

## **Chapter 320**

### **STOPPING, STANDING AND PARKING REGULATIONS**

#### **ARTICLE I General Provisions**

**Section 320.010. Unauthorized Parking Prohibited.** [CC 1985 §13-1403A; Ord. No. 930, 10-11-1991; Ord. No. 1241 §3, 10-2-2006]

- A. It is unlawful, except when required to avoid conflict with other traffic or in obedience to traffic regulations or the directions of traffic control devices or a Police Officer for any person to abandon, park or leave unattended a vehicle on the property of another unless authorized by the owner or person in charge of such property to do so. Provided however, that this Subsection shall apply only when such property is clearly and visibly marked by a sign or signs having lettering of at least one and one-half (1½) inches high and one-half (½) inch wide, specifically indicating that unauthorized parking is prohibited and further clearly and visibly marked by a sign or signs with lettering of at least one (1) inch high and three-eighths (¾) inch wide indicating that unauthorized vehicles will be towed away at the owner's expense.
- B. Whenever a motor vehicle is parked, abandoned or left unattended on private property as hereinabove described, such vehicle is hereby declared to be a public nuisance and any Police Officer, may, upon request of the owner or person in charge of such property, remove or cause the same to be removed and disposed of as set forth in K.S.A. 8-1102(b) and acts amendatory thereof.
- C. Whenever a Police Officer removes or causes to be removed a vehicle parked, abandoned, or left unattended contrary to the provision of this Section, the removing shall be done by a wrecker service authorized by the City and removed, stored and sold in accordance with applicable City and State laws. Provided however, that no motor vehicle which has been parked, abandoned or left unattended in violation of this Section shall be removed until the owner or person in possession of the private property on which a vehicle is parked, abandoned or left unattended in violation of this Section shall sign a hold harmless agreement making the owner or person in possession of such property liable for any and all expenses and costs, including reasonable attorney's fees, and all costs in defending lawsuits incurred by the City because of any alleged or actual liability to any person imposed on the City and arising out of any such acts of towing, removing, storing or selling any such vehicle and indemnifying the City against such expenses and costs.
- C. The hold harmless agreement shall be in a form approved by the City Attorney and shall contain:
  - 1. Description of the vehicle;

2. Date of unauthorized parking or abandonment;
  3. Address of the place of parking or abandonment;
  4. Name of the owner or person in lawful possession of the property on which the vehicle was abandoned;
  5. The name of the principal for whom agent is acting (if applicable);
  6. An acknowledgment that the signing party assumes all liabilities which may accrue by the removal of said vehicle;
  7. An acknowledgment by the signing party that he/she or the principal for whom he/she acts assumes primary liability for any action arising from the removal of said vehicle;
  8. An acknowledgment that the said signing party or the principal for whom he/she acts expressly promises and agrees to indemnify and reimburse the City for all expenses, costs, reasonable attorney's fees and costs of defending lawsuits incurred by the City because of any alleged or actual liability arising from said removal.
- D. Upon any motor vehicle being removed and impounded as provided herein, such motor vehicle shall be surrendered to the duly identified owner upon payment of applicable charges, fees and costs.
- E. In any proceeding for the violation of this Section, the registration plate displayed upon the motor vehicle in violation shall constitute in evidence a prima facie presumption that the owner of such motor vehicle was the person who parked or placed such motor vehicle at the place where the violation occurred.

**Section 320.011. Truck Parking in Residential Areas.** [CC 1985 §13-1418; Ord. No. 677, 11-2-1981; Ord. No. 1241 §3, 10-2-2006]

- A. No person or operator of a truck with a manufacturer's rated capacity of over one (1) ton or a bus, truck, trailer or semi-trailer shall park the said vehicle on any highway or street in any residential district in the City of Mulvane, Kansas, longer than a two (2) hour period except when parking longer than two (2) hours is necessary for the prompt and continuous loading or unloading of merchandise; provided, that the vehicle shall be promptly moved upon the completion of the loading or unloading of said merchandise which shall not exceed a period of two (2) hours.
- B. The Governing Body of the City of Mulvane, Kansas, shall place and maintain such traffic control devices upon the streets under their jurisdiction as they deem necessary to indicate and to carry out the provisions of this Section.
- C. Every person convicted of a violation of any of the provisions of this Section shall, for the first (1st) conviction thereof, be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment of not more than ten (10) days, or both. For a subsequent conviction within one (1) year thereafter, they shall be punished by a fine of not more than two hundred dollars (\$200.00) or by imprisonment of not more than twenty (20) days, or both. Upon a third (3rd) or subsequent conviction within a one (1) year period after the first (1st) conviction, said person shall be punished by a fine of not more than five hundred

dollars (\$500.00) or by imprisonment of not more than six (6) months, or both.

**Section 320.012. Parking on City Streets in Excess of Forty-Eight Hours Prohibited.** [Ord. No. 993 §13-1423, 8-21-1995; Ord. No. 1241 §3, 10-2-2006]

- A. *Recreational Vehicles.* No owner of a recreational vehicle shall park, or allow to be parked, the said vehicle on any highway or street within the corporate City limits of the City of Mulvane, Kansas, longer than a forty-eight (48) hour period.
- B. *Unoccupied Vehicle.* It shall be unlawful for any unoccupied vehicle to be left continuously upon any street of the City for forty-eight (48) hours or more.

**Section 320.013. Parking of Trash Dumpsters and Storage Units.** [Ord. No. 1439 §2, 9-3-2014]

- A. Except as may be authorized in writing by the Chief of Police following an official declaration of a state of emergency or other disaster by any State or local governmental unit following storm or other natural disaster, no person shall park or store, or otherwise authorize or contract for the parking or storage of:
  - 1. Any portable, roll away, roll-off, or other commercial dumpster, or other form of temporary or transitory disposal unit whether or not for the purpose of collecting, storing, or transferring trash, construction debris, storm damage or other debris; or
  - 2. Any unattended portable on-demand storage unit or other moving or temporary storage device in the roadway of any public street or other highway, or between the property line or sidewalk and the curbline of any street.
- B. Any person found guilty of the violation of any of the terms or provisions of this Section may be fined in accordance with the traffic violation schedule adopted and in effect for the City of Mulvane, Kansas, for the similar violation for the unlawful parking of disabled and other vehicles, including trailers.

**ARTICLE II**  
**Impounding Procedures**

**Section 320.020. Impounding Procedures.** [CC 1985 §13-1419; Ord. No. 951, 11-2-1992; Ord. No. 1241 §3, 10-2-2006]

- A. Vehicles which are authorized to be impounded pursuant to law and/or regulation may be impounded without notice to the owner or lawful custodian of such vehicle only in the following instances:
  - 1. Whenever any vehicle is left unattended upon any highway, bridge or causeway or in any tunnel in such a position or under such circumstances as to obstruct the normal movement of traffic;
  - 2. When a stolen vehicle has been recovered and the owner/agent cannot be contacted at that time;
  - 3. Where the driver of a vehicle is arrested, except the vehicle may be released to the custody of another person present upon the authority of the arrestee/driver;

4. Accident cases where the driver is injured and is unable to designate to Police a disposition of the vehicle;
5. When a vehicle is parked on a snow emergency route or is otherwise in violation of provisions of this Code relating to "Snow Emergency".

B. *Notification Of Owner, Etc.*

1. Vehicles which are subject to being impounded under any other provision may not be towed until the owner or person entitled to lawful custody has been notified and given an opportunity to remove said vehicle within a reasonable time; provided however, that where the owner or person entitled to custody cannot be located after a bona fide effort has been made to do so then such vehicle may be towed.
2. For purposes of this Article, a bona fide effort includes, but is not limited to, a vehicle identification number search through S.P.I.D.E.R. (Special Police Information Data Entry and Retrieval), dispatcher, a registration search through S.P.I.D.E.R., and a phone directory and cross reference directory search.
3. The Chief of Police is authorized to adopt regulations approved by the City Attorney and consistent with this Article, and State laws to efficiently implement the provisions of this Article.