.A. 8-2,144, and amendments thereto;
 - B. Operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto;

- C. Involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or K.S.A. 21-5405(a)(3) or (a)(5), and amendments thereto;
 - D. Aggravated battery as described in K.S.A. 21-5413(b)(3) or (b)(4), and amendments thereto; and
 - E. Aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567 (Driving Under the Influence), and amendments thereto;
3. “Conviction” includes:
- A. Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of an offense described in subsection (m) (2); and
 - B. Conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another jurisdiction that would constitute an offense that is comparable to the offense described in subsection (m) (1) or (m) (2);
4. Multiple convictions of any crime described in subsection (m)(1) or (m)(2) arising from the same arrest shall only be counted as one conviction;
5. It is irrelevant whether an offense occurred before or after convictions for a previous offense; and
6. A person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of K.S.A. 8-1567 (Driving Under the Influence), and any amendments thereto, this Section or any Section which prohibits the acts of this Section, and amendments thereto, only once during the person’s lifetime.
7. For the purposes of determining whether an offense is comparable, the following shall be considered: (1) The name of the out-of-jurisdiction offense; (2) the elements of the out-of-jurisdiction offense; and (3) whether the out-of-jurisdiction offense prohibits similar conduct to the conduct prohibited by the closest approximate Kansas offense.
- n. No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this Section to avoid the mandatory penalties established by this Section. For the purpose of this subsection, entering into a diversion agreement pursuant to K.S.A. 12-4413 *et seq.*, and any amendments thereto, or K.S.A. 22-2906 *et seq.*, and amendments thereto, shall not constitute plea bargaining. This subsection shall not be construed to prohibit an amendment or dismissal of any charge where the admissible evidence is not sufficient to support a conviction beyond a reasonable doubt.
- o. The alternatives set out in subsection (a) may be pleaded in the alternative, and the City may, but shall not be required to, elect one or more of such alternatives prior to submission of the case to the fact finder.
- p. It shall not be a defense to any prosecution under this Section that the person did not understand any written or oral notice required under the laws of this state because of any

condition produced by the person's voluntary intoxication or by injury resulting from that intoxication.

q. For the purpose of this ordinance:

1. "Imprisonment" includes any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the Governing Body of the City; and
2. "Drug" includes toxic vapors as such term is defined at Section 11.56.190.

Section 11. Overland Park Municipal Code Section 12.04.030.05 is hereby amended to read as follows:

12.04.030.05 Driving Commercial Motor Vehicle with .04 Alcohol Concentration or Under the Influence of Drugs; Penalties.

a. Driving a commercial motor vehicle under the influence is operating or attempting to operate any commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, within this City while:

1. The alcohol concentration in the person's blood or breath, as shown by any competent evidence, including other competent evidence, as defined in K.S.A. 8-1013(f)(1), and amendments thereto, is .04 or more;
2. The alcohol concentration in the person's blood or breath, as measured within three hours of the time of driving a commercial motor vehicle, is .04 or more; or
3. Committing a violation of Section 12.04.030(a).

b.

1. Upon a first conviction of a violation of this Section, a person shall be sentenced to not less than 48 consecutive hours nor more than six months' imprisonment, or in the court's discretion, 100 hours of public service, and fined not less than \$750.00 nor more than \$1,000.00.
2. On a second conviction of a violation of this Section, a person shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,250.00 nor more than \$1,750.00. The following conditions shall apply to such sentence:

A. As a condition of any probation granted under this subsection, the person shall serve at least 120 hours of confinement. The hours of confinement shall include at least 48 hours of imprisonment and otherwise may be served by a combination of: imprisonment; a work release program, if such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto; and

B.

- (1) If the person is placed into a work release program or placed under a house arrest program for any portion of the minimum of 120 hours of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program until the minimum sentence is met. If the person is placed into a work release program or placed under a house arrest program for more than the minimum of 120 hours of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program until the minimum of 120 hours of confinement is completed, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and
 - (2) When in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence;
3. In addition, prior to sentencing for any conviction, the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendations made by the provider after such evaluation, unless otherwise ordered by the court.
4. In addition, the court is authorized to order that any convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted.
- c. Any person 18 years of age or older convicted of a violation of this Section who had one or more children under the age of 18 years in the vehicle at the time of the offense shall have such person's punishment enhanced by one month of imprisonment. This imprisonment shall be served consecutively to any other minimum mandatory penalty imposed for a violation of this Section. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.
- d. If a person is charged with a violation of this Section, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.
- e. The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this Section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.
- f.
 1. In lieu of payment of a fine imposed pursuant to this Section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5.00 for each full hour spent by the person in the specified community service. The community service ordered by the court

shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.

2. The court may, in its discretion, waive any portion of a fine imposed pursuant to this Section, except the \$250.00 required to be remitted to the State Treasurer pursuant to subsection (q), upon a showing that the person successfully completed court-ordered education or treatment.
- g. The Municipal Court shall not have jurisdiction to hear cases involving third or subsequent violations of this Section or any other felony violation.
- h.
1. Upon the filing of a complaint, citation or notice to appear alleging a person has violated this Section, and prior to conviction thereof, a City Attorney shall request and shall receive from the:
 - A. Division of Vehicles a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and
 - B. Kansas Bureau of Investigation Central Repository all criminal history record information concerning such person.
 2. If the elements of the violation are the same as the elements of a felony violation of K.S.A. 8-2,144 (Driving a Commercial Motor Vehicle Under the Influence) and amendments thereto, the City Attorney shall refer the violation to the Johnson County District Attorney for prosecution.
- i. No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this Section to avoid the mandatory penalties established by this Section. This subsection shall not be construed to prohibit an amendment or dismissal of any charge where the admissible evidence is not sufficient to support a conviction beyond a reasonable doubt on such charge.
- j. The alternatives set out in subsection (a) may be pleaded in the alternative, and the City may, but shall not be required to, elect one or two of the three prior to submission of the case to the fact finder.
- k. For the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this Section:
1. Convictions for a violation of K.S.A. 8-1567 (Driving Under the Influence), and amendments thereto, or a violation of an ordinance of any city or resolution of any county that prohibits the acts that such section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this provision shall be construed as preventing any court from

- considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;
2. Any convictions for a violation of the following Sections occurring during a person's lifetime shall be taken into account:
 - A. This Section or K.S.A. 8-2,144, and amendments thereto;
 - B. Operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto;
 - C. Involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or K.S.A. 21-5405(a)(3) or (a)(5), and amendments thereto;
 - D. Aggravated battery as described in K.S.A. 21-5413(b)(3) or (b)(4), and amendments thereto; and
 - E. Aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567 (Driving Under the Influence), and amendments thereto.
 3. "Conviction" includes:
 - A. Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of a crime described in subsection (k)(2);
 - B. Conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another jurisdiction that would constitute an offense that is comparable to the offense described in subsection (k) (1) or (k) (2);
 4. It is irrelevant whether an offense occurred before or after conviction for a previous offense; and
 5. Multiple convictions of any crime described in subsection (k)(1) or (k)(2) arising from the same arrest shall only be counted as one conviction.
- l. The court shall electronically report every conviction, to include diversion agreements, of a violation of this Section to the Division. Prior to sentencing under the provisions of this Section, the court shall request and shall receive from the (1) Division a record of all prior convictions obtained against such person for any violation of any of the motor vehicle laws of this state and (2) Kansas Bureau of Investigation Central Repository all criminal history record information concerning such person.
 - m. For the purpose of this Section, "drive" means to drive, operate or be in physical control of a motor vehicle in any place open to the general public for purposes of vehicular traffic and includes operation or physical control of a motor vehicle anywhere in the City. In addition, the terms "imprisonment" and "drug" have the meanings set out in Section 12.04.030, and amendments thereto.
 - n. For the purpose of this Section, "commercial motor vehicle" shall not include:

1. Farm vehicles, defined as follows:
 - A. Registered as a farm truck or truck tractor under K.S.A. 8-143, and amendments thereto;
 - B. Used to transport either agricultural products, farm machinery, farm supplies, or both, to or from a farm;
 - C. Not used in the operations of a common or contract motor carrier; and used either in:
 - (1) intrastate commerce; or (2) interstate commerce within 150 air miles of any farm or farms owned or leased by the registered owner of such farm vehicle;
2. Vehicles operated by firefighters and other persons that are necessary to the preservation of life or property or the execution of emergency governmental functions, are equipped with audible and visual signals and are not subject to normal traffic regulation. These vehicles include fire trucks, hook and ladder trucks, foam or water transport trucks, police SWAT team vehicles, ambulances or other vehicles that are used in response to emergencies;
3. Military vehicles that are operated by military personnel in pursuit of military purposes and all noncivilian operators of equipment owned or operated by the United States Department of Defense. This applies to any active duty military personnel and members of the Reserves and National Guard on active duty, including personnel on full-time National Guard duty, personnel on part-time training and National Guard military technicians, civilians who are required to wear military uniforms and are subject to the Uniform Code of Military Justice or the Kansas Code of Military Justice;
4. Motor vehicles, that would otherwise be considered commercial motor vehicles, if such vehicles are used solely and exclusively for private noncommercial use and any operator of such vehicles;
5. Farm tractors operated by an implement dealer, or employee thereof, when moved or transported in accordance with K.S.A. 8-1918, and amendments thereto; and
6. Motor grader vehicles operated by an employee of a municipality, as defined in K.S.A. 75-6102 and amendments thereto, if such employee is operating the motor grader vehicle within the boundaries of such municipality.
- o. For the purposes of determining whether an offense is comparable, the following shall be considered:
 1. The name of the out-of-jurisdiction offense;
 2. The elements of the out-of-jurisdiction offense; and
 3. Whether the out-of-jurisdiction offense prohibits similar conduct to the conduct prohibited by the closest approximate Kansas offense.

Section 12. Overland Park Municipal Code Section 12.04.030.1 is hereby amended to read as follows:

12.04.030.1 Preliminary Screening Test of Breath for Alcohol Concentration; Request by Officer.

- a. A law enforcement officer may request a person who is operating or attempting to operate a vehicle within this state to submit to a preliminary screening test of the person's breath or oral fluid, or both, if the officer has reasonable suspicion to believe that the person has been operating or attempting to operate a vehicle while under the influence of alcohol or drugs or both alcohol and drugs.
- b. If the person submits to the test, the results shall be used for the purpose of assisting law enforcement officers in determining whether an arrest should be made and whether to request the tests authorized by K.S.A. 8-1001, and amendments thereto. A law enforcement officer may arrest a person based in whole or in part upon the results of a preliminary screening test. Such results shall not be admissible in any civil or criminal action concerning the operation or attempted operation of a vehicle except to aid the court or hearing officer in determining a challenge to the validity of the arrest or the validity of the request to submit to a test pursuant to K.S.A. 8-1001 and amendments thereto. Following the preliminary screening test, additional tests may be requested pursuant to K.S.A. 8-1001 and amendments thereto.
- c. Any preliminary screening of a person's breath shall be conducted with a device approved pursuant to K.S.A. 65-1,107, and amendments thereto. Any preliminary screening of a person's oral fluid shall be conducted with rules and regulations, if any, approved pursuant to K.S.A. 75-712h, and amendments thereto.

Section 13. Overland Park Municipal Code Section 12.04.031 is hereby amended to read as follows:

12.04.031 Fleeing or Attempting to Elude a Police Officer.

- a. Any driver of a motor vehicle who knowingly fails or refuses to bring such driver's vehicle to a stop for a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop, shall be guilty as provided by subsection (d).
- b. Any driver of a motor vehicle who knowingly otherwise flees or attempts to elude a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop, shall be guilty as provided by subsection (d).
- c. It shall be an affirmative defense to any prosecution under subsection (a) that the driver's conduct in violation of such subsection was caused by such driver's reasonable belief that the vehicle or bicycle pursuing such driver's vehicle is not a police vehicle or police bicycle.
- d. Every person convicted of violating subsection (a) or (b) shall upon first conviction be imprisoned for not more than six months or fined not to exceed \$1,000.00, or both. Every person convicted of violating subsection (a) or (b) shall upon a second conviction be punished by imprisonment not to exceed one year or fined not to exceed \$2,500.00 or both.
- e. The municipal court shall not have jurisdiction to hear cases involving third and subsequent violations of this Section or any other felony violation of K.S.A. 8-1568.
- f. The signal given by the police officer may be by hand, voice, emergency light or siren:

1. If the officer giving such signal is within or upon an official police vehicle or police bicycle at the time the signal is given, the vehicle or bicycle shall be appropriately marked showing it to be an official police vehicle or police bicycle; or
2. If the officer giving such signal is not utilizing an official police vehicle or police bicycle at the time the signal is given, the officer shall be in uniform, prominently displaying such officer's badge of office at the time the signal is given.

g. For purposes of this section:

1. **Conviction** means a final conviction without regard to whether the sentence was suspended or probation granted after such conviction. Forfeiture of bail, bond or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction. For the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section it is irrelevant whether an offense occurred before or after conviction for a previous offense.
2. **Appropriately marked** official police vehicle or police bicycle shall include, but not be limited to, any police vehicle or bicycle equipped with functional emergency lights or siren or both and which the emergency lights or siren or both have been activated for the purpose of signaling a driver to stop a motor vehicle.

Section 14. Overland Park Municipal Code Section 12.04.033 is hereby amended to read as follows:

12.04.033 Speed Limitations; Restrictions.

- a. No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual hazards then existing.
- b. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.
- c. In every event, a driver shall control their vehicle as necessary to avoid colliding with any person, fixed object, vehicle, or other conveyance lawfully on or entering the highway or lawfully on private or public property.
- d. Except when a special hazard exists that requires lower speed for compliance with paragraphs (a) and (b) of this Section, the limits specified in this Section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall operate a vehicle at a speed in excess of such maximum limits:
 1. All vehicles 20 miles per hour in any business district.
 2. All vehicles 25 miles per hour in any residence district except where posted otherwise.
 3. All vehicles 20 miles per hour in any park under the jurisdiction of this City.

4. Unless posted otherwise, all vehicles 30 miles per hour on streets or highways on which an engineering and traffic investigation has been conducted in an urban district.
 5. Unless posted otherwise, all vehicles 55 miles per hour on arterial streets on which an engineering and traffic investigation has been conducted.
 6. All vehicles on any separated multilane highway, as designated and posted by the Secretary of Transportation, 75 miles per hour.
 7. All vehicles 65 miles per hour in all other locations unless posted otherwise.
- e. The maximum speed limit upon streets or portions of streets abutting school property or adjacent to school crosswalks in those areas designated as school zones shall be the speed limit posted on appropriately erected signs giving notice of the speed limit in said school zones. The maximum speed to be posted within each school zone shall be determined by the City Traffic Engineer provided the speed limit shall not be less than 20 miles per hour. Maximum speed limits within school zones shall be effective and subject to enforcement by law enforcement officers during those time periods set forth on appropriately erected signs giving notice of the effective hours of enforcement or during those times a flashing yellow beacon is in operation with appropriately erected signs indicating the school zone speed limits are enforced during the times the flashing yellow beacon is in operation. The City Traffic Engineer shall determine the times of enforcement for school zones within the City, provided such speed limits shall apply only during the hours in which students are normally en route to or from school.
- f. Whenever the City Traffic Engineer shall determine upon the basis of an engineering and traffic investigation that any speed limit hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist upon any part of a street which said City Traffic Engineer shall determine and declare a reasonable and safe speed limit thereon which shall be effective at all times or during the daytime or nighttime or at such other times as may be determined when appropriate signs giving notice thereof are erected on such street, pursuant to K.S.A. 8-1560 and K.S.A. 8-2002.
- g. As used in subsection f. "daytime" means from 30 minutes before sunrise to 30 minutes after sunset and "nighttime" means any other hour.

Section 15. Overland Park Municipal Code Section 12.04.036 is hereby amended to read as follows:

12.04.036 Charging Speed Violations.

In every charge of violation of any speed regulation in this Article, except violation of 12.04.033(a) and (b), the complaint, also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the speed limit applicable within the district or at the location.

Section 16. Overland Park Municipal Code Section 12.04.037 is hereby amended to read as follows:

12.04.037 Racing on Highways; "Drag Race" and "Racing" Defined.

- a. No person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, and no person shall in any manner participate in any such race, competition, contest, test or exhibition.
- b. "Drag race" is defined as the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit.
- c. "Racing" is defined as the use of one or more vehicles in an attempt to out-gain, out-distance or prevent another vehicle from passing to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long distance driving routes.
- d. Exhibition of speed or acceleration is defined as the operation of a motor vehicle in such a manner that causes an unnecessary rapid acceleration of the vehicle as evidenced by any or all of the following physical manifestations of acceleration:
 1. Unnecessary tire squeal at the time of acceleration;
 2. Observation of smoke from tires of the vehicle at the time of acceleration;
 3. Observation of the tires of the vehicle losing traction with the road surface;
 4. Observation of the front part of the vehicle being elevated at the time of acceleration;
 5. Observation of the vehicle moving laterally at the time of acceleration;
 6. Loud engine noise at the time of acceleration;
 7. Observation of dirt and other road surface materials being thrown by the tires of the vehicle at the time of acceleration.

Section 17. Overland Park Municipal Code Section 12.04.041 is hereby amended to read as follows:

12.04.041 When Passing on the Right is Permitted.

- a. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
 1. When the vehicle overtaken is making or about to make a left turn;
 2. Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.
 3. A transit bus authorized under and being operated in accordance with the provisions of K.S.A. 75-5091, and amendments thereto, or when done from a queue jump lane that is

controlled by special signal indications designed for the control of exclusive bus movements and when the adjacent lane of traffic is being controlled by a red indication.

- b. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. Such movement shall not be made by driving off the roadway, except as authorized under K.S.A. 75-5091, and amendments thereto.

Section 18. Overland Park Municipal Code Section 12.04.044.1 is hereby amended to read as follows:

12.04.044.1 Passing Emergency, Highway Construction and Maintenance Vehicles.

- a. The driver of a vehicle shall not overtake and pass another vehicle when approaching within 100 feet of:
 1. A stationary authorized emergency vehicle on a highway that consists of two lanes carrying traffic in opposite directions, when the authorized emergency vehicle is making use of visual signals meeting the requirements of 12.04.160, and amendments thereto, or 12.04.162(d), and amendments thereto; or
 2. A stationary authorized vehicle which is obviously and actually engaged in work on a highway that consists of two lanes carrying traffic in opposite directions, when such vehicle displays flashing lights meeting the requirements of K.S.A. 8-1731, and amendments thereto.

Section 19. Overland Park Municipal Code Section 12.04.044.2 is hereby amended to read as follows:

12.04.044.2 Passing a Waste Collection Vehicle.

- a. The driver of a motor vehicle, upon approaching a stationary waste collection vehicle obviously and actually engaged in waste collection and displaying vehicular hazard warning signal lamps as required by 12.04.162, and amendments thereto, shall do either of the following:
 1. If the driver of the motor vehicle is traveling on a highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible and with due regard to the road, weather and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary waste collection vehicle; or
 2. If the driver is not traveling on a highway of a type described in paragraph (1), or if the driver is traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle and maintain a safe speed for the road, weather and traffic conditions.
- b. This section shall not operate to relieve the driver of a waste collection vehicle from the duty to drive with due regard for the safety of all persons using the highway.

Section 20. Overland Park Municipal Code Section 12.04.044.3 is hereby added to read as follows:

12.04.044.3 Passing a Stationary Authorized Utility or Telecommunications Vehicle.

- a. The driver of a vehicle shall not overtake and pass another vehicle when approaching within 100 feet of a stationary authorized utility or telecommunications vehicle.
- b. The driver of a vehicle shall yield the right-of-way to any authorized utility or telecommunications vehicle or pedestrian actually engaged in work on the highway whenever such vehicle displays flashing lights meeting the requirements of K.S.A. 8-1731, and amendments thereto.
- c. The driver of a motor vehicle, upon approaching a stationary authorized utility or telecommunications vehicle that is obviously and actually engaged in work upon a highway, when such authorized utility or telecommunications vehicle is displaying flashing lights meeting the requirements of K.S.A. 8-1731, and amendments thereto, shall do either of the following:
 1. If the driver of the motor vehicle is traveling on a highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible and with due regard to the road and weather and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary authorized public utility or telecommunications vehicle; or
 2. If the driver is not traveling on a highway of a type described in paragraph (1), or if the driver is traveling on a highway of that type described in paragraph (1) but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle and maintain a safe speed for the road and weather and traffic conditions.
- d. This section shall not operate to relieve the driver of an authorized utility or telecommunications vehicle from the duty to drive with due regard for the safety of all persons using the highway.
- e. As used in this section, "authorized utility or telecommunications vehicle" means:
 1. A motor vehicle operated by an authorized person as defined in K.S.A. 66-1710, and amendments thereto, for an electric or natural gas public utility as defined in K.S.A. 66-104, and amendments thereto, or a municipality-owned utility, when such motor vehicle is utilized for repairs that are needed on electric utility or natural gas equipment to restore necessary services or ensure public safety and is making use of visual signals meeting the requirements of K.S.A. 8-1731, and amendments thereto; and
 2. A motor vehicle operated by a provider, as defined in K.S.A. 17-1902, and amendments thereto, or a wireless infrastructure provider or a wireless services provider, as defined in K.S.A. 66-2019, and amendments thereto, when such vehicle is utilized for repairs

and is making use of visual signals meeting the requirements of K.S.A. 8-1731, and amendments thereto.

Section 21. Overland Park Municipal Code Section 12.04.061 is hereby amended to read as follows:

12.04.061 Operation of Vehicles on Approach of Authorized Emergency Vehicles or When Approaching Stationary Emergency Vehicles.

- a. Upon the immediate approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of 12.04.174(d) and visual signals meeting the requirements of 12.04.160 or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall do the following unless otherwise directed by a police officer: (1) yield the right-of-way;(2) immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the highway clear of any intersection; and (3) stop and remain in such position until the authorized emergency vehicle has passed.
- b. The driver of a motor vehicle upon approaching a stationary authorized emergency vehicle, when the authorized emergency vehicle is making use of visual signals meeting the requirements of 12.04.160or 12.04.162(d), shall do either of the following:
 1. If the driver of the motor vehicle is traveling on a highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible and with due regard to the road, weather and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary authorized emergency vehicle; or
 2. If the driver is not traveling on a highway of a type described in paragraph (b)(1) above, or if the driver is traveling on a highway of that type, but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle and maintain a safe speed for the road, weather and traffic conditions.
- c. This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

Section 22. Overland Park Municipal Code Section 12.04.062 is hereby amended to read as follows:

12.04.062 Highway Construction and Maintenance.

- a. The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian actually engaged in work upon a highway within any road construction zone, indicated by official traffic-control devices.
- b. The driver of a vehicle shall yield the right-of-way to any authorized vehicle which is obviously and actually engaged in work upon a highway whenever such vehicle displays flashing lights meeting the requirements of 12.04.172.

- c. The driver of a motor vehicle upon approaching a stationary authorized vehicle which is obviously and actually engaged in work upon a highway, when such authorized vehicle is displaying flashing lights meeting the requirements of 12.04.072, and amendments thereto, shall do either of the following:
 - 1. If the driver of the motor vehicle is traveling on a highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible and with due regard to the road, weather and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary authorized vehicle; or
 - 2. If the driver is not traveling on a highway of a type described in paragraph (c)(1), or if the driver is traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle and maintain a safe speed for the road, weather and traffic conditions.
- d. It shall be unlawful for any person to fail, neglect or refuse to comply with restrictions or traffic regulations in road construction zones or fail to comply with traffic orders or traffic directions by a flagman in a road construction zone.
- e. This section shall not operate to relieve the driver of an authorized vehicle from the duty to drive with due regard for the safety of all persons using the highway.

Section 23. Overland Park Municipal Code Section 12.04.063 is hereby amended to read as follows:

12.04.063 Pedestrians; Obedience to Traffic-Control Devices and Traffic Regulations.

- a. A pedestrian shall obey the instructions of any official traffic-control device specifically applicable to such pedestrian, unless otherwise directed by a police officer.
- b. Pedestrians shall be subject to traffic and pedestrian-control signals as provided in [12.04.013](#) and [12.04.014](#).
- c. At all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this ordinance.

Section 24. Overland Park Municipal Code Section 12.04.069 is hereby amended to read as follows:

12.04.069 Standing Upon a Street or Highway.

No person shall stand upon or along a street or highway except in a designated crosswalk, in the event of an emergency, or as otherwise authorized by the Municipal Code.

Section 25. Overland Park Municipal Code Section 12.04.078 is hereby amended to read as

follows:

12.04.078 Certain Vehicles Must Stop at All Railroad Grade Crossings.

- a. Except as provided in subsection (b), the driver of any vehicle described in regulations issued by the Secretary of Transportation in conjunction with the State Corporate Commission, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, and shall not proceed until such driver can do so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for manually changing gears while traversing such crossings and the driver shall not manually shift gears while crossing the track or tracks.
- b. This section shall not apply at:
 - 1. Any railroad grade crossing at which traffic is controlled by a police officer or human flagman;
 - 2. Any railroad grade crossing at which traffic is controlled by a functioning highway traffic signal transmitting a green indication which, under local law, permits a vehicle to proceed across the railroad tracks without slowing or stopping;
 - 3. Any abandoned railroad grade crossing which is marked with a sign indicating that the rail line is abandoned;
 - 4. Any industrial or spur line railroad grade crossing marked with a sign reading "Exempt." Such exempt signs shall be erected only by or with the consent of the appropriate state or City Traffic Engineer;
 - 5. A railroad grade crossing used exclusively for industrial switching purposes within a business district.

Section 26. Overland Park Municipal Code Section 12.04.081 is hereby amended to read as follows:

12.04.081 Overtaking and Passing School Bus.

- a. The driver of a vehicle meeting or overtaking from either direction any school bus stopped on the highway shall stop before reaching such school bus when there is in operation on the school bus the flashing red lights specified in 12.04.170(a), and the driver shall not proceed until such school bus resumes motion or the flashing red lights and the stop signal arm are no longer actuated. If any vehicle is witnessed by a police officer or the driver of a school bus to have violated the provisions of this section and the identity of the operator is not otherwise apparent, it shall be a rebuttable presumption that the person in whose name such vehicle is registered has committed the violation, provided, that charges shall not be brought against the registered owner until a police officer has contacted the registered owner by telephone or in person concerning the violation. Provided further, where the vehicle is owned by multiple

persons, only one of the owners may be convicted of the violation; provided further, this presumption shall not apply to the owners of rental vehicles.

- b. Every school bus shall be equipped with red visual signals meeting the requirements of 12.04.170(a), which may be actuated by the driver of the school bus whenever but only whenever such vehicle is stopped on the highway for the purpose of receiving or discharging school children. A school bus driver shall not actuate the special visual signals:
 - 1. At intersections or other places where traffic is controlled by traffic-control signals or police officers; or
 - 2. In designated school bus loading areas where the bus is entirely off the roadway.
- c. Every school bus shall bear upon the front and rear thereof plainly visible signs containing the words "school bus" in letters not less than eight inches in height. When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school or to or from interschool or intraschool functions or activities, or for maintenance, repair or storage purposes, all markings thereon indicating "school bus" shall be covered or concealed.
- d. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway, and where pedestrians are not permitted to cross the roadway.
- e.
 - 1. On a first conviction, any person violating this section shall be punished by a fine of \$315.00.
 - 2. For a second violation of this Section, K.S.A. 8-1556 and/or its municipal ordinance equivalents, and amendments thereto, within five years after a prior conviction of this Section, K.S.A. 8-1556 and/or its municipal equivalents and amendments thereto, such person, upon conviction, shall be fined \$750.00 for the second violation.
 - 3. For a third and each succeeding violation of this Section, K.S.A. 8-1556 and/or its municipal ordinance equivalents, and amendments thereto, within five years after two prior convictions of this Section, K.S.A. 8-1556 and/or its municipal equivalents, and amendments thereto, such person, upon conviction, shall be fined \$1,000.00 for the third and each succeeding violations.
- f. The provisions of this section shall be subject to the provisions contained in K.S.A. 8-2009a, and amendments thereto.

Section 27. Overland Park Municipal Code Section 12.04.082 is hereby amended to read as follows:

12.04.082 Overtaking and Passing Church Bus or Day Care Program Bus.

- a. The driver of a vehicle meeting or overtaking from either direction any church bus or day care program bus stopped on the highway shall stop before reaching such church bus or day care program bus when there is in operation on said church bus or day care program bus the flashing red lights specified in 12.04.170(a), and said driver shall not proceed until such church bus or day care program bus resumes motion or said driver is signaled by the church bus or day care program bus to proceed or the flashing red lights and stop signal arm are no longer actuated.
- b. If a church bus or day care program bus is equipped with visual signals permitted by 12.04.171(c), such signals may be actuated by the driver of said church bus or day care program bus only when such vehicle is stopped on the highway for the purpose of receiving or discharging passengers. A church bus or day care program bus shall not actuate said special visual signals:
 1. At intersections or other places where traffic is controlled by traffic-control signals or police officers; or
 2. In designated loading areas where the bus is entirely off the roadway.
- c. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a church bus or day care program bus which is on a separate roadway or when upon a controlled-access highway and the church bus or day care program bus is stopped in a loading zone which is part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

Section 28. Overland Park Municipal Code Section 12.04.085 is hereby amended to read as follows:

12.04.085 Stopping, Standing or Parking Prohibited in Specified Places.

Except when necessary to avoid conflict with other traffic, 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:
 1. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 2. On a sidewalk;
 3. Within an intersection;
 4. On a crosswalk;
 5. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
 6. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
 7. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
 8. On any railroad tracks;

9. On any controlled-access highway;
 10. In the area between roadways of a divided highway, including crossovers;
 11. At any place where official signs prohibit stopping; or
 12. On the parkway of any street.
- b. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
 1. In front of a public or private driveway;
 2. Within 15 feet of a fire hydrant;
 3. Within 20 feet of a crosswalk at an intersection;
 4. Within 30 feet upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of a roadway;
 5. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance, when properly sign posted; or
 6. At any place when official signs prohibit standing.
 - c. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:
 1. Within 50 feet of the nearest rail of a railroad crossing; or
 2. At any place where official signs prohibit parking.
 - d. Park a vehicle within 5 feet of a street side mailbox between 8:00 a.m. and 5:00 p.m., except holidays.
 - e. Move a vehicle not lawfully under the person's control into any such prohibited area or away from a curb such a distance as is unlawful.
 - f. Stand or park a vehicle in areas designated as fire lanes upon public or private property.

Section 29. Overland Park Municipal Code Section 12.04.087 is hereby amended to read as follows:

12.04.087 Accessible Parking For Persons With A Disability.

- a. At no time, except when necessary to avoid conflict with other traffic or in compliance with the law or the directions of a law enforcement officer or official traffic-control device, shall a person:
 1. Stop, stand or park a vehicle in any parking space designated as accessible parking without displaying a special license plate, permanent placard or disabled veteran license plate and an individual identification card, or a valid temporary placard. Placards shall be displayed in accordance with subsection (a) of K.S.A. 8-1,125 and amendments thereto;
 2. Stop, stand or park a vehicle so that it blocks an access entrance;

3. Stop, stand or park a vehicle so that it blocks a disabled parking stall;
 4. Stop, stand or park a vehicle so that it blocks an access aisle; or
 5. Stop, stand or park a vehicle in an access aisle between or beside a designated accessible parking space.
- b. The provisions of subsection (a)(1) shall be enforced by law enforcement officers on public and private property.
- c. When a motor vehicle which bears a special license plate, placard or decal issued pursuant to K.S.A. 8-1,125, and amendments thereto, is being operated by or used for the transportation of a person with a disability, such motor vehicle:
1. May be parked in any parking space, whether on public or private property, which is clearly marked as being reserved for the use of persons with a disability or persons responsible for the transportation of a person with a disability, except a parking space on private property which is clearly marked as being reserved for the use of a specified person with a disability;
 2. May be parked for a period of time not to exceed 24 hours in any parking zone which is restricted as to the length of parking time permitted, except where stopping, standing or parking is prohibited to all vehicles, where parking is reserved for special types of vehicles, or where parking would clearly present a traffic hazard; and
 3. Shall be exempt from any parking meter fees of the state or any city, county or other political subdivision.
- d. Official identification devices issued to persons with a disability by any other state, district, or territory subject to the laws of the United States, or any foreign jurisdiction, shall be recognized as acceptable identification. Motor vehicles bearing a valid device from such a jurisdiction shall be accorded the parking privileges contained in subsection (b), except that if such person becomes a resident of the state of Kansas, such identification devices shall not be recognized as acceptable identification 60 days after such person becomes a resident of this state and such device shall be deemed expired. Possession of an identification device deemed to have expired shall be subject to the provisions of section (g) of this section.
- e.
1. Notwithstanding the provisions of K.S.A. 8-2003, and amendments thereto, each designated accessible parking space shall be clearly marked by vertically mounted signs bearing the international symbol of access.
 2. All parking shall conform to Title II or Title III, as required by the Americans with Disabilities Act of 1990, 42 USCA 12101 et seq. and 28 CFR Parts 35 and 36.
- f. Violation of subsection (a) is punishable by a fine of not less than \$50.00 nor more than \$100.00.
- g.
1. Any person who willfully and falsely represents that such person has the qualifications to obtain a special license plate, a permanent placard and an individual identification card or temporary placard shall be guilty of a violation of this ordinance and shall be punished

by a fine of not more than \$500.00 or by imprisonment for not more than one month or by both such fine and imprisonment.

2. Any person authorized to certify a person with a disability under K.S.A. 8-1,125(a), and amendments thereto, who willfully and falsely certifies that a person has the qualifications to obtain a special license plate, a permanent placard and an individual identification card or temporary placard shall be guilty of a violation of this ordinance and shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than one month or by both such fine and imprisonment. (See K.S.A. 8-1,125:8-1,130, as amended.)

h.

1. Any person who has in such person's possession any accessible parking identification device which has expired or has been revoked or suspended by the secretary of revenue pursuant to subsection (c) of K.S.A. 8-1,125, and amendments thereto, or K.S.A. 8-1,130b, and amendments thereto, shall be guilty of a violation of this ordinance and shall be punished by a fine of not less than \$100.00 nor more than \$300.00.
2. Any person who utilizes any accessible parking identification device issued to another person, an agency or a business, to park in any parking space specified in subsection (b), which could be utilized by a person with a disability, except when transporting or arriving to transport a person with a disability to whom or for whom the identification device was issued shall be guilty of a violation of this ordinance and shall be punished by a fine of not less than \$100.00 nor more than \$300.00.

Section 30. Overland Park Municipal Code Section 12.04.105 is hereby amended to read as follows:

12.04.105 Consumption of Intoxicating Liquor.

- a. No person shall drink or consume intoxicating liquor while operating any vehicle upon any street, alley, road, or highway.
- b. Violation of this section is punishable by a fine of not less than \$50.00 nor more than \$200.00 or by imprisonment for up to six months, or both. In addition, any person under the age of 21 who is convicted of a violation of this section or diverted in lieu of further criminal proceedings shall be required to submit to and complete an alcohol and drug evaluation by a community-based alcohol and drug safety action program certified pursuant to K.S.A. 8-1008 and amendments thereto and to pay a fee for such evaluation.

Section 31. Overland Park Municipal Code Section 12.04.106 is hereby amended to read as follows:

12.04.106 Transportation of Intoxicating Liquor.

- a. No person shall transport in any vehicle upon a highway or street any intoxicating liquor unless such intoxicating liquor is:
 1. In the original unopened package or container, the seal of which has not been broken and from which the original cap, cork or other means of closure has not been removed;
 2.
 - A. In the locked rear trunk or rear compartment, or any locked outside compartment which is not accessible to any person in the vehicle while it is in motion; or
 - B. If a motor vehicle is not equipped with a trunk, behind the last upright seat or in an area not normally occupied by the driver or a passenger; or
 3. In the exclusive possession of a passenger in a vehicle which is a recreational vehicle, or a bus, who is not in the driving compartment of such vehicle or who is in a portion of such vehicle from which the driver is not directly accessible.
- b. Violation of this section is punishable by a fine of not more than \$200.00 or by imprisonment for not more than six months, or both.
- c. Except as provided in subsection (f) upon conviction or adjudication of a second or subsequent violation of this section, the judge, in addition to any other penalty or disposition ordered pursuant to law, shall suspend the person's driver's license or privilege to operate a motor vehicle on the streets and highways of this state for one year.
- d. Upon suspension of a license pursuant to this section, the court shall require the person to surrender the license to the court, which shall transmit the license to the division of motor vehicles of the department of revenue, to be retained until the period of suspension expires. At that time, the licensee may apply to the division for return of the license. If the license has expired, the person may apply for a new license, which shall be issued promptly upon payment of the proper fee and satisfaction of other conditions established by law for obtaining a license unless another suspension or revocation of the person's privilege to operate a motor vehicle is in effect.
- e. As used in this section, "highway" and "street" have the meanings provided by K.S.A. 8-4124 and 8-1473, and amendments thereto.
- f. In lieu of suspending the driver's license or privilege to operate a motor vehicle on the highways of this state of any person convicted of violating this section, as provided in subsection (d), the judge of the court in which such person was convicted may enter an order which places conditions on such person's privilege of operating a motor vehicle on the highways of this state, a certified copy of which such person shall be required to carry any time such person is operating a motor vehicle on the highways of this state. Any such order shall prescribe the duration of the conditions imposed, which in no event shall be for a period of more than one year for a second violation.

Upon entering an order restricting a person's license hereunder, the judge shall require such person to surrender such person's driver's license to the judge who shall cause it to be transmitted to the division of vehicles, together with a copy of the order. Upon receipt thereof, the division of vehicles shall issue without charge a driver's license which shall indicate on its face that conditions have been imposed on such person's privilege of operating a motor

vehicle and that a certified copy of the order imposing such conditions is required to be carried by the person for whom the license was issued any time such person is operating a motor vehicle on the highways of this state. If the person convicted is a nonresident, the judge shall cause a copy of the order to be transmitted to the division and the division shall forward a copy of it to the motor vehicle administrator of such person's state of residence. Such judge shall furnish to any person whose driver's license has had conditions imposed on it under this section a copy of the order, which shall be recognized as a valid Kansas driver's license until such time as the division shall issue the restricted license provided for in this section.

Upon expiration of the period of time for which conditions are imposed pursuant to this subsection, the licensee may apply to the division for the return of the license previously surrendered by such licensee. In the event such license has expired, such person may apply to the division for a new license, which shall be issued immediately by the division upon payment of the proper fee and satisfaction of the other conditions established by law, unless such person's privilege to operate a motor vehicle on the highways of this state has been suspended or revoked prior thereto. If any person shall violate any of the conditions imposed under this subsection, such person's driver's license or privilege to operate a motor vehicle on the highways of this state shall be revoked for a period of not less than 60 days nor more than one year by the judge of the court in which such person is convicted of violating such conditions.

- g. It shall be an affirmative defense to any prosecution under this section that an occupant of the vehicle other than the defendant was in exclusive possession of the intoxicating liquor.
- h. The court shall report to the division every conviction of a violation of this section. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state.
- i. For the purpose of determining whether a conviction is a first, second or subsequent conviction in sentencing under this section:
 - 1. "Conviction" includes being convicted of a violation of K.S.A. 8-1599, and amendments thereto, an ordinance of any city, or resolution of any county, which prohibits the acts that this section prohibits;
 - 2. Only convictions occurring in the immediately preceding five years, including prior to the effective date of this act, shall be taken into account, but the court may consider other prior convictions in determining the sentence to be imposed within the limits provided for a first, second or subsequent offender, whichever is applicable; and
 - 3. It is irrelevant whether an offense occurred before or after conviction for a previous offense.

Section 32. Overland Park Municipal Code Section 12.04.109 is hereby amended to read as follows:

12.04.109 Coasting.

- a. The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears or transmission of such vehicle in neutral.

- b. The driver of a truck or bus when traveling upon a down grade shall not coast with the clutch disengaged.

Section 33. Overland Park Municipal Code Section 12.04.111 is hereby amended to read as follows:

12.04.111 Crossing Fire Hose.

No vehicle shall be driven over any unprotected hose of a Fire Department when laid down on any street, private road or driveway, to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.

Section 34. Overland Park Municipal Code Section 12.04.113 is hereby amended to read as follows:

12.04.113 Obstructing Traffic.

- a. No driver shall enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk or railroad grade crossing to accommodate the vehicle such driver is operating without obstructing the passage of other vehicles, pedestrians or railroad trains notwithstanding any traffic-control signal indication to proceed.
- b. Except in the case of an accident involving death or apparent injury of any person, or the transportation of hazardous material, the owner or driver of a vehicle which obstructs the regular flow of traffic on any interstate highway, U.S. highway, or any multilane or divided roadway, shall make every reasonable effort to move the vehicle from the roadway, if, moving the vehicle may be done safely, does not require towing and may be operated under its own power without further damage to the vehicle or the roadway and without endangering other vehicles or persons upon the roadway.
- c. Except in the case of an accident involving death or apparent injury of any person or the transportation of hazardous material, authorized employees or agents of the Kansas Department of Transportation, Kansas Highway Patrol, the Overland Park Police Department or any other law enforcement agency without the consent of the driver or owner of the vehicle or property, may require, assist in or cause the removal from the roadway any vehicle, debris or any other property which is obstructing the regular flow of traffic, creating or aggravating an emergency situation or otherwise endangering public safety.
- d. Notwithstanding the provisions of this Section, a driver is required to comply with the applicable provisions of O.P.M.C. [12.04.023](#) et seq., and amendments thereto.

Section 35. Overland Park Municipal Code Section 12.04.119 is hereby amended to read as follows:

12.04.119 Child Restraints.

- a. Every driver who transports a child under the age of 14 years in a passenger car as defined by K.S.A. 8-1343a, and amendments thereto, or an autocycle, on a highway shall provide for the protection of the child by properly using:
 1. For a child under the age of four years, an appropriate child passenger restraining system that meets or exceeds the standards and specifications contained in Federal Motor Vehicle Safety Standard No. 213.
 2. For a child four years of age, but under the age of eight years and who weighs less than 80 pounds or is less than 4 feet 9 inches in height, an appropriate child passenger safety restraining system that meets or exceeds the standards and specifications contained in Federal Motor Vehicle Safety Standard No. 213.
 3. For a child from eight years of age but under the age of 14 years or who weighs more than 80 pounds or is more than 4 feet 9 inches in height, a safety belt manufactured in compliance with Federal Motor Vehicle Safety Standard No. 208.
- b. If the number of children subject to the requirements of subsection (a) exceeds the number of passenger securing locations available for use by children affected by such requirements, and all of these securing locations are in use by children, then there is not a violation of this Section.
- c. If a securing location only has a lap safety belt available, the provisions of subsection (a)(2) shall not apply and the child shall be secured in accordance with the provisions of subsection (a)(3).
- d. Upon conviction of a violation of this Section, a fine in the amount of \$60.00 shall be imposed by the court. The failure to provide a child safety restraining system or safety belt for more than one child in the same passenger car or autocycle at the same time shall be treated as a single violation.
- e. The \$60.00 fine provided for in subsection (d) shall be waived if the driver convicted of violating subsections (a)(1) or (a)(2) provides proof to the court that such driver has purchased or acquired the appropriate and approved child passenger safety restraining system. At the time of issuing the citation for a violation of subsections (a)(1) and (a)(2), the law enforcement officer shall notify the driver of the waiver provisions of this subsection.
- f. No driver charged with violating the provisions of this Section shall be convicted if such driver produces in the office of the arresting officer or in the court proof that the child was 14 years of age or older at the time the violation was alleged to have occurred.

Section 36. Overland Park Municipal Code Section 12.04.119.1 is hereby amended to read as follows:

12.04.119.1 Safety Belts.

- a. Except as provided in subsection (b):
 1. Each occupant of either a passenger car manufactured with safety belts in compliance with Federal Motor Vehicle Safety Standard No. 208, or an autocycle, who is 18 years

of age or older, shall have a safety belt properly fastened about such person's body at all times when the passenger car is in motion; and

2. Each occupant of either a passenger car manufactured with safety belts in compliance with Federal Motor Vehicle Safety Standard No. 208, or an autocytle, who is at least 14 years of age but less than 18 years of age, shall have a safety belt properly fastened about such person's body at all times when the passenger car is in motion.
- b. This Section does not apply to:
1. An occupant of a passenger car who possesses a written statement from a licensed physician that such person is unable for medical reasons to wear a safety belt system;
 2. Carriers of United States mail while actually engaged in delivery and collection of mail along their specified routes;
 3. Newspaper delivery persons while actually engaged in delivery of newspapers along their specified routes.
- c. For purposes of this Section, "passenger car" means a motor vehicle, manufactured or assembled after January 1, 1968, or a motor vehicle manufactured or assembled prior to 1968 which was manufactured or assembled with safety belts, with motive power designed for carrying 10 passengers or fewer, including vans, but excluding motorcycles, or a motor driven cycle.
- d. Law enforcement officers shall not stop drivers for violations of subsection (a)(1) by a back seat occupant in the absence of another violation of law. A citation for a violation of subsection (a)(1) by a backseat occupant shall not be issued without citing the violation that initially caused the officer to effect the enforcement stop.
- e. Persons violating subsection (a)(1) shall be fined \$30.00 and no court costs.
- f. Persons violating subsection (a)(2) shall be fined \$60.00 and no court costs.

Section 37. Overland Park Municipal Code Section 12.04.124 is hereby amended to read as follows:

12.04.124 Riding in House Trailer Prohibited.

No person or persons shall occupy a house trailer, manufactured home, as defined in subsection (a) of K.S.A. 58-4202, or mobile home, as defined in subsection (b) of K.S.A. 58-4202 while it is being moved upon a public street or highway.

Section 38. Overland Park Municipal Code Section 12.04.126.5 is hereby amended to read as follows:

12.04.126.5 Texting While Driving.

- a. As used in this section:
1. "Wireless communication device" means any wireless electronic communication device that provides for voice or data communication between two or more parties, including,

but not limited to, a mobile or cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages, an audio-video player that sends or receives messages or a laptop computer. "Wireless communication device" does not include a device which is voice-operated and which allows the user to send or receive a text based communication without the use of either hand, except to activate or deactivate a feature or function.

2. "Write, send or read a written communication" means using a wireless communication device to manually type, send or read a written communication, including, but not limited to, a text message, instant message or electronic mail.
- b. Except as provided in subsections (c) and (d), no person shall operate a motor vehicle on a public road or highway while using a wireless communications device to write, send or read a written communication.
 - c. The provisions of subsection (b) shall not apply to:
 1. A law enforcement officer or emergency service personnel acting within the course and scope of the law enforcement officer's or emergency service personnel's employment;
 2. A motor vehicle stopped off the regular traveled portion of the roadway;
 3. A person who reads, selects or enters a telephone number or name in a wireless communications device for the purpose of making or receiving a phone call;
 4. A person who receives an emergency, traffic or weather alert message; or
 5. A person receiving a message related to the operation or navigation of the motor vehicle.
 - d. The provisions of subsection (b) shall not prohibit a person from using a wireless communications device while operating a moving motor vehicle to:
 1. Report current or ongoing illegal activity to law enforcement;
 2. Prevent imminent injury to a person or property; or
 3. Relay information between transit or for-hire operator and the operator's dispatcher, in which the device is permanently affixed to the motor vehicle.

Section 39. Overland Park Municipal Code Section 12.04.131 is hereby amended to read as follows:

12.04.131 Riding on Roadways and Bicycle Paths.

- a. Every person operating a bicycle or a moped upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as near to the right side of the roadway as practicable, except under any of the following situations when:
 1. Overtaking and passing another bicycle or vehicle proceeding in the same direction;
 2. Preparing for a left turn at an intersection or into a private road or driveway; or
 3. Reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving bicycles, bicycles, pedestrians, animals, surface hazards or

narrow width lanes that make it unsafe to continue along the right-hand edge of the roadway.

- b. Any person operating a bicycle or a moped upon a one-way highway with two or more marked traffic lanes may ride as near to the left side of the roadway as practicable.
- c. Persons riding bicycles upon a roadway shall not ride more than two abreast, except on paths or parts of roadways set aside for the exclusive use of bicycles.
- d. Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.
- e. For purposes of this Section, "narrow width lane" means a lane that is too narrow for a bicycle and a vehicle to travel safely side-by-side within the lane.

Section 40. Overland Park Municipal Code Section 12.04.133 is hereby amended to read as follows:

12.04.133 Lamps and Other Equipment on Bicycles.

- a. Every bicycle when in use between sunset and sunrise shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and either: (1) a red reflector on the rear which shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle; (2) a lamp on the rear that shall emit a red light visible from a distance of 500 feet to the rear; or (3) the operator of such bicycle shall be wearing a device that emits a red or amber light that shall be visible from a distance of 500 feet to the rear.
- b. Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

No person shall sell a pedal for use on a bicycle, unless such pedal is equipped with a reflector which is visible from the front and rear of the bicycle to which it is attached during darkness from a distance of 200 feet, and no person shall sell a new bicycle, unless it is equipped with pedals meeting the requirements of this subsection.

Section 41. Overland Park Municipal Code Section 12.04.135.1 is hereby amended to read as follows:

12.04.135.1 All-terrain Vehicles, Prohibited.

- a. All-terrain vehicles may be used within the City on private property for agricultural or any other lawful purpose, but all-terrain vehicles shall not be operated within the City limits upon interstate highways, federal highways, state highways or City streets.
- b. Notwithstanding the provisions of subsection (a), all-terrain vehicles owned and operated by a county noxious weed department, or all-terrain vehicles owned and operated by persons contracting with a county noxious weed department or with the Kansas department of transportation may be allowed to operate such all-terrain vehicles upon the right-of-way of

any federal highway or state highway for the purpose of eradicating noxious weeds, and such all-terrain vehicles may be operated incidentally upon such federal highway or state highway.

- c. Notwithstanding the provisions of subsection (a), all-terrain vehicles may be moved or operated incidentally upon City streets within the portion of the City annexed by Ordinance No. A-2719.
- d. Notwithstanding the provisions of subsection (a), all-terrain vehicles may be operated to cross a federal highway or state highway.
- e. Notwithstanding the provisions of subsection (a), persons engaged in agricultural purposes may operate an all-terrain vehicle on a federal highway or state highway under the following conditions:
 - 1. The operator of the all-terrain vehicle must be a licensed driver and be operating within the restrictions of the operator's license;
 - 2. The federal highway or state highway must have a posted speed limit of 65 miles per hour or less;
 - 3. The operator of the all-terrain vehicle must operate the all-terrain vehicle as near to the right side of the roadway as practicable, except when making or preparing to make a left turn; and
 - 4. The purpose of the trip using the all-terrain vehicle must be for agricultural purposes.
- f. No all-terrain vehicle shall be operated on any public highway, street or road between sunset and sunrise unless it is equipped with lights as required by law for motorcycles.

Section 42. Overland Park Municipal Code Section 12.04.135.3 is hereby amended to read as follows:

12.04.135.3 Work-site Utility Vehicle.

- a. It shall be unlawful for any person to operate a work-site utility vehicle on any interstate highway, federal highway or state highway.
- b. Notwithstanding the provisions of subsection (a), work-site utility vehicles may be operated to cross a federal highway or state highway.

Notwithstanding the provisions of subsection (a), persons engaged in agricultural purposes may operate a work-site utility vehicle on a federal highway or state highway under the following conditions:

- 1. The operator of the work-site utility vehicle must be a licensed driver and be operating within the restrictions of the operator's license;
- 2. The federal highway or state highway must have a posted speed limit of 65 miles per hour or less;
- 3. The operator of the work-site utility vehicle must operate the work-site utility vehicle as near to the right side of the roadway as practicable, except when making or preparing to make a left turn; and
- 4. The purpose of the trip using the work-site utility vehicle must be for agricultural purposes.

- c. No work-site utility vehicle shall be operated on any public highway, street or road between sunset and sunrise unless equipped with lights as required by law for motorcycles.

Section 43. Overland Park Municipal Code Section 12.04.143 is hereby amended to read as follows:

12.04.143 Scope and Effect of Regulations.

- a. It is unlawful for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved on any highway, any vehicle or combination of vehicles which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this ordinance, or which is equipped in any manner in violation of this ordinance, or for any person to do any act forbidden or fail to perform any act required under this ordinance.
- b. Nothing contained in this ordinance shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this ordinance.
- c. The provisions of this ordinance with respect to equipment required on vehicles shall not apply to implements of husbandry, road machinery, road rollers or farm tractors except as specifically made applicable in this ordinance.
- d. The provisions of this ordinance with respect to equipment required on vehicles shall not apply to motorcycles or motor driven cycles, except as specifically made applicable by law.
- e. A low-speed vehicle which is in compliance with the equipment requirements in 49 C.F.R. § 571.500 shall be deemed to be in compliance with this ordinance.

Section 44. Overland Park Municipal Code Section 12.04.148 is hereby amended to read as follows:

12.04.148 Reflectors.

- a. Every motor vehicle, trailer, semitrailer and pole trailer shall carry on the rear, either as a part of the tail lamps or separately, two or more red reflectors meeting the requirements of this section; provided, that vehicles of the types mentioned in 12.04.151 shall be equipped with reflectors meeting the requirements of 12.04.153(a) and 12.04.154(a).
- b. Every such reflector shall be mounted on the vehicle at a height not less than 15 inches nor more than 60 inches measured as set forth in 12.04.145(b) and shall be of such size and characteristics and so mounted as to be visible at night from all distances within 600 feet to 100 feet from such vehicle when directly in front of lawful lower beams of head lamps, except that reflectors on vehicles manufactured or assembled prior to January 1, 1970, shall be visible at night from all distances within 350 feet to 100 feet when directly in front of lawful upper beams of head lamps.

Section 45. Overland Park Municipal Code Section 12.04.151 is hereby amended to read as follows:

12.04.151 Additional Equipment Required on Certain Vehicles.

In addition to other equipment required by this ordinance, the following vehicles shall be equipped as herein stated.

- a. Buses, trucks, motor homes, and motor vehicles with mounted truck-camper, 80 inches or more over-all width:
 1. On the front, two clearance lamps, one at each side, and on vehicles manufactured or assembled after July 1, 1959, three identification lamps meeting the specifications of subsection (g).
 2. On the rear, two clearance lamps, one at each side, and on vehicles manufactured or assembled after July 1, 1959, three identification lamps meeting the specifications of subsection (g).
 3. On each side, two side marker lamps, one at or near the front and one at or near the rear.
 4. On each side, two reflectors, one at or near the front and one at or near the rear.
- b. Trailers and semitrailers 80 inches or more in over-all width, except boat trailers and house trailers for which special permits are required by K.S.A. 8-1911, and amendments thereto, for movement of such house trailers upon the highways of this state:
 1. On the front, two clearance lamps, one at each side.
 2. On the rear, two clearance lamps, one at each side, and on vehicles manufactured or assembled after July 1, 1959, three identification lamps meeting the specifications of subsection (g).
 3. On each side, two side marker lamps, one at or near the front and one at or near the rear.
- c. Trailers and semi-trailers, except boat trailers and house trailers for which permits are required by K.S.A. 8-1911, and amendments thereto, for movement of such house trailers upon the highway:

On each side, two reflectors, one at or near the front and one at or near the rear.
- d. Truck-tractors:

On the front, two cab clearance lamps, one at each side, and on vehicles manufactured or assembled after July 1, 1959, three identification lamps meeting the specifications of subsection (g).
- e. Trailers, semitrailers and pole trailers 30 feet or more in over-all length: On each side, one amber side marker lamp and one amber reflector, centrally located with respect to the length of the vehicle.
- f. Pole trailers:
 1. On each side, one amber marker lamp at or near the front of the load.
 2. One amber reflector at or near the front of the load.

3. On the rearmost support for the load, one combination marker lamp showing amber to the front and red to the rear and side, mounted to indicate maximum width of the pole trailer.
- g. Whenever required or permitted by this ordinance, identification lamps shall be grouped in a horizontal row, with lamp centers spaced not less than 6 nor more than 12 inches apart, and mounted on the permanent structure of the vehicle as close as practicable to the vertical center line: Provided, that where the cab of a vehicle is not more than 42 inches wide at the front roof line, a single identification lamp at the center of the cab shall be deemed to comply with the requirements for front identification lamps.
 - h. Boat trailers 80 inches or more in over-all width:
 1. On each side, at or near the midpoint, one clearance lamp performing the function of both a front and rear clearance lamp.
 2. On each side, two side marker lamps, one at or near the front and one at or near the rear.
 3. On each side, two reflectors, one at or near the front and one at or near the rear.

Section 46. Overland Park Municipal Code Section 12.04.153 is hereby amended to read as follows:

12.04.153 Mounting of Reflectors, Clearance Lamps and Side Marker Lamps.

- a. Reflectors when required by 12.04.151 shall be mounted at a height not less than 24 inches and not more than 60 inches above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than 24 inches the reflector at such point shall be mounted as high as the part of the permanent structure will permit. The rear reflectors on a pole trailer may be mounted on each side of the bolster or load. Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but such reflector shall meet all the other reflector requirements of this ordinance.
- b. Clearance lamps, so far as is practicable, shall be mounted on the permanent structure of the vehicle in such a manner as to indicate the extreme height and width of the vehicle, except that when rear identification lamps are required and are mounted as high as is practicable, rear clearance lamps may be mounted at optional height and when the mounting of front clearance lamps results in such lamps failing to indicate the extreme width of the trailer, such lamps may be mounted at optional height but must indicate, as near as practicable, the extreme width of the trailer. Clearance lamps on truck-tractors shall be located so as to indicate the extreme width of the truck-tractor cab. Clearance lamps and side marker lamps may be mounted in combination if illumination is given as required herein with reference to both.

Section 47. Overland Park Municipal Code Section 12.04.155 is hereby amended to read as follows:

12.04.155 Obstructed Lights Not Required.

Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp, except tail lamps, which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination, need not be lighted, but this shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicles required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted.

Section 48. Overland Park Municipal Code Section 12.04.156 is hereby amended to read as follows:

12.04.156 Lamps or Flags on Projecting Loads.

- a. Whenever the load upon any vehicle extends to the rear 4 feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, at the times specified in 12.04.144, two red lamps visible from a distance of at least 500 feet to the rear, two red reflectors visible at night from all distances within 600 feet to 100 feet to the rear when directly in front of lawful lower beams of head lamps and located so as to indicate maximum width, and on each side one red lamp visible from a distance of at least 500 feet to the side and located so as to indicate maximum overhang. There shall be displayed at all other times on any vehicle having a load which extends beyond its sides or more than 4 feet beyond its rear, red flags, not less than 12 inches square, marking the extremities of such load, at each point where a lamp would otherwise be required by this Section.
- b. No passenger-type vehicle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders of the left side of such vehicle nor extending more than 6 inches beyond the line of the fenders on the right side thereof.

Section 49. Overland Park Municipal Code Section 12.04.160 is hereby amended to read as follows:

12.04.160 Authorized Emergency Vehicles.

- a. Except as provided in subsection (b), every authorized emergency vehicle, in addition to any other equipment required by this ordinance, shall be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, or in lieu thereof, any such authorized emergency vehicle shall be equipped with at least one rotating or oscillating light, which shall be mounted as high as practicable on such vehicle and which shall display to the front and rear of such vehicle a flashing red light or alternate flashes of red and white lights or red and blue lights in combination. All lights required or authorized by the subsection shall have sufficient intensity to be visible at 500 feet in normal sunlight. Every authorized emergency vehicle may, but need not, be equipped with head lamps which alternately flash or simultaneously flash.
- b. A police vehicle when used as an authorized emergency vehicle may, but need not, be equipped with
 1. Head lamps which alternately flash or simultaneously flash;

2. Flashing lights specified in subsection (a), but any flashing lights, used on a police vehicle, other than the flashing lights specified in Section 12.04.162, rotating or oscillating lights or alternately flashing head lamps or simultaneously flashing head lamps, shall be red in color; or
3. Rotating or oscillating lights, which may display a flashing red light or alternate flashes of red and blue lights in combination.

Section 50. Overland Park Municipal Code Section 12.04.163 is hereby amended to read as follows:

12.04.163 Additional Lighting Equipment.

- a. Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.
- b. Any motor vehicle may be equipped with not more than one running board courtesy lamp on each side, which shall emit a white or amber light without glare.
- c. Any motor vehicle may be equipped with one or more back-up lamps, either separately or in combination with other lamps, but any such back-up lamp or lamps shall not be lighted when the motor vehicle is in forward motion.
- d. Any vehicle 80 inches or more in overall width, if not otherwise required by 12.04.151 may be equipped with not more than three identification lamps showing to the front which shall emit an amber light without glare, and not more than three identification lamps showing to the rear which shall emit a red light without glare. Such lamps shall be mounted as specified in 12.04.151(g).
- e. Any vehicle may be equipped with one or more side marker lamps and any such lamp may be flashing in conjunction with turn or vehicular hazard warning signals. Side marker lamps located toward the front of a vehicle shall be amber and side marker lamps located toward the rear shall be red.
- f. Any motor vehicle may be equipped with neon ground effect lighting, except that such lighting shall not flash, be any shade of red nor shall any portion of the neon tubes be visible. “Neon ground effect lighting” means neon tubes placed underneath the motor vehicle for the purpose of illuminating the ground below the motor vehicle creating a halo light effect.
- g. Any motor vehicle may be equipped with head lamps which alternately flash or simultaneously flash when such motor vehicle is being used as the lead motor vehicle of a funeral procession. A funeral hearse may serve as a funeral lead vehicle.

Section 51. Overland Park Municipal Code Section 12.04.165 is hereby amended to read as follows:

12.04.165 Use of Multiple-Beam Road-Lighting Equipment.

Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in 12.04.144 the driver shall use a distribution of light, or composite beam, directed

high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations.

- a. Whenever a driver of a vehicle approaches an oncoming vehicle within 500 feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in 12.04.164(a)(2) or 12.04.186(b), shall be dimmed to avoid glare at all times, regardless of road contour and loading.
- b. Whenever the driver of a vehicle approaches another vehicle from the rear, within 300 feet, except when engaged in the act of overtaking and passing, such driver shall use a distribution of light permissible under this ordinance other than the uppermost distribution of light specified in 12.04.164(a)(1) or 12.04.186(a).
- c. The requirements in subsections (a) and (b) shall not apply to:
 1. Authorized emergency vehicles displaying alternately flashing or simultaneously flashing head lamps as provided in 12.04.160; or
 2. School buses displaying alternately flashing or simultaneously flashing head lamps as provided in 12.04.170.

Section 52. Overland Park Municipal Code Section 12.04.169 is hereby amended to read as follows:

12.04.169 Special Restrictions on Lamps.

- a. During the times specified in 12.04.144, any lighted lamp or illuminating device upon a motor vehicle other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, vehicular hazard warning lamps and school bus warning lamps that projects a beam of light of an intensity greater than 300 candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.
- b. Except as required or permitted in subsection (f), 12.04.160 and 12.04.170, no person shall drive or move any vehicle or equipment upon any highway with any lamp or device capable of displaying a red light visible from directly in front of the center thereof, nor shall any vehicle or equipment upon any highway have any lamp or device displaying any color of light visible from directly in front of the center thereof except white or amber or any shade of color between white and amber.
- c. Flashing lights are prohibited except as authorized or required in 12.04.159.1, 12.04.160, 12.04.161, 12.04.162, 12.04.163, 12.04.170, 12.04.171 and 12.04.172.
- d. The flashing lights described in 12.04.160, 12.04.170 and 12.04.171 and amendments thereto, shall not be used on any vehicle other than a school bus, church bus or day care program bus as defined in 12.04.171, and amendments thereto, or an authorized emergency vehicle.
- e. All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red, amber or yellow,

and except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white or amber.

- f. Any driver for a transportation network company, who is logged on to the transportation network company's digital network, may operate a vehicle equipped with a lighted device capable of displaying light visible from directly in front of the center of the vehicle. Such device must display a steady light of any color, except red.

Section 53. Overland Park Municipal Code Section 12.04.170 is hereby amended to read as follows:

12.04.170 School Buses.

- a. Every school bus, in addition to any other equipment and distinctive markings required by this ordinance:
 - 1. Shall be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall display to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, and these lights shall be visible at 500 feet in normal sunlight; and
 - 2. Every new school bus put into initial service after July 1, 2007, shall be equipped with a white flashing strobe light mounted on the roof of such bus to afford optimum visibility.
- b. Any school bus, in addition to the lights required by subsection (a), may be equipped with:
 - 1. Yellow signal lamps mounted near each of the four red lamps and at the same level but closer to the vertical centerline of the bus, which shall display two alternately flashing yellow lights to the front and two alternately flashing yellow lights to the rear, and these lights shall be visible at 500 feet in normal sunlight. These lights shall be displayed by the school bus driver at least 200 feet, but not more than 1,000 feet, before every stop at which the alternately flashing red lights required by subsection (a) will be actuated; or
 - 2. Head lamps which alternately flash on low beam or simultaneously flash on low beam, except such head lamps shall only be activated during daylight hours.
- c. The provisions of this section shall be subject to the provisions contained in K.S.A. 8-2009a (1982) and any amendments thereto.

Section 54. Overland Park Municipal Code Section 12.04.171 is hereby amended to read as follows:

12.04.171 Lighting Equipment and Warning Devices on Church Buses and Day Program Buses.

- a. As used in this ordinance, "church bus" means every bus owned by a religious organization, and operated for the transportation of persons to or from services or activities of such religious organization. "Religious organization" means any organization, church, body of communicants or group, gathered in common membership for mutual edification in piety,

worship and religious observances, or a society of individuals united for religious purposes at a definite place.

- b. As used in this ordinance, "day care program" means the same as is described thereto in K.S.A. 39-1006, and amendments thereto, and "day care program bus" means every bus used primarily to carry out functions of a day care program or used by a child care facility licensed by the Kansas Department of Health and Environment who provides transportation for children six through 18 years of age.
- c. Any church bus or day care program bus, in addition to any other equipment and distinctive markings required by law, may be equipped with:
 - 1. Signal lamps which conform to the requirements of [12.04.170](#), and rules and regulations adopted pursuant thereto; and
 - 2. A stop signal arm which conforms to requirements applicable to school buses which have been adopted by rules and regulations of the state board of education.

Section 55. Overland Park Municipal Code Section 12.04.174 is hereby amended to read as follows:

12.04.174 Horns and Warning Devices.

- a. Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall, when reasonably necessary to insure safe operation, give audible warning with their horn, but shall not otherwise use such horn when upon a highway.
- b. No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle or bell, except as otherwise permitted in this section.
- c. Any vehicle may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal. Such a theft alarm signal may use a whistle, bell, horn or other audible signal but shall not use a siren.
- d. Every authorized emergency vehicle shall be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type approved by the commission, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof.
- e. Every truck specifically designed and equipped and used exclusively for garbage, refuse or solid waste disposal operations shall be equipped with a whistle, bell or other audible signal. Such whistle, bell or other audible signal shall be used only when the driver of the truck is backing such truck.

Section 56. Overland Park Municipal Code Section 12.04.178 is hereby amended to read as follows:

12.04.178 Restrictions as to Tire Equipment.

- a. Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.
- b. No person shall operate or move on any highway any motor vehicle, trailer, or semitrailer having any metal tire in contact with the roadway.
- c. No tire on a vehicle moved on a highway shall have on its periphery any protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use:
 1. Farm machinery with tires having protuberances which will not injure the highway;
 2. Tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid;
 3. Studded traction equipment upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid; or
 4. Pneumatic tires having metallic or nonmetallic studs designed to improve traction without materially injuring the surface of the highway. Any such tires provided in subsection (3) or (4) must be approved by the secretary pursuant to duly adopted rules and regulations, and their use may be limited to certain months or types of vehicles by such rules and regulations.
- d. The Governing Body may, in its discretion, issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this ordinance.
- e. It is unlawful for any person to operate a motor vehicle or combination of vehicles having one or more tires in an unsafe condition. A solid rubber tire is in an unsafe condition if it does not comply with the provisions of subsection (a). A pneumatic tire is in an unsafe condition if it has:
 1. Any part of the ply or cord exposed;
 2. Any bump, bulge or separation;
 3. A tread design depth of less than 1/16 of an inch measured in any two or more adjacent tread grooves, exclusive of tie bars, or for those tires with tread wear indicators worn to the level of the tread wear indicators in any two tread grooves;
 4. A marking "not for highway use" or "for racing purposes only" or "unsafe for highway use";
 5. Tread or sidewall cracks, cuts or snags deep enough to expose the body cord;

6. Been regrooved or recut below the original tread design depth, excepting special taxi tires which have extra under tread rubber and are identified as such; or
 7. Such other conditions as may be reasonably demonstrated to render it unsafe.
- f. The provisions of subsection (e) shall not apply to a vehicle or combination of vehicles being transported by a wrecker or tow truck, as defined in K.S.A. 66-1329, and amendments thereto.
 - g. It shall be unlawful for any person to operate a vehicle with a single tire on any hubs configured for a dual tire assembly. The provisions of this subsection shall not apply:
 1. To any truck registered for a gross weight of 20,000 pounds or less; -
 2. To any vehicle or combination of vehicles operating with wide-base single tires, as defined in 12.04.178.05, on any hubs configured for a dual tire assembly;
 3. To any single axle with hubs configured for a dual tire assembly when such single axle does not exceed 9000 pounds and is part of a triple-axle combination; or
 4. in cases of emergency.

Section 57. Overland Park Municipal Code Section 12.04.178.2 is hereby amended to read as follows:

12.04.178.2 Safety Glazing Material Required.

- a. No person shall sell any new motor vehicle as specified in this section, nor shall any such new motor vehicle be registered, unless such vehicle is equipped with safety glazing material when glazing materials are used in doors, windows and windshields. This subsection (a) shall apply to all passenger-type motor vehicles, including passenger buses and school buses. This subsection (a) shall not apply to glazing material in compartments of trucks and truck tractors not designed and equipped for persons to ride therein.
- b. No person shall sell or affix to a motor vehicle any truck-camper manufactured or assembled after July 1, 1968, unless such truck-camper is equipped with safety glazing material where glazing material is used in doors and windows.
- c. No person shall replace any glass or glazing materials used in partitions, doors, windows or windshields in any motor vehicle with any material other than safety glazing material.
- d. This section is subject to K.S.A. 8-2009a.
- e. As used in this section, "safety glazing material" means glazing material which conforms to the American National Standard "Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways," Z26.1-1966, July 15, 1966, as supplemented by Z26.1a-1969, March 7, 1969.

Section 58. Overland Park Municipal Code Section 12.04.179 is hereby amended to read as follows:

12.04.179 Spilling Loads on Highways Prohibited; Bond, When Required.

- a. No vehicle shall be driven or moved upon any street or highway of the City, unless such vehicle is so constructed or loaded as to prevent any of its load from spilling, dropping, leaking, sifting or otherwise escaping therefrom, and no vehicle shall be driven or moved upon any street or highway in the City, if such vehicle places mud, dirt, or debris upon any said street or highway by reason of mud, debris, or dirt dropping from the tires of said vehicle.
 - 1. This section shall not prohibit the necessary spreading of any substance in highway maintenance or construction operations; and
 - 2. Subsections (a) and (c) shall not apply to:
 - A. Trailers or semi-trailers when hauling livestock if such trailers or semi-trailers are properly equipped with a cleanout trap and such trap is operated in a closed position; or
 - B. Trucks, trailers or semi-trailers when hauling agricultural forage commodities intrastate from the place of production to a market or place of storage or from a place of storage to a place of use. The provisions of this clause shall not apply to trucks, trailers or semi-trailers hauling:
 - i. Hay bales; or
 - ii. Other packaged or bundled forage commodities.
- b. Any person, firm, or corporation engaged in the act of moving dirt and other substances upon any street or highway of the City shall, within the discretion of the Governing Body, be required to deposit with said Governing Body, a bond in the penal sum of \$500.00 in a form approved by said Governing Body, conditioned that the principal under said bond shall save harmless and indemnify said City.
- c. No person shall operate on any highway, any vehicle with any load unless said load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached, or in any manner a hazard to other users on the highway.
- d. All trailers or semi-trailers used for hauling livestock shall be cleaned out periodically.
- e. Subsection (a)(2)(A) shall not apply to trailers or semi-trailers used for hauling livestock when livestock are not being hauled in such trailers or semi-trailers.

Section 59. Overland Park Municipal Code Section 12.04.179.1 is hereby amended to read as follows:

12.04.179.1 Vehicles Transporting Hazardous Materials.

- a. Any person operating a vehicle transporting any hazardous material as a cargo or part of a cargo upon a highway shall at all times comply with rules and regulations of the secretary of transportation adopted pursuant to K.S.A. 8-1746.
- b. Every such vehicle shall be marked or placarded at such places as prescribed by such rules and regulations.
- c. Every such vehicle shall be equipped with fire extinguishers of a type, size and number approved by the secretary, filled and ready for immediate use, and placed at a convenient point on the vehicle.

- d. Subject to the provisions of K.S.A. 65-3455, any person responsible for the abandonment, disposal, discharge, leakage, seepage or other release of hazardous material as defined in K.S.A. 65-3471, onto the public roadways and/or adjacent rights-of-way shall be responsible for the payment of the cost incurred by the City in the cleanup and disposal of the hazardous material and any damage caused to the infrastructure thereby. The person responsible shall be notified of such costs and expenditures by certified mail/return receipt requested and shall make repayment of all costs incurred. If the responsible person fails to pay for such costs, such payment shall be recoverable in an action brought by the City Attorney in the District Court of Johnson County, Kansas, or in a court of appropriate jurisdiction. Any money recovered under this section shall be deposited with the City Clerk.

Section 60. Overland Park Municipal Code Section 12.04.180 is hereby amended to read as follows:

12.04.180 Trailers and Towed Vehicles; Drawbar Connections and Safety Hitch.

- a. When one vehicle is towing another, the drawbar, tow bar or other connections shall be of sufficient strength to pull, stop and hold all weight towed thereby, and so designed, constructed and installed as to insure that any vehicle or motor vehicle towed on a level, smooth, paved surface will follow in the path of the towing vehicle when it is moving in a straight line. In addition to the drawbar connections between any two such vehicles, there shall be provided an adequate safety hitch.
- b. When one vehicle is towing another and the connection consists of a chain, rope or cable, there shall be displayed upon such connection a white flag or cloth not less than 12 inches square.
- c. Motor vehicles in transit may be transported in combination by means of tow bar, saddlemount or fullmount mechanisms, utilizing the motive power of one of the motor vehicles in such combination, except that not more than two vehicles in any such combination of motor vehicles in transit may be connected by means of a tow bar mechanism. Whenever motor vehicles are transported as authorized in this subsection, such motor vehicles shall be connected securely in combination in accordance with rules and regulations adopted by the secretary of transportation, and any combination of such motor vehicles shall comply with the limitations prescribed by K.S.A. 8-1904, and amendments thereto.
- d. Except as otherwise provided in subsection (c), not more than three vehicles, including the towing vehicle, in any combination of vehicles may be connected by means of a tow bar mechanism, and if the three such vehicles are connected by tow bar mechanisms, the tow bar mechanism between the towing vehicle and the first towed vehicle shall be equipped with an anti-sway mechanism. In addition, the second towed vehicle of every combination of vehicles so connected shall be equipped with service brakes acting on the wheels of at least one axle, and which are of a type approved by the secretary of transportation and of such character as to be applied automatically and promptly, except that this sentence shall not apply to combinations of vehicles which include a slow-moving vehicle which is an implement of husbandry when moving from field to field.

Section 61. Overland Park Municipal Code Section 12.04.181 is hereby amended to read as

follows:

12.04.181 Sun Screening Devices and Other Applications Prohibited on Windshields, Certain Windows and Head lamps.

- a. For the purpose of this section:
 1. "Sun screening devices" means a film material or device that is designed to be used in conjunction with motor vehicle safety glazing materials for reducing the effects of the sun;
 2. "Light transmission" means the ratio of the amount of total light to pass through a product or material including any safety glazing material to the amount of the total light falling on the product or material and the glazing;
 3. "Luminous reflectants" means the ratio of the amount of total light that is reflected outward by the product or material to the amount of the total light falling on the product or material;
 4. "Nonreflective" means a product or material designed to absorb light rather than to reflect it.
- b. Any person convicted of violating the provisions of this section shall be guilty of a public offense and shall be punished as provided in section [1.12.010](#).
- c. No motor vehicle required to be registered in this state and which is operated on the highways of this City shall be equipped with one-way glass or any sun screening device, as defined in subsection (a), and used in conjunction with windshields, side wings, side windows or rear windows that do not meet the following requirements:
 1. A sun screening device when used in conjunction with the windshield shall be nonreflective and shall not be red, yellow or amber in color. A sun screening device shall be used only along the top of the windshield and shall not extend downward beyond the ASI line which is clearly defined and marked;
 2. A sun screening device when used in conjunction with the side wings or side windows located at the immediate right and left of the driver, the side windows behind the driver and the rear most window shall be nonreflective; and
 3. The total light transmission shall not be less than 35% when a sun screening device is used in conjunction with other existing sun screening devices.
- d. Subsection (c)(3) shall not apply to a window of a law enforcement motor vehicle.
- e. This section shall not prohibit labels, stickers or other informational signs that are required or permitted by state law.
- f. No motor vehicle required to be registered in this state which is operated on the highways of this City shall be equipped with head lamps which are covered with any sun screening device, adhesive film or other glaze or application which, when such lamps are not in operation, is highly reflective or otherwise nontransparent.

- g. The provisions of subsection (c) shall not apply to the installation, affixation or application of a clear, colorless and transparent material that may be installed, affixed or applied to the windshields, side wings, side windows or rear windows of a motor vehicle if the following conditions are met:
 1. The material has a minimum visible light transmittance of 78%;
 2. The window glazing with the material applied meets all requirements of federal motor vehicle safety standard no. 205, including the specified minimum light transmittance of 70% and the abrasion resistance of AS-14 glazing, as specified in that federal standard;
 3. The material is designed and manufactured to enhance the ability of the existing window glass to block the sun's harmful ultraviolet A or B rays;
 4. The driver or occupant of the vehicle possesses a signed statement from a licensed physician or licensed optometrist that:
 - a. Identifies with reasonable specificity the driver or occupant of the vehicle; and
 - b. States that, in the physician's or optometrist's professional opinion, the equipping of the vehicle with the material is necessary to safeguard the health of the driver or occupant of the vehicle; and
 5. If the material described in this subsection tears or bubbles, or is otherwise worn to prohibit clear vision, it shall be removed or replaced.
- h. Any driver who is issued a citation for failure to possess a signed statement pursuant to subsection (g) (4) shall have 60 days to either produce in court a signed statement or remove the material described in subsection (g). If such driver produces the signed statement or submits proof to the satisfaction of the court that the material described in subsection (g) has been removed, then the court shall dismiss the citation.

Section 62. Overland Park Municipal Code Section 12.04.191 is hereby amended to read as follows:

12.04.191 Driver's License.

- a. No person, except those expressly exempted by law, shall drive or operate any motor vehicle or motorized bicycle upon any street or highway in this City unless such person has a valid driver's license.
- b. Any person operating a motor vehicle in the City shall be the holder of a driver's license that is classified for the operation of such motor vehicle, and any person operating in this state a motorcycle that is registered in this state shall be the holder of a class M driver's license.

Provided, for purposes of this section, a "valid Kansas Driver's license" shall mean either:

1. A valid Kansas driver's license, when such person is required to have such license pursuant to Article 2 of Chapter 8, Kansas Statutes Annotated; or
2. When such person is not required to be licensed under the foregoing provision, a valid license issued by a jurisdiction other than the State of Kansas.

- A. Violation of this section is punishable by a fine of not more than \$1,000.00 or by imprisonment for not more than six months or by both such fine and imprisonment.

Section 63. Overland Park Municipal Code Section 12.04.191.1 is hereby amended to read as follows:

12.04.191.1 Driver's License in Possession.

- a. Every licensee shall have such person's driver's license in such person's immediate possession at all times when operating a motor vehicle. However, no person charged with violating this subsection shall be convicted if such person produces in court a driver's license theretofore issued to such person and valid at the time of arrest.
- b. Every licensee operating a motor vehicle shall promptly deliver such person's driver's license upon demand of any officer of a court of competent jurisdiction, any peace officer or any examiner or officer of the division of vehicles when the license is in such person's immediate possession at the time of the demand.

Section 64. Overland Park Municipal Code Section 12.04.191.2 is hereby amended to read as follows:

12.04.191.2 Driving in Violation of Restrictions

- a. No person shall operate a motor vehicle in violation of the restrictions on any driver's license or permit imposed pursuant to any statute.
- b. Except as provided in subsection (c):
 - 1. Any person guilty of violating this Section, upon the first conviction, shall be fined not to exceed \$250.00, and the court shall suspend such person's privilege to operate a motor vehicle for not less than 30 days and not more than two years.
 - 2. Any person guilty of violating this Section, upon a second or subsequent conviction, shall be fined not to exceed \$500.00; and the court shall suspend such person's privilege to operate a motor vehicle for not less than 90 days and not more than two years.
- c. Any person guilty of violating this Section, for violating restrictions on a driver's license or permit imposed pursuant to K.S.A. 8-237, 8-296, 8-2,100 or 8-2,101, and amendments thereto:
 - 1. Upon first conviction, the court shall suspend such person's privilege to operate a motor vehicle for 30 days;
 - 2. Upon a second conviction, the court shall suspend such person's privilege to operate a motor vehicle for 90 days; and
 - 3. Upon a third or subsequent conviction, the court shall suspend such person's privilege to operate a motor vehicle for one year.
- d. Nothing in this Section shall limit a court in imposing penalties, conditions, or restrictions authorized by any other ordinance arising from the same occurrence in addition to penalties

and suspensions imposed under this Section.

Section 65. Overland Park Municipal Code Section 12.04.192 is hereby amended to read as follows:

12.04.192 Driving While License is Canceled, Suspended or Revoked; Penalty.

- a. No person shall operate a motor vehicle on any public street or highway of this City at a time when such person's privilege to do so is canceled, suspended, or revoked or while said person's privilege to obtain a license to operate a motor vehicle is suspended or revoked.
- b. Except under the circumstances set out in subsection (e), the following penalties shall apply to a person convicted of violating subsection (a):
 1. Upon a first conviction of a violation of this Section a person shall be sentenced to not less than five consecutive days' nor more than six months' imprisonment and fined not less than \$100.00 nor more than \$1,000.00.
 2. Upon a second conviction of a violation of this Section a person shall be sentenced to not less than five consecutive days' nor more than one year's imprisonment and fined not less than \$100.00 nor more than \$2,500.00. In addition, upon a second conviction such person shall not be eligible for probation, suspension, reduction of sentence or parole until completion of at least five consecutive days' imprisonment.
 3. Upon a third or subsequent conviction of a violation of this Section a person shall be sentenced to not less than 90 days imprisonment and fined not less than \$1,500.00 if such person's privilege to drive a motor vehicle is canceled, suspended or revoked because such person: (i) refused to submit and complete any test of blood, breath or urine requested by law enforcement excluding the preliminary screening test as set forth in K.S.A. 8-1012, and amendments thereto; (ii) was convicted of violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; (iii) was convicted of vehicular homicide, K.S.A. 21-3405, prior to its repeal or K.S.A. 21-5406, and amendments thereto, involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal or involuntary manslaughter as defined in K.S.A. 21-5405(a)(3) and (a)(5), and amendments thereto, or any other murder or manslaughter crime resulting from the operation of the motor vehicle; or (iv) was convicted of being a habitual violator, K.S.A. 8-287, and amendments thereto. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The court may place the person convicted under a house arrest program to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment.
 4. For the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this Section, "conviction" shall include a conviction of a violation of this Section or a violation of a law of this state or of any state or of an

ordinance of any municipality or of any resolution of any county which law or ordinance prohibits the acts that this Section prohibits or is in substantial compliance with this Section.

- c. No person shall be convicted under this Section if such person was entitled at the time of arrest or service of a notice to appear under K.S.A. 8-257, and amendments thereto, to the return of such person's driver's license.
- d. For the purposes of this Section, any person who operates a motor vehicle on any street or highway of this City at a time when such person's privilege to do so had been canceled, suspended or revoked and subsequently received from the Division or a judge of a court of competent jurisdiction a temporary license or privilege to operate a motor vehicle under certain specified conditions, and operates a motor vehicle in violation of or outside the scope of such conditions, shall be deemed to be operating a motor vehicle when his or her privilege to do so has been canceled, revoked, or suspended.
- e. A person shall not be eligible for suspension of sentence, probation, reduction of sentence or parole until the person has served at least 90 days' imprisonment, and any fine imposed on such person shall be in addition to any such term of imprisonment, if such person:
 - 1. Is convicted of a violation of this Section committed while the person's privilege to drive a vehicle or privilege to obtain a license to operate a vehicle was suspended or revoked pursuant to Section 12.04.030 or Section 12.04.030.05, or under any law of this state or of any state or of an ordinance of any municipality or of any resolution of any county which law or ordinance prohibits the acts prohibited by Section 12.04.030 or Section 12.04.030.05; and
 - 2. Is or has been also convicted of a violation of Section 12.04.030 or Section 12.04.030.05, or of a law of this state or of any state or of an ordinance of any municipality which law or ordinance prohibits the acts prohibited by Section 12.04.030 or Section 12.04.030.05, committed while the person's privilege to drive or privilege to obtain a driver's license was so suspended or revoked.

Section 66. Overland Park Municipal Code Section 12.04.192.1 is hereby amended to read as follows:

12.04.192.1 Operation of a Motor Vehicle When a Habitual Violator.

Except as allowed under K.S.A. 8-235, and amendments thereto, operation of a motor vehicle in this City when one's driving privileges are revoked pursuant to K.S.A. 8-286, and amendments thereto, is unlawful. A violation of this Section shall be punished by imprisonment for not more than one year or fined not to exceed \$2,500.00, or both such fine and imprisonment. The person found guilty of a third or subsequent conviction of this Section shall be sentenced to not less than 90 days' imprisonment and fined not less than \$1,500.00. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The court may place the person convicted

under a house arrest program to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment.

Section 67. Overland Park Municipal Code Section 12.04.193 is hereby amended to read as follows:

12.04.193 Unauthorized Operator.

No person shall authorize or knowingly permit a motor vehicle owned by such person or under such person's control to be driven upon any highway by any person who has no legal right to do so, or who does not have a valid driver's license.

Section 68. Overland Park Municipal Code Section 12.04.195 is hereby amended to read as follows:

12.04.195 Vehicle License; Illegal Tag.

No person shall:

- a. Park, leave unattended, operate or drive any motor vehicle upon a street or highway within this City which is not registered, or for which a certificate of title has not been issued or which does not have attached thereto and displayed thereon the license plate or plates assigned thereto by the division for the current registration year, including any registration decal required to be affixed to any such license plate pursuant to K.S.A. 8-134, and amendments thereto, subject to the exemptions allowed in K.S.A. 8-135 and 8-198, and amendments thereto. A violation of this subsection (a) by a person unlawfully claiming that a motor vehicle is exempt from registration as a self-propelled crane under K.S.A. 8-128(b) and amendments thereto, shall constitute a violation punishable by a fine of not less than \$500.00. A person shall not be charged with a violation of this subsection for failing to display a registration decal on any vehicle except those included under K.S.A. 8-1,101 and K.S.A. 8-143m and 8-1,152, and amendments thereto, up to and including the 10th day following the expiration of the registration if the person is able to produce a printed payment receipt or electronic payment receipt from an online electronic payment processing system for the current 12-month registration period. Any charge for failing to display a registration decal up to and including the 10th day following the expiration of the registration shall be dismissed if the person produces in court a registration receipt for the current 12-month registration period which was valid at the time of arrest.
- b. Display or cause or permit to be displayed, or to have in possession, any registration receipt, certificate of title, registration license plate, registration decal, accessible parking placard or accessible parking identification card knowing the same to be fictitious or to have been canceled, revoked, suspended or altered. A violation of this subsection (b) shall constitute an ordinance violation punishable by a fine of not less than \$100.00 and forfeiture of the item. A mandatory court appearance shall be required of any person violating this subsection (b). This subsection (b) shall not apply to the possession of:
 1. Model year license plates displayed on antique vehicles as allowed under K.S.A. 8-172, and amendments thereto; or
 2. Distinctive license plates allowed under K.S.A. 8-1,147, and amendments thereto.

- c. Lend to or knowingly permit the use by one not entitled thereto any registration receipt, certificate of title, registration license plate or registration decal issued to the person so lending or permitting the use thereof.
- d. Remove, conceal, alter, mark or deface the license number plate or plates or any other mark of identification upon any vehicle. License plates shall be kept clean and they shall be placed on all vehicles within the City as required by law so as to be plainly legible. It shall be unlawful for any person to attach and display on any vehicle a license plate which is covered, in whole or in part, with any clear or opaque material or any other plastic-like material that affects the plate's visibility or reflectivity.
- e. Carry or display a registered number plate or plates or registration decal upon any vehicle not lawfully issued for such vehicle.
- f. Any person violating subsections (a), (b) or (c) shall be punished by a fine not exceeding \$2,500.00, or by imprisonment for not less than 30 days nor more than six months, or by both such fine and imprisonment. Any person violating subsections (d) or (e) shall be punished as provided in Section 12.04.197.

Section 69. Overland Park Municipal Code Section 12.04.195.1 is hereby amended to read as follows:

12.04.195.1 Motor Vehicle Liability Insurance.

- a. Every owner of a motor vehicle shall provide motor vehicle liability insurance coverage in accordance with the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101 et seq., for every motor vehicle owned by such person, unless such motor vehicle is included under an approved self-insurance plan as provided in K.S.A. 40-3104(f) or is otherwise expressly exempted under the laws of this state.
- b. An owner of an uninsured motor vehicle shall not permit the operation thereof upon a highway or upon property open to use by the public, unless such motor vehicle is expressly exempted from said requirements pursuant to the laws of this state.
- c. No person shall knowingly drive an uninsured motor vehicle upon a highway or upon property open to use by the public, unless such motor vehicle is expressly exempted from said requirements pursuant to the laws of this state.
- d. Any person operating a motor vehicle upon a highway or upon property open to use by the public shall display, upon demand, evidence of financial security to a law enforcement officer. Such evidence of financial security which meets the requirements of subsection (e) may be displayed on a cellular phone or any other type of portable electronic device. The law enforcement officer to whom such evidence of financial security is displayed shall view only such evidence of financial responsibility. Such law enforcement officer shall be prohibited from viewing any other content or information stored on such cellular phone or other type of portable electronic device. The law enforcement officer shall issue a citation to any person who fails to display evidence of financial security upon such demand. The law enforcement officer shall attach a copy of the insurance verification form prescribed by the Secretary of Revenue to the copy of the citation forwarded to the court.
No citation shall be issued to any person for failure to provide proof of financial security when evidence of financial security meeting the standards of subsection (e) is displayed upon

demand of a law enforcement officer. Whenever the authenticity of such evidence is questionable, the law enforcement officer may initiate the preparation of the insurance verification form prescribed by the Secretary of Revenue by recording information from the evidence of financial security displayed. The officer shall immediately forward the form to the Department of Revenue, and the Department shall proceed with verification in the manner prescribed in the following paragraph. Upon return of a form indicating that insurance was not in force on the date indicated on the form, the Department shall immediately forward a copy of the form to the law enforcement officer initiating preparation of the form.

- e. Unless the insurance company subsequently submits an insurance verification form indicating that insurance was not in force, no person charged with violating subsections (b), (c) or (d) shall be convicted if such person produces in court, within 10 days of the date of arrest or of issuance of the citation, evidence of financial security for the motor vehicle operated, which was valid at the time of arrest or of issuance of the citation. For the purpose of this subsection evidence of financial security shall be provided by a policy of motor vehicle liability insurance, an identification card or certificate of insurance issued to the policyholder by the insurer which provides the name of the insurer, the policy number, make and year of the vehicle and the effective and expiration dates of the policy, or a certificate of self-insurance signed by the commissioner of insurance. Such evidence of financial security also may be produced by displaying such information on a cellular phone or other type of portable electronic device. Any person to whom such evidence of financial security is displayed on a cellular phone or other type of portable electronic device shall be prohibited from viewing any other content or information stored on such cellular phone or other portable electronic device.
- f. Any person violating any provision of this Section shall be guilty of a violation of this ordinance and subject to a fine of not less than \$300.00 nor more than \$1,000.00 or by imprisonment for a term of not more than six months, or both such fine and imprisonment, except that any person convicted of violating any provision of this Section within three years of any such prior conviction shall be guilty of a violation of this ordinance and subject to a fine of not less than \$800.00 nor more than \$2,500.00 or by imprisonment for a term not to exceed one year, or both such fine and imprisonment.

Section 70. Overland Park Municipal Code Section 12.04.195.2 is hereby added to read as follows:

12.04.195.2 Display of License Plate.

- a. The license plate assigned to the vehicle shall be attached to the rear of the vehicle and shall be displayed during the current registration year or years. Except as otherwise provided in subsection (b), a Kansas registered vehicle shall not have a license plate attached to the front of the vehicle.
- b. The following classes of vehicles shall attach a license plate in the location or locations specifically stated:
 - 1. The license plate issued for a truck tractor shall be attached to the front of the truck tractor;

2. A model year license plate issued for an antique vehicle, in accordance with K.S.A. 8-172, and amendments thereto, may be attached to the front of the antique vehicle;
 3. A personalized license plate issued to a passenger vehicle or truck pursuant to K.S.A. 8-132(c), and amendments thereto, may be attached to the front of the passenger vehicle or truck;
 4. The license plate issued for a motor vehicle used as a concrete mixer truck may be attached to either the front or rear of the vehicle; and
 5. The license plate issued for a motor vehicle used as a dump truck with a gross weight of 26,000 pounds or more shall be attached to the front of the vehicle. The provisions of this paragraph shall not apply to such vehicle if such vehicle is registered as a farm truck.
- c. Every license plate shall at all times be securely fastened to the vehicle to which it is assigned, to prevent the plate from swinging, and at a height not less than 12 inches from the ground, measuring from the bottom of such plate. The license plate shall be fastened in a place and position to be clearly visible, and shall be maintained free from foreign materials and in a condition to be clearly legible.

During any period in which the construction of license plates has been suspended pursuant to the provisions of K.S.A. 8-132, and amendments thereto, the plate, tag, token, marker or sign assigned to such vehicle shall be attached to and displayed on such vehicle in such place, position, manner and condition as shall be prescribed by the director of vehicles.

Section 71. Overland Park Municipal Code Section 12.04.196.1.7 is hereby amended to read as follows:

12.04.196.1.7 Commercial Motor Vehicle Safety.

There is hereby incorporated by reference for the purpose of regulating commercial motor vehicle safety on the streets and highways of the City, Kansas Administrative Regulations 82-4-3, 82-4-3a, 82-4-3c, 82-4-3f, 82-4-3g, 82-4-3h, 82-4-3i, 82-4-3j, and 82-4-3k, as they may be amended, which adopt and amend certain safety regulations known as the *Federal Motor Carrier Safety Regulations*, 49 C.F.R. Parts 382, 390-393, and 395-397. One copy of said Kansas Administrative Regulations and said *Federal Motor Carrier Safety Regulations* shall be marked “Official Copy as required by Ordinance No. TC-1260,DDD” and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours. A copy of the ordinance codified herein shall be attached to the Regulations. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of the Regulations as may be deemed expedient.

Section 72. Overland Park Municipal Code Section 12.04.196.3 is hereby amended to read as follows:

12.04.196.3 Unlawful Use of Identification Card.

- a. It shall be unlawful for any person, for any purpose, to:
1. Display, cause or permit to be displayed, or have in possession, any fictitious, fraudulently altered or fraudulently obtained identification card.

2. Lend any identification card to any other person or knowingly permit the use thereof by another.
 3. Display or represent any identification card not issued to the person as being the person's card.
 4. Permit any unlawful use of an identification card issued to the person.
 5. Display or possess any photograph, photostat, duplicate, reproduction, or facsimile of an identification card unless authorized by law.
 6. Photograph, photostat, duplicate or in any way reproduce any identification card or facsimile thereof in such a manner that it could be mistaken for a valid identification card or display or have in possession any such photograph, photostat, duplicate, reproduction or facsimile unless authorized by law.
 7. Display or cause or permit to be displayed any canceled identification card.
- b. Violation of paragraphs (1) and (7) of subsection (a) is punishable by a fine of not more than \$1,000.00 or by imprisonment for not more than six months or by both such fine and imprisonment. Violation of paragraphs (2), (3), (4), (5), or (6) of subsection (a) is punishable by a fine of not more than \$2,500.00 or by imprisonment for not more than one year or by both such fine and imprisonment.
- c. It shall be unlawful for any person to:
1. Lend any identification card to or knowingly permit the use of any identification card by any person under 21 years old for use in the purchase of any alcoholic liquor.
 2. Lend any identification card or knowingly permit the use of any identification card by any person under the legal age for consumption of cereal malt beverage for use in the purchase of cereal malt beverage.
 3. Lend any identification card, driver's license, or other form of identification card to aid another person in obtaining an identification card or duplicate identification card.
 4. Display or cause to be displayed or have in possession any fictitious or fraudulently altered identification card by any person under 21 years of age for use in the purchase of any alcoholic liquor or cereal malt beverage.
- d.
1. Upon a first conviction of a violation of any provision of subsection (c) a person shall be sentenced to not less than 100 hours of public service and fined not less than \$200.00 nor more than \$500.00.
 2. On a second or subsequent conviction of a violation of any provision of subsection (c), a person shall be punished by a fine of not more than \$2,500.00 or by imprisonment for not more than one year or by both such fine and imprisonment.
- e. The provisions of this section shall apply to any identification card, whether issued under the laws of this state or issued under the laws of another state or jurisdiction.

Section 73. Overland Park Municipal Code Section 12.04.197 is hereby amended to read as follows:

12.04.197 Penalties.

- a. It is unlawful for any person to violate any of the provisions of this chapter.
- b. Every person convicted of a violation of any of the provisions of this chapter for which another penalty is not provided by this chapter or by the schedule of fines established by the municipal judge shall be punished for conviction thereof by a fine of not more than \$500.00 or by imprisonment for not more than six months or by both such fine and imprisonment.

Section 74. Overland Park Municipal Code Section 12.08.010 is hereby amended to read as follows:

12.08.010 Persons Under Seventeen not to Operate Motor Vehicle Without Restricted License - Necessity.

In compliance with K.S.A. 8-237, it is unlawful for any person under the age of 17 years of age to operate a motor vehicle without a restricted license issued by the Motor Vehicle Department and only upon a showing of necessity.

Section 75. Overland Park Municipal Code Section 12.16.030 is hereby amended to read as follows:

12.16.030 Parade Permit Application Procedure.

A person seeking issuance of a parade permit shall file an application with the City Clerk on forms provided by such officer.

- A. **Application Filing Period.** An application for a parade permit shall be filed with the City Clerk not less than seven days before the date on which it is proposed to conduct the parade.
- B. **Late Applications.** The Chief of Police shall consider applications that are received after the seven-day filing period. The Chief of Police shall approve a late application if the Chief of Police finds that there is adequate time to review the application based on the nature or scope of the parade, there are City personnel and equipment available to support the parade activity, and the standards for permit issuance set forth in Section [12.16.040](#) are met. The speech content of the parade shall not be a consideration in whether or not approval of a late application is granted.
- C. **Approval/Disapproval of Application.** The Chief of Police shall be responsible for the processing and review of the application. The Chief of Police shall act upon the application for a parade permit within four business days after the filing thereof. The applicant will be notified by the City Clerk if the application has been approved or disapproved. If, due to the nature or scope of the parade, the application cannot be reviewed within four business days, the Chief of Police shall notify the applicant within four business days after the filing of the application that additional time is required. The length of any additional time necessary to consider the application shall be no greater than is reasonably necessary, considering the nature and scope of the parade. However, in no event shall the Chief of Police approve or

disapprove an application less than forty-eight hours prior to the parade. If the Chief of Police disapproves the application, the City Clerk shall mail to the applicant, within five business days after the date on which the application was filed, a written notice of disapproval, which shall set forth the reasons for disapproval of the permit and the applicant's right of appeal. The Chief of Police is empowered to consider alternative dates, times and locations presented by the applicant provided these alternatives meet the standards for issuance set forth in Section 12.16.040. No additional processing fee will be charged for consideration of alternative dates, times and locations, provided the alternatives are presented by the applicant contemporaneously with the notice of disapproval.

- D. **Application Contents.** The application for a parade permit shall set forth the following information:
1. The name, address and telephone number of the person or entity seeking to conduct such parade;
 2. If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization;
 3. The name, address and telephone number of the person who will be responsible for the conduct of the parade;
 4. The date when the parade is to be conducted;
 5. The route to be traveled, the starting point and the termination point;
 6. The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals, and description of the vehicles;
 7. The time when such parade will start and terminate;
 8. A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;
 9. The location by streets of any assembly areas for such parade;
 10. The time at which units of the parade will begin to assemble at any such assembly area or areas;
 11. The interval of space to be maintained between units of such parade;
 12. If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the City Clerk a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his or her behalf;
 13. Any additional information which the Chief of Police shall find reasonably necessary under the standards for issuance as provided in Section 12.16.040; and
 14. A description of any sound amplification equipment to be used in connection with the parade and how the equipment is intended to be utilized, to include amplification levels.

Section 76. Overland Park Municipal Code Section 12.20.001 is hereby amended to read as

follows:

12.20.001 Authority to Tow or Impound.

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

- A. When any motor vehicle upon a street is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle cannot safely operate the motor vehicle or are unable to provide for its custody or removal to a lawfully secure location; or
- B. When any motor vehicle is parked illegally in such a manner as to constitute a hazard or obstruction to the safe movement of traffic; or
- C. When the operator of any motor vehicle is arrested and taken into custody by the police department and such vehicle would thereby be left unattended and create a hazard or obstruction to the safe movement of traffic; or
- D. When any motor vehicle is abandoned or left unattended on a highway, public road or City-owned property for a period of time in excess of 48 consecutive hours; or
- E. When any vehicle is found being driven on the streets and is not in proper or safe condition to be driven and cannot be removed safely to a lawfully secured location by the owner or operator; or
- F. When any motor vehicle determined to be stolen or taken without the consent of its owner is found upon the public street; or
- G. When any motor vehicle is subject to seizure as evidence in a criminal prosecution; or
- H. When any motor vehicle is subject to seizure or forfeiture under the laws of this state or federal law; or
- I. When any motor vehicle is parked in violation of notice indicating that the area used as the Farmer's Market is unavailable for parking during the hours posted and vehicles parked in that area during posted hours will be towed at the owner or operator's expense. The notice must be posted at the two main points of entry to the Farmer's Market and must meet the following additional requirements:
 - 1. The notice must clearly indicate, in not less than two inch high, light reflective letters on a contrasting background, that vehicles will be towed at the owner's expense.
 - 2. The words "tow away zone" must be included on the sign in not less than four inch high letters.
 - 3. The notice must contain the following language:

"If you believe your vehicle may have been towed from this property, please contact the Overland Park Police Department."
 - 4. The sign must be permanently installed, with the bottom of the sign not less than seven feet above ground level and must be continuously maintained on the property for not less than 24 hours prior to the towing or removal of vehicles.

Section 77. Overland Park Municipal Code Section 12.20.005 is hereby amended to read as follows:

12.20.005 Sale of Impounded Vehicles by City.

Any motor vehicle towed and impounded by the City pursuant to the provisions of this chapter for a period of 30 days or more may be disposed of by the City by sale at public auction in the following manner:

1. If such motor vehicle has displayed thereon a registration plate issued by the state of Kansas and has been registered with the state of Kansas, the City shall request verification from the division of vehicles of the last registered owner and lienholders, if any. Such verification request shall be submitted to the division of vehicles not more than 30 days after the City took possession of the vehicle. The City shall mail a notice by certified mail, return receipt requested, to the registered owner thereof, addressed to the address as shown on the certificate of registration, and to the lienholder of record, if any, in the county in which the title shows the owner resides, if registered in this state. The notice shall state that if the owner or lienholder does not claim such motor vehicle and pay the removal and storage costs incurred by the City on it within 15 days from the date of the mailing of the notice, that it will be sold at public auction to the highest bidder for cash. The notice shall be mailed within 10 days after receipt of verification of the last owner and lienholders, if any, as provided in this subsection. The notice shall also include the right of hearing set forth in [12.20.004](#).
2. After 15 days from the date of mailing notice, the City shall publish a notice once a week for two consecutive weeks in a newspaper of general circulation in Johnson County, Kansas, which notice shall describe the motor vehicle by name of maker, model, serial number, and owner, if known, and stating that it has been impounded by the City of Overland Park and that it will be sold at public auction to the highest bidder for cash if the owner thereof does not claim it within 10 days of the date of the second publication of the notice and pay the removal and storage charges, and publication costs incurred by the City. The notice shall also include the right of hearing set forth in [12.20.004](#).
3. If the vehicle, when towed, did not display a registration plate issued by the state of Kansas and is not registered with the state of Kansas and the owner remains unknown after diligent efforts have been made by the commercial tow service to determine ownership, the City after 30 days from the date of impoundment shall request verification from the division of vehicles of the last registered owner and lienholders, if any. Such verification request shall be submitted to the division of vehicles no more than 30 days after the City took possession of the vehicle. The City shall 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 state that if the owner or lienholder does not claim such motor vehicle and pay the removal and storage charges incurred by City on it within 15 days from the date of mailing of the notice, it will be sold at public auction to the highest bidder for cash. The notice shall be mailed within 10 days after receipt of verification of the last owner and lienholders, if any, as provided in this subsection. After 15 days from the date of mailing notice, the City shall publish a notice in a newspaper of general circulation in Johnson County, Kansas, which notice shall describe the motor vehicle by name of maker, model, color and serial number and shall state that it has been impounded by the City and will be

sold at public auction to the highest bidder for cash, if the owner thereof does not claim it within 10 days of the second publication of the notice and pay the removal and storage charges incurred by the City. The notice shall also include the right of hearing set forth in [12.20.004](#).

4. When the City has complied with this section and the owner thereof does not claim it within the time stated in the notice and pay the removal and storage charges and publication costs incurred by the City on such motor vehicle, the City may sell the motor vehicle at public auction to the highest bidder for cash. All monies derived from the sale of motor vehicles pursuant to this section, after payment of the expenses of the impoundment and sale, shall be paid into the fund of the City which is used by it for the construction and maintenance of highways.
5. After any sale pursuant to this section, the purchaser may file proof thereof with the division of vehicles, and the division shall issue a certificate of title to the purchaser of the motor vehicle.

Section 78. Overland Park Municipal Code Section 12.21.030 is hereby amended to read as follows:

12.21.030 Unlawful Acts.

It shall be unlawful and a violation of this chapter for any person to fail to comply with the following regulations when involved in the towing or request of towing of motor vehicles from private property; provided that the provisions of this chapter are not applicable when the private motor vehicle has been left upon the private owner's premises for more than 24 hours:

- A. **Notification.** The property owner or person requesting the towing of or the removal of a vehicle from private or public property shall, within one hour of completion of such towing or removal, notify the Overland Park, Kansas, Police Department of the following information concerning the tow or removal:
 1. Vehicle make;
 2. Vehicle model;
 3. Vehicle year;
 4. Vehicle VIN;
 5. License plate number;
 6. Ultimate destination where the vehicle is towed to and stored; and
 7. Person ordering the tow.
- B. **Notice and Sign Requirements.** Except for property appurtenant to and obviously a part of a single-family residence, and except for instances when notice is personally given to the owner or other legally authorized person in control of the vehicle that the area in which that vehicle is parked is reserved or otherwise unavailable for unauthorized vehicles and thus are subject to being removed at the owner's or operator's expense, any property owner or person in legal possession of the property, prior to towing or removing any vehicle from private or

public property without the consent of the owner or other legally authorized person in control of that vehicle, must post a notice meeting the following requirements:

1. The notice must be prominently placed at each driveway access or curb cut allowing vehicular access to the property, within five feet from the public right-of-way line. If there are no curbs or access barriers, the signs must be posted not less than one sign for each 25 feet of lot frontage.
2. The notice must clearly indicate, in not less than two inch high, light reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense. The words "tow away zone" must be included on the sign in not less than four inch high letters.
3. The notice must also contain the following language:

"If you believe your vehicle may have been towed from this property, please contact the Overland Park Police Department."

4. The sign structure containing the required notices must be permanently installed, with the bottom of the sign not less than four feet above ground level and must be continuously maintained on the property for not less than 24 hours prior to the towing or removal of vehicles.
5. A business with 20 or fewer parking spaces satisfies the notice requirements of this section by prominently displaying a sign stating "Reserved parking for customers only. Unauthorized vehicles will be towed away at the owner's expense." in light reflective letters on a contrasting background. In addition, the sign must include the information required in subparagraph (3) herein.

- C. **Owner Access.** Any owner of a vehicle towed pursuant to this chapter shall have access to personal property in such vehicle for up to 48 hours after such vehicle has been towed, and such personal property shall be released to said owner unless it is being held or seized as evidence.

Section 79. Overland Park Municipal Code Section 12.21.040 is hereby amended to read as follows:

12.21.040 Maximum Tow and Storage Fees.

All wrecker or towing services shall charge for towing and storage services such fees and charges as are adopted by the City by resolution. The City shall not be responsible for unpaid towing and storage fees and charges except as provided by resolution of the City or as agreed to in writing by the Chief of Police.

Section 80. Existing Overland Park Municipal Code Sections 12.04.001, 12.04.002, 12.04.006, 12.04.011, 12.04.014, 12.04.019, 12.04.022, 12.04.025, 12.04.028, 12.04.030, 12.04.030.05, 12.04.030.1, 12.04.031, 12.04.033, 12.04.036, 12.04.037, 12.04.041, 12.04.044.1, 12.04.044.2, 12.04.044.3, 12.04.061, 12.04.062, 12.04.063, 12.04.069, 12.04.078, 12.04.081, 12.04.082, 12.04.085, 12.04.087, 12.04.105, 12.04.106, 12.04.109, 12.04.111, 12.04.113, 12.04.119, 12.04.119.1, 12.04.124, 12.04.126.5, 12.04.131, 12.04.133, 12.04.135.1, 12.04.135.3, 12.04.143, 12.04.148, 12.04.151, 12.04.153, 12.04.155, 12.04.156, 12.04.160, 12.04.163, 12.04.165,

12.04.169, 12.04.170, 12.04.171, 12.04.174, 12.04.176.2, 12.04.178, 12.04.178.2, 12.04.179, 12.04.179.1, 12.04.180, 12.04.181, 12.04.191, 12.04.191.1, 12.04.191.2, 12.04.192, 12.04.192.1, 12.04.193, 12.04.195, 12.04.195.1, 12.04.195.2, 12.04.196.1.5, 12.04.196.1.7, 12.04.196.3, 12.04.197, 12.08.010, 12.16.030, 12.20.001, 12.20.005, 12.21.030, and 12.21.040 are hereby repealed.

Section 81. This Ordinance shall take effect and be in force from and after a publication of its summary in an official City newspaper, and from and after July 1, 2022.

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PASSED by the City Council on this 16th day of May, 2022.

APPROVED by the Mayor on this 16th day of May, 2022.

CITY OF OVERLAND PARK

(s) Curt Skoog
Curt Skoog, Mayor

ATTEST:

APPROVED AS TO FORM:

(s) Elizabeth Kelley
Elizabeth Kelley, City Clerk

(s) Eric Blevins
Eric Blevins, Senior Assistant City Attorney