

ORDINANCE NO. 21-33

AN ORDINANCE PERTAINING TO THE OLATHE TRAFFIC CODE; AMENDING SECTIONS 10.01.001, 10.01.002, 10.01.080, 10.01.120, 10.01.126.2, AND 10.01.143 AND REPEALING THE EXISTING SECTIONS; ADDING NEW SECTION 10.01.062.1.

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

SECTION ONE: Section 10.01.001 of the Olathe Municipal Code is hereby amended to read as follows:

“10.01.001 Definitions.

The following words and phrases when used in this chapter shall, for the purpose of this chapter and other traffic ordinances, have the meanings respectively ascribed to them in this Section except when the context otherwise requires:

“Alcohol concentration” means the number of grams of alcohol per one hundred (100) milliliters of blood or per two hundred ten (210) liters of breath.

“Alcoholic beverage” means any alcoholic liquor, as defined by K.S.A. [41-102](#) and amendments thereto, or any cereal malt beverage, as defined by K.S.A. [41-2701](#) and amendments thereto.

“Alcoholic liquor” means alcohol, spirits, wine, beer, 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 any beer or cereal malt beverage containing not more than three and one-fifths percent (3.2%) alcohol by weight.

“All-terrain vehicle” means any motorized nonhighway vehicle ~~fifty-five~~ inches ~~(55”)~~ ~~(50”)~~ 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 one thousand five

ATTACHMENT A

hundred (1,500) pounds or less, traveling on three (3) or more nonhighway tires.

“Alley” means 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.

“Arterial street” means 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.

“Authorized emergency vehicle” means 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, having a certificate of public service from the State Corporation Commission, and when operating under the direction of a duly authorized law enforcement officer; and such other publicly or privately owned vehicles which are designated as emergency vehicles pursuant to K.S.A. [8-2010](#) and amendments thereto.

[“Authorized telecommunications vehicle” means a motor vehicle operated by a provider or a wireless infrastructure provider or a wireless services provider, when such vehicle is utilized for repairs and is making use of visual signals meeting the requirements of 10.01.172.](#)

[“Authorized utility vehicle” means a motor vehicle operated by an authorized person for an electric or natural gas public utility or a city-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 10.01.172.](#)

“Autocycle” means a three (3) wheel motorcycle that has a steering wheel and seating that does not require the operator to straddle or sit astride it.

ATTACHMENT A

“Bicycle” means every device propelled by human power upon which any person may ride, having two (2) tandem wheels, either of which is more than fourteen inches (14”) in diameter.

“Bus” means every motor vehicle designed for carrying more than ten (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.

“Business district” means the territory contiguous to and including a highway when within any six hundred feet (600’) 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 three hundred feet (300’) of frontage on one (1) side or three hundred feet (300’) collectively on both sides of the highway.

“Cancellation of a driver’s license” means 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; and application for a new license may be made at any time after such cancellation.

“Cereal malt beverage” means any fermented but undistilled liquor brewed or made from malt or from a mixture of malt and/or malt substitute, but not including any such liquor which is more than three and one-fifths percent (3.2%) alcohol by weight.

“Chief of Police” means 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 his or her place.

“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. As used in this Section, “religious organization” means any organization, church, body of communicants or group, gathered in common membership for mutual edification in piety, worship and religious

ATTACHMENT A

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

“City or this City” means the City of Olathe, Kansas.

“City Traffic Engineer” means the Chief Traffic Engineer for the City or any member of the City Traffic Department designated by the Chief Traffic Engineer to act in his or her place.

“Commercial motor vehicle” means a motor vehicle designed or used to transport passengers or property, if:

- (1) The vehicle has a gross vehicle weight rating of twenty six thousand one (26,001) or more pounds or such lesser rating, as determined by rules and regulations adopted by the Secretary, but shall not be more restrictive than the federal regulation;
- (2) The vehicle is designed to transport sixteen (16) or more passengers, including the driver; or
- (3) The vehicle is transporting hazardous materials and is required to be placarded in accordance with [49](#) C.F.R. § [172](#), subpart F, effective January 1, 1991.

“Compression release engine braking system” means a hydraulically operated device that converts a power producing diesel engine into a power absorbing retarding mechanism.

“Controlled-access highway” means 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.

“Crosswalk” means:

ATTACHMENT A

(1) 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

(2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

“Day care program” means those which provide day service for development in self-help, social, recreational and work skills for people with intellectual and other disabilities, giving priority to providing services for young people with severe intellectual and other disabilities.

“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 (6) through eighteen (18) years of age.

“Digital network” means any online-enabled application, software, website or system offered or utilized by a transportation network company that enables the prearrangement of rides with transportation network company drivers.

“Director” means the Director of Vehicles.

“Divided highway” means a highway divided into two (2) 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.

“Division” means the Division of Vehicles of the Department of Revenue.

“Drag race” means the operation of two (2) 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 (1) or more vehicles over a common selected course, from the same point to the same point, for the purpose of

ATTACHMENT A

comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit.

“Drawbar” means 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.

“Driveaway-towaway operations” means any operation in which any motor vehicle, trailer or semi-trailer, singly or in combination, new or used, constitutes the commodity being transported, when one (1) 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.

“Driver” means every person who drives or is in actual physical control of a vehicle.

“Driver’s license” means any license to operate a motor vehicle issued under the laws of this state, or any other state.

“Electric-assisted bicycle” means a bicycle with two (2) or three (3) 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 one thousand (1,000) watts, be incapable of propelling the device at a speed of more than twenty (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 twenty (20) miles per hour.

“Electric-assisted scooter” means every self-propelled vehicle that has at least two (2) 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” means a self-balancing two (2) nontandem wheeled device, designed to transport only one (1) person, with an electric propulsion system that limits the maximum speed of the device to fifteen (15) miles per hour or less.

ATTACHMENT A

“Electric vehicle” means a vehicle that is powered by an electric motor drawing current from rechargeable storage batteries or other portable electric energy storage devices, provided the recharge energy must be drawn from a source off the vehicle, such as, but not limited to:

- (1) Residential electric service;
- (2) An electric vehicle charging station, also called an EV charging station, an electric recharging point, a charging point, ~~EVSE~~ (electric vehicle supply equipment) [\(EVSE\)](#) or a public charging station.

“Essential parts” means 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.

“Exhibition of speed or acceleration” means those acts which cause or create unnecessary rapid acceleration, unnecessary tire squeal, skid, smoke, or slide upon acceleration or stopping including the casting of tread, gravel, dirt or other road surface materials from the tires; acts that simulate a temporary race; acts that cause the vehicle to unnecessarily turn abruptly, sway or lose traction with the road surface.

“Explosives” means 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 combustive 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.

“Farm tractor” means every motor vehicle designed and used as a farm implement power unit operated with or without other attached farm implements, such as drawing plows, mowing machines and other

ATTACHMENT A

implements of husbandry, in any manner consistent with the structural design of such power unit.

“Flammable liquid” means any liquid which has a flash point of seventy (70) degrees Fahrenheit, or less, as determined by a tagliabue or equivalent closed cup test device.

“Funeral escort” means a person or entity that provides escort services for funeral processions, including law enforcement personnel and agencies and groups designated to escort military funeral processions.”

“Funeral lead vehicle” means any authorized law enforcement or nonlaw enforcement vehicle properly equipped pursuant to 10.01.163 or a funeral escort vehicle being used to lead and facilitate the movement of a funeral procession. A funeral hearse may serve as a funeral lead vehicle.

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

“Golf cart” means a motor vehicle that ~~has~~ does not ~~have less~~ fewer than three (3) wheels in contact with the ground, an unladen weight of not more than one thousand eight hundred (1,800) pounds, is designed to be and is operated at not more than twenty-five (25) miles per hour and is designed to carry not more than four (4) persons including the driver.

“Governing Body” means the Mayor and Council of this City.

“Gross weight” means the weight of a vehicle without load plus the weight of any load thereon.

Highway. See “Street or Highway.”

“House trailer” means:

ATTACHMENT A

(1) 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

(2) A trailer or a semi-trailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in subsection (1) of this definition, 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.

(3) House trailer does not include a manufactured home or a mobile home, as such terms are defined in K.S.A. [58-4202](#).

“Identifying numbers” means the numbers, and letters, if any, on a vehicle designated by the Division for the purpose of identifying the vehicle.

“Ignition interlock device” means a device which uses a breath analysis mechanism to prevent a person from operating a motor vehicle if such person has consumed an alcoholic beverage.

“Implement of husbandry” means every vehicle designed or adapted and used exclusively for agricultural operations, including feedlots and only incidentally moved or operated upon the highways. ~~Such term shall include~~ [“Implement of husbandry” includes](#), but is not ~~be~~ limited to, a farm tractor; a self-propelled farm implement; a fertilizer spreader, nurse tank or 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; a truck mounted with a fertilizer spreader used or manufactured principally to spread animal dung; 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.

ATTACHMENT A

“Intersection” means:

(1) 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 (2) 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

(2) Where a highway includes two (2) roadways thirty feet (30') 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 (2) roadways thirty feet (30') or more apart, then every crossing of two (2) 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.

“Interstate system” means the national system of interstate and defense highways.

“Intoxicating liquor” means any alcoholic liquor, beer, cereal malt beverage, nonalcoholic malt beverage, spirit or wine.

“Laned roadway” means a roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

“License or license to operate a motor vehicle” means 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:

- (1) Any temporary license or instruction permit;
- (2) The privilege of any person to drive a motor vehicle whether or not such person holds a valid license; and
- (3) Any nonresident’s operating privilege.

ATTACHMENT A

“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.

“Litter” is as defined in Section [10.01.105](#).

“Low pressure tire” means any pneumatic tire six inches (6") or more in width, designed for use on wheels with rim diameter of twelve inches (12") or less, and utilizing an operating pressure of ten (10) pounds per square inch or less as recommended by the vehicle manufacturer.

“Low-speed vehicle” means any four (4) wheeled electric vehicle whose top speed is greater than twenty (20) miles per hour but not greater than twenty-five (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](#).

“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.

“Mail” means to deposit in the United States mail properly addressed and with postage prepaid.

“Manufacturer” means every person engaged in the business of manufacturing motor vehicles, trailers or semi-trailers.

“Metal tire” means every tire the surface of which, in contact with the highway, is wholly or partly of metal or other hard, nonresilient material.

“Micro utility truck” means any motor vehicle which is not less than forty-eight inches (48") in width, has an overall length, including the bumper, of not more than one hundred sixty inches (160"), has an unladen weight, including fuel and fluids, of more than one thousand five hundred (1,500) pounds, can exceed forty (40) miles per hour as originally manufactured

ATTACHMENT A

and is manufactured with a metal cab. Micro utility truck does not include a work-site utility vehicle or recreational off-highway vehicle.

“Motor-driven cycle” means every motorcycle, including every motor scooter, with a motor which produces not to exceed five (5) brake horsepower, and every bicycle with motor attached except a motorized bicycle, a low power cycle or an electric-assisted bicycle.

“Motor home” means every motor vehicle designed to provide temporary living quarters for recreational, camping or travel use.

“Motor vehicle” means every vehicle, other than a motorized bicycle or a motorized wheelchair, which is self-propelled.

“Motorcycle” means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground including, but not limited to, vehicles commonly known as autocycles, pocket bikes, miniature motorcycles, miniature choppers and similar motorized vehicles, but excluding a tractor.

“Motorized bicycle” means every device having two (2) tandem wheels or three (3) wheels, ~~which~~ that may be propelled by either human power or helper motor, or by both, and ~~which~~ has: (1) a motor ~~which~~ that produces not more than three and one-half (3.5) brake horsepower; (2) a cylinder capacity of not more than one hundred thirty (130) cubic centimeters; (3) an automatic transmission; and (4) the capability of a maximum design speed of no more than thirty (30) miles per hour.

“Motorized scooter” means any tandem-wheeled device powered by a gas or electric motor that has a skateboard-type deck and handlebars, and either is designed to be stood upon by the operator, or one with a seat mounted on the deck designed to be sat upon by the operator. Motorized scooters shall be considered skateboards for purposes of Section [10.01.136](#).

ATTACHMENT A

“Motorized skateboard” means a self-propelled device which has a motor or engine, a deck on which a person may ride and at least two (2) wheels in contact with the ground. Motorized skateboards shall be considered skateboards for purposes of Section [10.01.136](#).

“Motorized wheelchair” means any self-propelled vehicle, designed specifically for use by a physically disabled person that is incapable of a speed in excess of fifteen (15) miles per hour.

“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.

“Nonhighway tire” means any pneumatic tire six inches (6") or more in width, designed for use on wheels with rim diameter of fourteen inches (14") or less.

“Nonhighway vehicle” means nonhighway vehicle shall not include an implement of husbandry, as defined in K.S.A. [8-126](#), and amendments thereto.

“Nonreflective” means a product or material designed to absorb light rather than to reflect it.

“Nonresident” means every person who is not a resident of this state.

“Nonresident’s operating privilege” means 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.

“Official time standard” means 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” means all signs, signals, markings, and devices, not inconsistent with this chapter, placed or erected by authority of

ATTACHMENT A

a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

“Official traffic-control signal” means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

“Ordinance traffic infraction” means a violation of any Section of this chapter that prescribes or requires the same behavior as that prescribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. Supp. [8-2118](#), as amended.

“Other competent evidence” includes:

- (1) Alcohol concentration tests obtained from samples taken three (3) hours or more after the operation or attempted operation of a vehicle; and/or
- (2) Readings obtained from a partial alcohol concentration test on a breath testing instrument.

“Owner” means a person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement or the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or in the event a vehicle is subject to a lease of thirty (30) days or more with an immediate right of possession vested in the lessee; or in the event a party having a security interest in a vehicle is entitled to possession, then such conditional vendee or lessee or secured party shall be deemed the owner for the purpose of this chapter.

“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.

ATTACHMENT A

“Passenger car” means every motor vehicle, except motorcycles and motor-driven cycles, designed for carrying ten (10) passengers or less and used for the transportation of persons.

“Passenger vehicle” means every motor vehicle, as herein defined, which is designed primarily to carry ten (10) or fewer passengers, and which is not used as a truck.

“Pedestrian” means any person afoot or 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.

“Person” means every natural person, firm, association, partnership or corporation.

“Person with a disability” means any individual who:

- (1) Has a severe visual impairment;
- (2) Cannot walk one hundred feet (100') without stopping to rest;
- (3) Cannot walk without the use of or assistance from a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistive device;
- (4) Is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one (1) second, when measured by spirometry, is less than one (1) liter or the arterial oxygen tension is less than sixty (60) mm/hg on room air at rest;
- (5) Uses portable oxygen;
- (6) 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

ATTACHMENT A

(7) Is severely limited in such person's ability to walk at least one hundred feet (100') due to an arthritic, neurological or orthopedic condition.

"Pneumatic tire" means every tire in which compressed air is designed to support the load.

"Pole trailer" means any 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.

"Police officer" means every law enforcement officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

"Private road or driveway" means 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.

"Racing" means the use of one (1) 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.

"Railroad" means a carrier of persons or property upon cars operated upon stationary rails.

"Railroad sign or signal" means 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.

"Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

ATTACHMENT A

“Recreational off-highway vehicle” means any motor vehicle greater than fifty inches (50") but not greater than seventy-five ~~sixty-four~~ inches (75") ~~(64")~~ in width, having a dry weight greater than one thousand five hundred (1,500) pounds but not greater than three thousand five hundred (3,500) ~~two thousand (2,000)~~ pounds, traveling on four (4) or more nonhighway tires, having a nonstraddle seat and steering wheel for steering control.

“Recreational vehicle” means 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 (8') and a body length not exceeding forty feet (40'); but such term shall not include a unit which has no electrical system which operates above twelve (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.

“Registration” means the registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of vehicles.

“Residence district” means the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300') or more is improved in the main with residences or residences and buildings in use for business.

“Revocation of driver’s license” means 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.

“Right-of-way” means the right of one (1) vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian

ATTACHMENT A

approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

“Road construction zone” means 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 indicates the road construction zone has ended.

“Roadway” means 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 (2) or more separate roadways, the term “roadway” as used herein shall refer to any such roadway separately but not to all such roadways collectively.

“Safety hitch” means 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.

“Safety zone” means 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.

“Samples” includes breath supplied directly for testing, which breath is not preserved.

“School bus” means every motor vehicle defined and designated as a school bus in subsection (g)(1) of K.S.A. [72-8301](#) as amended.

“School crossing guard” means a person eighteen (18) years of age and older 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.

ATTACHMENT A

“Secretary” means the Secretary of the Kansas Department of Transportation.

“Semi-trailer” means 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 own weight and that of its own load rests upon or is carried by another vehicle.

“Sidewalk” means 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.

“Solid rubber tire” means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

“Special mobile equipment” means 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.

“Specially constructed vehicle” means 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.

“Stand or standing” means 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.

ATTACHMENT A

“State” means the State of Kansas.

“Stop,” when required, means complete cessation from movement.

“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.

“Street or highway” or “street” or “highway” means 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 chapter, it shall mean~~ including any street, avenue, boulevard, thoroughfare, traffic way, alley, public or private parking lot, roadway, private roadway, privately owned property throughout the City and any other public way for vehicular travel by whatever name unless the context clearly indicates otherwise.

“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.

“Suspension of a driver’s license” means the temporary withdrawal by formal action of the Division of a person’s license or privilege to operate a motor vehicle on the highways.

“Through highway” means 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 chapter.

“Tow bar” means 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

ATTACHMENT A

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.

“Toxic vapors” means the following substances or products containing such substances:

- (1) Alcohols, including methyl, isopropyl, propyl, or butyl;
- (2) Aliphatic acetates, including ethyl, methyl, propyl, or methyl cellosive acetate;
- (3) Acetone;
- (4) Benzene;
- (5) Carbon tetrachloride;
- (6) Cyclohexane;
- (7) Freons, including freon 11, freon 12 and other halogenated hydrocarbons;
- (8) Hexane;
- (9) Methyl ethyl ketone;
- (10) Methyl isobutyl ketone;
- (11) Naphtha;
- (12) Perchlorethylene;
- (13) Toluene;
- (14) Trichloroethane; or
- (15) Xylene.

ATTACHMENT A

“Traffic” means pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highway for purposes of travel.

“Traffic-control signal” means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

“Traffic-control signal preemption device” means any device, instrument, or mechanism designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

“Traffic infraction” means a violation of any of the statutory provisions listed in subsection (c) of K.S.A. Supp. [8-2118](#) as amended.

“Trailer” means 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.

“Transportation network company” means a corporation, partnership, sole proprietorship or other entity operating in Kansas that uses a digital network to connect transportation network company riders to transportation network drivers who provide prearranged rides.

“Transportation network company driver” means an individual who:

- (1) Receives connections to potential passengers and related services from a transportation network company; and
- (2) 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.

ATTACHMENT A

“Truck” means a motor vehicle which is used for the transportation or delivery of freight and merchandise or more than ten (10) passengers.

“Truck-camper” means 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.

“Truck tractor” means 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 or load so drawn.

“Urban district” means 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 one hundred feet (100') for a distance of a quarter of a mile or more.

“Vehicle” means 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 or devices moved by human power or used exclusively upon stationary rails or tracks.

“Waste collection vehicle” means a vehicle specifically designed and equipped and used exclusively for garbage, refuse, recycling or solid waste collection or disposal operations.

“Wide-base single tires” means all tires having a section width, as specified by the manufacturer, of fourteen inches (14") or more.

“Wireless communication device” means any wireless electronic communication device that provides for voice or data communication between two (2) 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

ATTACHMENT A

or receive a text based communication without the use of either hand, except to activate or deactivate a feature or function.

“Work-site utility vehicle” means any motor vehicle which is not less than forty-eight inches (48") in width, has an overall length, including the bumper, of not more than one hundred thirty-five inches (135"), has an unladen weight, including fuel and fluids, of more than eight hundred (800) pounds and is equipped with four (4) or more low pressure tires, a steering wheel and a bench or bucket-type seating allowing at least two (2) people to sit side by side, and which may be equipped with a bed or cargo box for hauling materials. Work-site utility vehicle does not include a micro utility truck or recreational off-highway vehicle.

“Wrecker or tow truck” means any motor vehicle equipped with booms, winches or similar equipment specifically designed for recovery or towing of vehicles.

“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.”

SECTION TWO: Section 10.01.002 of the Olathe Municipal Code is hereby amended to read as follows:

“10.01.002 Provisions of Chapter Refer to Vehicles upon the Streets and Highways.

The provisions of this chapter ~~refer to vehicles and~~ apply to the operation of vehicles upon all streets or highways, ~~rights of way, and areas of public access, within the City of Olathe, Kansas, including public or private parking lots, private roadways and privately owned property and elsewhere throughout the City~~ unless a different place is specifically referred to in a given section.”

NEW SECTION THREE: Section 10.01.062.1 is hereby added to the Olathe Municipal Code to read as follows:

“10.01.062.1 Utility and Telecommunications Vehicles.

(A) The driver of a vehicle shall not overtake and pass another vehicle when approaching within one-hundred feet (100') of a stationary authorized utility or telecommunications vehicle, as defined in section 10.01.001.

(B) The driver of a vehicle shall yield the right-of-way to any authorized utility or telecommunications vehicle which is obviously and actually engaged in work upon a highway whenever such vehicle displays flashing lights meeting the requirements of section 10.01.172.

(C) The driver of a motor vehicle upon approaching a stationary authorized utility or telecommunications vehicle which is obviously and actually engaged in work upon a highway, when such authorized vehicle is displaying flashing lights meeting the requirements of 10.01.172, 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 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 but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due

ATTACHMENT A

caution, reduce the speed of the motor vehicle and maintain a safe speed for the road, 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.”

SECTION FOUR: Section 10.01.080 of the Olathe Municipal Code is hereby amended to read as follows:

“10.01.080 Emerging from Alley or Private Driveway or Building.

The driver of a vehicle emerging from an alley, building, parking lot, private road or driveway ~~within a business or residence district~~ shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across such alley, building entrance, parking lot, road or driveway, or in the event there is no sidewalk area, shall stop and yield the right-of-way to all vehicles approaching at the point nearest the street to be entered where the driver has a view of approaching traffic thereon.”

SECTION FIVE: Section 10.01.120 of the Olathe Municipal Code is hereby amended to read as follows:

“10.01.120 Funeral Processions ~~Driving through Procession.~~

(a) Notwithstanding any provision of City Ordinance relating to traffic control devices, right-of-way provisions, pedestrians, operators of vehicles, and except as provided in subsection (b), funeral escorts may reasonably direct vehicle and pedestrian traffic to allow funeral processions to pass through intersections and disregard traffic control devices. When the funeral lead vehicle is directed by a funeral escort to lawfully enter an intersection, the remaining vehicles in the funeral procession may follow such funeral lead vehicle through the intersection regardless of any

ATTACHMENT A

traffic control devices or right-of-way provisions prescribed by City Ordinance.

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

(1) Operators of vehicles in a funeral procession shall yield the right-of-way to an approaching authorized emergency vehicle, as defined in 10.01.001 using an audible signal meeting the requirements of 10.01.174(D);

(2) operators of vehicles in a funeral procession shall yield the right-of-way when directed by a police officer;

(3) operators of vehicles in a funeral procession shall exercise due care when participating in a funeral procession and avoid colliding with any other vehicle or pedestrian in accordance with 10.01.066; and

(4) an operator of a vehicle in a funeral procession shall not have the right-of-way at an intersection if the vehicle is more than three hundred feet (300') behind the immediately preceding vehicle in the funeral procession.

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

ATTACHMENT A

(d) Section 10.01.047 shall not be applicable to funeral processions.

(e) Each vehicle that is a part of a funeral procession shall have such vehicle's headlights, either high beam or low beam, and taillights lighted and may also use flashing hazard lights if the vehicle is so equipped.

(f) Nothing in subsections (A) through (E) shall be construed to prohibit the City from requiring:

(1) A law enforcement or nonlaw enforcement funeral lead vehicle or funeral escort for a funeral procession. The City may require prior notice of a planned funeral procession be given to the City Police Department; or

(2) compliance with any other City Ordinance not in conflict with the provisions of subsections (A) through (E).

(g) It shall be unlawful for the driver of any vehicle to drive between the vehicles comprising a funeral or other authorized procession while they are in motion provided such vehicles are conspicuously so designated. This section shall not apply at intersections where traffic is controlled by traffic-control devices or police officers."

ATTACHMENT A

SECTION SIX: Section 10.01.126.2 of the Olathe Municipal Code is hereby amended to read as follows:

“10.01.126.2 Use of Wireless Communication Devices.

(a) Except as provided in subsections (b) and (c), 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, [or to view images or video content](#).

(b) The provisions of subsection (a) 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.

(c) The provisions of subsection (a) 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;

ATTACHMENT A

(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.

~~(d) Prior to January 1, 2011, a law enforcement officer shall issue a warning citation to anyone violating subsection (a).~~"

SECTION SEVEN: Section 10.01.143 of the Olathe Municipal Code is hereby amended to read as follows:

"10.01.143 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.

~~(e)~~ (b) 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)~~ (c) 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.

ATTACHMENT A

~~(e)~~ (d) 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 the provisions of this ordinance.”

SECTION EIGHT: Existing Sections 10.01.001, 10.01.002, 10.01.080, 10.01.120, 10.01.126.2, and 10.01.143 are hereby repealed.

SECTION NINE: This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

PASSED by the Governing Body this 20th day of July, 2021.

SIGNED by the Mayor this 21st day of July, 2021.


John W Bacon (Jul 21, 2021 08:21 CDT)

Mayor

ATTEST:



City Clerk



(SEAL)

APPROVED AS TO FORM:



City Attorney

ATTACHMENT A

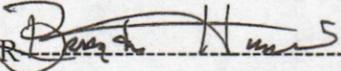
Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.

STATE OF KANSAS
JOHNSON COUNTY, SS

Brandon Humble, being first duly sworn, deposes and says: That he is the editor of **THE GARDNER NEWS** A weekly newspaper printed in the State of Kansas, and published in and of general circulation in Johnson County, Kansas and that said newspaper is a bi-weekly published at least weekly, 52 times a year; has been published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office in Gardner, Kansas in said county as second class matter.

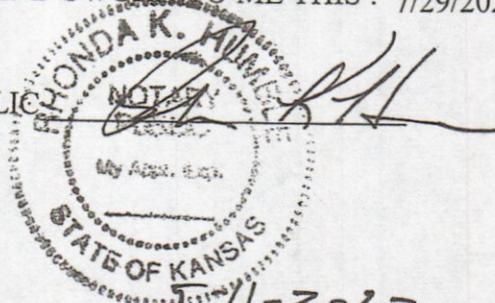
That the attached notice is a true copy there of and was published in the regular and entire issue of said newspaper for 1 consecutive weeks(s),

The first publication there of being made as aforesaid on July 28, 2021
Publications being made on the following :

EDITOR -----

SUBSCRIBED AND SWORN TO ME THIS : 7/29/2021 11:54 AM

NOTARY PUBLIC



MY COMMISSION EXPIRES 11-2022

COST-----

ADDITIONAL COPIES-----

IN THE DISTRICT COURT OF JOHNSON, COUNTY KANSAS-----

The within Proof Of Publication approved

-----JUDGE

Public Notice

First published in *The Gardner News* Wednesday, July 28, 2021

PUBLICATION SUMMARY OF ORDINANCE NO. 21-33, PASSED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS ON THE 20th DAY OF JULY 2021.

SUMMARY

On July 20, 2021, the Governing Body of the City of Olathe, Kansas passed

Ordinance No. 21-33 making amendments to the Title 10 of the of the Olathe Municipal Code pertaining to the Traffic Ordinance.

The complete text of this ordinance may be obtained or viewed free of charge at the office of the Olathe City Clerk, Olathe City Hall, 100 East Santa

Fe Street, Olathe, Kansas, or on the City's official website address <http://www.olatheks.org/government/city-clerk/public-notices>, where a reproduction of the original ordinance will be available for a minimum of one week following this summary publication.

This summary is certified this 21st day of July 2021.

/s/ Daniel Yoza

Daniel Yoza

Assistant City Attorney

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.