

Chapter 315

TRAFFIC RULES

ARTICLE I

Use of Roadway

Section 315.010. Regulation and Restrictions on Use of Controlled Access Highways and Facilities. [CC 1985 §13-712; Ord. No. 1241 §3, 10-2-2006]

- A. The local authorities may regulate or prohibit the use of any controlled access highway or facility within their respective jurisdictions by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic.
- B. The local authority adopting any such prohibition shall erect and maintain official traffic control devices on the controlled access highway or facility on which such prohibitions are applicable, and when in place, no person shall disobey the restrictions stated on such devices. Violation of this Subsection (B) is a misdemeanor.

Section 315.011. Truck Traffic Prohibited/Truck Route Designated. [Ord. No. 1023 §13-713, 2-17-1997; Ord. No. 1241 §3, 10-2-2006]

- A. *Definition.* For the purpose of this Section, the word "*truck*" shall mean any vehicle designated or operated for the transportation of property, and whose empty body weight exceeds sixteen thousand (16,000) pounds.
- B. *Application Of Regulation.* No trucks shall be operated over and along any of the streets hereinafter designated in this Section over which truck travel is prohibited, except, however, that this Section shall not prohibit:
 - 1. The operation of trucks upon any street where necessary to the conduct of business at a point of origin or at a destination point, provided streets upon which such traffic is permitted are used until reaching the intersection nearest the destination point or the point of origin;
 - 2. The operation of emergency vehicles upon any street in the City;
 - 3. The operation of trucks owned or operated by the City public utilities or public utilities franchised by the City, or any contractor or material person, while engaged in the repair, maintenance or construction of public utilities, or in the repair, maintenance, construction, or improvement of streets;
 - 4. The operation of trucks upon any established detour in any case where such truck could lawfully be operated upon the street for which such detour is established.
- C. *Truck Route Designated.* The designated truck route within the City limits of Mulvane shall

be K-15, K-53, and Rock Road.

- D. *Truck Travel Prohibited.* Truck travel is hereby prohibited within the City on the following streets, avenues, highways and public ways:
1. All streets, avenues, highways, and public ways except those streets designated as Highway K-15, K-53, and Rock Road.
- E. *Truck Traffic In The City.*
1. All trucks entering the City for a destination point in the City shall proceed only over streets on which truck travel is not prohibited and shall deviate only at the intersection with a street upon which such traffic is permitted nearest to the destination point. Upon leaving the destination point, a deviating truck shall return to a street on which truck travel is permitted by the shortest possible route.
 2. All trucks entering the City for multiple destination points shall proceed only over streets on which truck travel is not prohibited and shall deviate only at the intersection with a street upon which such traffic is permitted nearest to the first (1st) destination point. Upon leaving the first (1st) destination point, a deviating truck shall proceed to other destination points by the shortest possible route. Upon leaving the last destination point, a deviating truck shall return to a street on which truck travel is permitted by the shortest possible route.
 3. All trucks on a trip originating in the City and traveling in the City for a destination point outside the City shall proceed by the shortest direction over streets on which such traffic is permitted to the corporate limits of the City.
 4. All trucks on a trip originating in the City and traveling in the City for destination points in the City shall proceed only over streets upon which such traffic is permitted.
 5. All trucks/tractors involved in the business of agriculture may use alternate routes within the City if they are unable to navigate K-53 east of the City limits regarding the railroad overpass. All farm trucks/machinery entering or exiting the City from the south or on Central Street are allowed to continue north on Central to Main Street or K-53, where they then must utilize the established truck route to continue traveling through the City of Mulvane.
 6. Any truck/trailer entering the City of Mulvane from the west may, at their option, continue north on First Street from Main, east on Mulvane to Second Street, south on Second Street to Main Street, then east on Main or K-53 to avoid any congestion caused by vehicles parking on Main Street in the centerline configuration.
- F. *Signs.* The Street Superintendent shall determine the location of signs indicating where truck traffic is prohibited. The designated truck routes identified as K-15, K-53, and Rock Road shall be clearly signed to indicate that this is the official truck route.
- G. *Penalties.* Any person who shall violate the provisions of this Section shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars (\$100.00) plus court costs, or be imprisoned not exceeding three (3) months, or be both so fined and imprisoned.

Section 315.012. Operation of Golf Carts. [Ord. No. 1348 §1, 8-2-2010]

- A. *Definition.* For the purpose of this Title and other traffic ordinances, "*golf cart*" shall have the same meaning as set forth in the Standard Traffic Ordinance as incorporated by reference at Section 300.010 of the Code, as the same shall be amended or may then be in effect.
- B. *Application Of Regulation.* Golf carts may be operated upon the public highways, streets, roads and alleys within the corporate limits of the City; except:
1. No golf cart may be operated upon any public highway, street, road or alley with a posted speed limit in excess of thirty (30) miles per hour.
 2. No golf cart shall be operated on any public highway, street, road or alley between sunset and sunrise.
 3. No golf cart shall be operated on any interstate highway, Federal highway or State highway; provided however, that the provisions of this Subsection shall not prohibit a golf cart from crossing a Federal or State highway.
 4. No golf cart shall be operated on any sidewalk, pedestrian walkway or bike path; provided however, that the provisions of this Subsection shall not prohibit a golf cart from crossing a sidewalk, pedestrian walkway or bike path.
 5. No golf cart shall be operated, nor shall the owner thereof knowingly permit the operation of a golf cart, upon a public highway, street, road or alley within the corporate limits of the City, unless registered with the City and having attached thereto and displayed thereon the license assigned thereto by the City for the current registration year.
 6. Every person operating a golf cart on the public highways, streets, roads and alleys of the City shall be subject to all of the duties applicable to a driver of a vehicle imposed by law.
- C. *Driver's License Required — Penalty.* No person shall operate a golf cart on any public highway, street, road or alley within the corporate limits of the City unless such person has a valid driver's license. Violation of this Subsection is punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.
- D. *Child Passenger Limitation.*
1. No child under the age of four (4) years of age may be a passenger in a golf cart being operated under the provisions of this Section.
 2. No child between the ages of four (4) and eight (8) years and who weighs less than eighty (80) pounds or is less than four (4) feet nine (9) inches in height or who would otherwise be required to use a child passenger safety restraining system pursuant to K.S.A. Section 8-1344 or similar substitute law may be a passenger in a golf cart being operated under the provisions of this Section.
- E. *Seat Belt Requirement.* The operator and each passenger of any golf cart operated on any

public highway, street road or alley within the corporate limits of the City shall at all times be secured by a duly fastened lap belt reasonably designed to prevent falling or ejection from such vehicle under normal operating conditions. Violation of this Subsection shall constitute a traffic infraction of the operator of any such golf cart.

F. *Insurance Requirement.* Every owner of a golf cart shall provide liability coverage in accordance with the requirements of the Standard Traffic Ordinance (including Section 200 thereof) and amendments thereto, all as incorporated by reference at Section 300.010 of the Code and the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101, et seq., and amendments thereto. The penalty provisions of the Standard Traffic Ordinance for failure to maintain and produce evidence of such insurance on a vehicle shall be applicable to all violations of this Subsection.

G. *Golf Cart Registration, License And Fee.*

1. Before operating any golf cart upon a public highway, street, road or alley within the corporate limits of the City and for each registration year thereafter, the golf cart shall be registered with the City and a license shall be obtained and placed on the golf cart. The license fee shall be as set forth in Section 100.240 of the Code for each registration year (which registration year shall commence each July first (1st) and end on June thirtieth (30th)). The license fee shall be payable in advance to the City Clerk or other person as may from time to time be designated. The full amount of the license fee shall be required regardless of the time of year that the application is made and no pro-rations shall apply. An application for a new license for the next registration year may be made anytime after June first (1st) of the previous registration year.
2. Application for registration of a golf cart shall be made by the owner or owner's agent in the office of the City Clerk or other person designated by the City. The application shall be made upon forms provided by the City and each application shall contain the name of the owner, the owner's residence address or bona fide place of business, a brief description of the vehicle to be registered (including make, model and serial number, if available). Proof of insurance, as required in Subsection (F), shall be furnished at the time of application for registration.
3. Each applicant for a golf cart license shall present such golf cart for registration. If, upon presentation and completion of the registration application, such vehicle has provision for seat belts as required by Subsection (E) and after establishing proof of insurance and payment of the registration fees herein provided, a license shall be issued to the owner who shall attach it to the rear driver's side of the golf cart. The license shall be displayed and kept clean so as to be plainly visible and legible from the rear of the vehicle.
4. A license issued hereunder is not transferable. In the event of sale or other transfer of ownership of any vehicle license under the provisions of this Section, the existing license and the right to use the numbered license shall expire and the license shall be removed by the owner.
5. In the event a license is lost, stolen or destroyed, the City Clerk or other person

designated by the City, upon proper showing by the licensee of payment of fees, shall issue a new license in accordance with the provisions of this Subsection. The fee for a replacement or duplicate license shall be as set forth in Section 100.240 of the Code.

6. It shall be unlawful for any person:
 - a. To display, cause or permit to be displayed or to have in their possession, any golf cart registration receipt, license or decal knowing the same to be fictitious or to have been canceled, revoked, suspended or altered;
 - b. To carry or display any golf cart registration receipt, license or decal upon any golf cart when the same was not lawfully issued for such vehicle;
 - c. To lend or knowingly permit the use by one not entitled thereto of, any golf cart registration receipt, license or decal issued to the person so lending or permitting the use thereof;
 - d. To remove, conceal, alter, mark or deface a license number or decal or any other mark of license identification; or
 - e. Willfully or maliciously remove, destroy, mutilate or alter such license of another person during the time in which the same is in effect. A violation of this Subsection (7) shall constitute an unclassified misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

H. *Penalty.* Unless otherwise specifically provided herein, a violation of this Section 315.012 shall be deemed a Standard Traffic Ordinance traffic infraction. Upon an entry of a plea of guilty or no contest or upon being convicted of such violation, the penalty imposed shall be in accordance with Section 300.012 of the Code or such other similar provision as the City may then have in effect.

I. *Law Enforcement.* Subsections (E), (F) and (G) of this Section 315.012 shall not be applicable to Law Enforcement Officers and Public Safety Officials of the City while engaged or otherwise performing duly authorized duties in their official capacity.

ARTICLE II Miscellaneous Rules

Section 315.020. Vehicles Not to Be Driven Off Established Roads or Drives. [CC 1985 §13-1502; Ord. No. 560, 9-19-1977; Ord. No. 1241 §3, 10-2-2006]

It shall be unlawful for any person to drive or propel any automobile, motorcycle or other vehicle off any designated and clearly defined street, road or drive, any public park or any public grounds of the City other than upon the roads, streets, drives or boulevards as the same were provided for that purpose; provided however, vehicles and motorcycles may be parked in such places as are designated for that purpose by the Governing Body of the City of Mulvane and, further provided, this Section shall not apply to a vehicle driven by a person upon property owned, leased or controlled by him/her.

Section 315.021. Careless Driving. [CC 1985 §13-1503; Ord. No. 498B, 9-2-1975; Ord. No. 1241 §3,

10-2-2006]

- A. No person shall operate or halt any vehicle in such a manner as to indicate a careless or heedless disregard for the rights or the safety of others or in such a manner as to endanger or be likely to endanger any person or property. Any driver who does so shall be considered to be prima facie in violation of this Section; provided however, that this Section shall not apply to a vehicle driven by a person upon property owned by him/her.
- B. No driver, while driving, shall engage in any activity which interferes with the safe control of his/her vehicle.
- C. No person shall engage in any activity or commit any act which interferes with a driver's safe operation of a vehicle.

Section 315.022. Jake Brake Prohibited. [Ord. No. 1150, 9-3-2002; Ord. No. 1241 §3, 10-2-2006]

- A. *Definition.* The term "*Jacob Engine Brake*", commonly known as "*Jake Brake*" as used herein, means any device commonly known by that or any similar device used to slow a motor engine compression creating loud or excessive noises to be emitted through the vehicle's exhaust system.
- B. *Use Of Jacob Engine Brake Commonly Known As "Jake Brake" Prohibited.* It shall be unlawful for any person operating a motor vehicle within the City limits of the City to use a Jacob Engine Brake, commonly known as "*Jake Brake*", system installed in the motor vehicle.
- C. *Exception.* This provision shall not prevent the use of a Jacob's Engine Brake for the deceleration of any truck or truck-tractor upon failure of any other braking system such truck or truck-tractor may possess.

Section 315.023. Consumption of Alcoholic Liquor or Cereal Malt Beverages. [CC 1985 §13-1505; Ord. No. 1241 §3, 10-2-2006]

- A. No person shall consume any alcoholic liquor or cereal malt beverage while operating any vehicle upon any street or highway.
- B. Violation of this Section is punishable by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) or by imprisonment for six (6) months, or both.

Section 315.024. Child Passenger Safety, Restraining Systems — Program of Public Education. [CC 1985 §13-1531; Ord. No. 793, 7-7-1986; Ord. No. 1241 §3, 10-2-2006]

The Chief of Police shall develop a program of public education to promote the use of child passenger safety restraining systems. As part of this program, the Kansas Department of Transportation shall make available to Law Enforcement Officers for dissemination, information concerning child passenger safety.

Section 315.025. Sound Amplification Systems in Vehicles. [Ord. No. 1026 §10-913, 5-19-1997; Ord. No. 1174, 6-16-2003; Ord. No. 1241 §3, 10-2-2006]

- A. No person operating or occupying a motor vehicle on a street, highway, alley, parking lot

or driveway shall operate or permit the operation of any sound amplification system from within the vehicle so that the sound is plainly audible at a distance of fifty (50) or more feet from the vehicle.

B. *Definitions.* As used in this Section, the following words shall have the meanings set out herein:

PLAINLY AUDIBLE — Any sound produced by a sound amplification system from within the vehicle, which clearly can be heard at a distance of fifty (50) feet or more. Measurement standards shall be by the auditory senses based upon direct line of sight. Words or phrases need not be discernable and bass reverberations are included. The motor vehicle may be stopped, standing, parked or moving on a street, highway, alley, parking lot or driveway.

SOUND AMPLIFICATION SYSTEM — Any radio, tape player, compact disc player, loud speaker or other electronic device used for the amplification of sound.

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

1. The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition;
2. The vehicle was an emergency or public safety vehicle;
3. The vehicle was owned and operated by the City or a gas, electric, communications or refuse company;
4. The system was used for the purpose of giving instructions, directions, talks, addresses, lectures or transmitting music to any persons or assemblages of persons in compliance with this Code;
5. The vehicle was used in authorized public activities, such as parades, fireworks, sports events, musical productions and other activities which have the approval of the department of the City authorized to grant such approval.

Section 315026. Littering. [Ord. No. 1241 §5, 10-2-2006]

No person shall throw, place or drop litter or allow litter to be thrown, placed or dropped upon any public street, highway, alley, road, right-of-way, park or other public place or any lake, stream, watercourse or other body of water, except by direction of some public officer or employee authorized by law to direct or permit such acts; or upon any private property without the consent of the owner or occupant of such property. For the purposes of this Section, "*litter*" means rubbish, refuse, waste material, garbage, trash or debris of whatever kind or description and includes improperly discarded paper, metal, plastic or glass.