

Chapter 335

SNOW EMERGENCY ROUTES

Section 335.010. Title. [CC 1985 §12-601; Ord. No. 1241 §3, 10-2-2006]

This Chapter shall be known and may be cited as the "snow emergency ordinance" of the City of Mulvane, Kansas.

Section 335.011. Definitions. [CC 1985 §12-602; Ord. No. 1241 §3, 10-2-2006]

The following definitions shall apply in the interpretation and enforcement of this Chapter.

CITY ADMINISTRATOR —% The City Administrator of the City of Mulvane, or, in his/her absence, his/her duly designated and acting representative.

ROADWAY —% That portion of a street or highway improved designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

SNOW EMERGENCY ROUTES —% Those streets marked as such in accordance with the provisions of this Chapter.

SNOW TIRES —% Tires mounted on drive wheels of motor vehicles which are especially designed to give effective traction on snow, mud, or ice covered streets by means of extra heavy duty treads with special high-traction patterns, except that no tire so defined shall be construed to be a snow tire if it is damaged or worn to the extent that its performance would be substantially impaired.

STREET, HIGHWAY, BOULEVARD or AVENUE —% The entire width between property lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic.

TIRE CHAINS —% Metal chains mounted on drive wheel tires of motor vehicles which cross the tread of each such tire laterally in at least three (3) different places.

VEHICLE —% Every device in, upon or by which any person or property may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Section 335.012. Prohibition of Parking. [CC 1985 §12-603; Ord. No. 1241 §3, 10-2-2006]

- A. Whenever the City Administrator finds, on the basis of falling snow, sleet, or freezing rain, or on the basis of a forecast (by the U.S. Weather Bureau or other weather service) of snow, sleet or freezing rain, that weather conditions will make it necessary that motor vehicle traffic be expedited and that parking on City streets be prohibited or restricted for snow plowing and other purposes, the City

Administrator shall put into effect a parking prohibition on parts of or all snow emergency routes as necessary by declaring it in a manner prescribed in this Chapter.

- B. When in effect, a prohibition under this Section shall remain in effect until terminated by announcement of the City Administrator in accordance with this Chapter, except that any street area which has become substantially clear of snow and ice from curb to curb for the length of the entire block shall be automatically excluded therefrom. While the prohibition is in effect, no person shall park or allow to remain parked any vehicle on any portion of a snow emergency route to which it applies; however, nothing in this Section shall be construed to permit parking at any time or place where it is forbidden by any other provision of law.

Section 335.013. Stalled Vehicles — Prohibited. [CC 1985 §12-604; Ord. No. 1241 §3, 10-2-2006]

- A. No person operating a motor vehicle on a snow emergency route on which there is a covering of snow, sleet, or ice shall allow such vehicle to become stalled wholly or partly because the drive wheels thereof are not equipped with effective tire chains or snow tires.
- B. No person operating a motor vehicle on a part of a snow emergency route on which there is a covering of snow, sleet, or ice or on which there is a parking prohibition in effect shall allow such vehicle to become stalled because the motor fuel supply is exhausted or the battery has become inoperative.

Section 335.014. Stalled Vehicles — Removal From Route. [CC 1985 §12-605; Ord. No. 1241 §3, 10-2-2006]

Whenever a vehicle becomes stalled for any reason, whether or not in violation of this Chapter, on any part of a snow emergency route on which there is a covering of snow, sleet, or ice on which there is a parking prohibition in effect, the person operating such vehicle shall take immediate action to have the vehicle towed or pushed off the roadway of such snow emergency route onto the first (1st) cross street which is not a snow emergency route. No person shall abandon or leave his/her vehicle in the roadway of a snow emergency route (regardless of whether he/she indicates, by raising the hood or otherwise, that the vehicle is stalled), except for the purpose of securing assistance during the actual time necessary to go to a nearby garage, gasoline station, or other place of assistance and return without delay.

Section 335.015. Announcement. [CC 1985 §12-606; Ord. No. 1241 §3, 10-2-2006]

The City Administrator shall cause each declaration made by him/her pursuant to this Chapter to be publicly announced by means of broadcast or telecasts from stations with a normal operating range covering the City, and he/she may cause such declaration to be further announced in newspapers of general circulation when feasible. Each announcement shall include a declaration of the traffic emergency due to the hazardous conditions of the streets, the prohibition against parking or stalling of vehicles on snow emergency routes, the duty of the vehicle operator to remove stalled vehicles, and the

right of the City to remove or impound vehicles parked or stalled in violation of this Chapter. Each announcement shall describe the action taken by the City Administrator including the time it became or will become effective. A parking prohibition regulation declared by the City Administrator shall not go into effect until at least two (2) hours after it has been declared.

Section 335.016. Termination of Parking Prohibition. [CC 1985 §12-607; Ord. No. 1241 §3, 10-2-2006]

Whenever the City Administrator finds that some or all of the conditions which give rise to a parking prohibition in effect pursuant to this Chapter no longer exist, he/she may declare the prohibition terminated, in whole or in part, in a manner prescribed by this Chapter, effective immediately upon announcement.

Section 335.017. Precedence of Chapter. [CC 1985 §12-608; Ord. No. 1241 §3, 10-2-2006]

Any provision of this Chapter which becomes effective by declaration of the City Administrator shall while temporarily in effect, take precedence over other conflicting provisions of law normally in effect, except that it shall not take precedence over provisions of law relating to traffic accidents, emergency travel of authorized emergency vehicles, or emergency traffic directions by a Police Officer.

Section 335.018. Signs. [CC 1985 §12-609; Ord. No. 1241 §3, 10-2-2006]

On each street designated by this Chapter as a snow emergency route, the City Administrator shall post special signs at intervals not exceeding one thousand (1,000) feet with the wording: "Snow Emergency Route". These signs shall be distinctive and uniform in appearance and shall be plainly readable to persons traveling on the street or highway.

Section 335.019. Impoundment of Vehicles. [CC 1985 §12-610; Ord. No. 1241 §3, 10-2-2006]

- A. Members of the Police Department are authorized to remove or have removed a vehicle from a street to the nearest garage or other place of safety (including another place on a street), or to a garage designated or maintained by the Police Department, or otherwise maintained by this City, when:
1. The vehicle is parked on a part of a snow emergency route on which a parking prohibition is in effect;
 2. The vehicle is stalled on a part of a snow emergency route on which there is a covering of snow, sleet, or ice or on which there is a parking prohibition in effect and the person who was operating such vehicle does not appear to be removing it in accordance with the provisions of this Chapter;
 3. The vehicle is parked in violation of any parking ordinance or provision of law and is interfering or about to interfere with snow removal operations.

- B. Upon any vehicle being removed and impounded as provided herein, such vehicle shall be surrendered to the duly identified owner upon due compliance with Police Department regulations.
- C. In any proceeding for the violation of the provisions of this Chapter, the registration plate displayed upon the vehicle in violation shall constitute in evidence a prima facie presumption that the owner of such vehicle was the person who parked or placed such vehicle at the place where the violation occurred.

Section 335.020. Violation — Summons. [CC 1985 §12-611; Ord. No. 1241 §3, 10-2-2006]

Whenever any motor vehicle without a driver is found parked or left in violation of any provision of this Chapter, and is not removed and impounded as provided for in this Chapter, a summons issued in accordance with this Title shall be attached to such motor vehicle instructing the owner or operator to answer the charges of said violation before the Municipal Court of the City.

Section 335.021. Violation — Misdemeanor. [CC 1985 §12-612; Ord. No. 1241 §3, 10-2-2006]

Violation of any provision of this Chapter is a misdemeanor.

Section 335.022. Snow Emergency Routes Designated. [CC 1985 §12-613; Amended Ord. No. 773, 12-16-1985; Ord. No. 1163, 11-18-2002; Ord. No. 1241 §3, 10-2-2006]

- A. The following streets or portions of streets within the City are designated as snow emergency routes:
 - 1. Bridge Street west City limits to Santa Fe railroad tracks.
 - 2. Bridge Street at Santa Fe railroad tracks east to First Street.
 - 3. First Street from Bridge to Main Street.
 - 4. Main Street from First Street east to City limits.
 - 5. Second Street from Main north to K-15.
 - 6. Rock Road from K-15 north to City limits.
 - 7. K-15 from west City limits southeast to east City limits.
 - 8. Rockwood from Louis Drive to Rock Road.