

(First Published in the Lincoln Sentinel-Republican, August 24, 2017)

ORDINANCE NO. 718

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF LINCOLN CENTER, KANSAS; INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, EDITION OF 2017," WITH ADDITIONS PERTAINING TO CARELESS DRIVING (ARTICLE 1, SECTION 14-103); UNAUTHORIZED OPERATION OF CERTAIN MOTOR VEHICLES (SECTION 4 OF THIS ORDINANCE); AND PROHIBITION OF ENGINE BRAKES (ARTICLE 2, SECTION 14-205, SECTION 6 OF THIS ORDINANCE); PROVIDING CERTAIN PENALTIES AND REPEALING ARTICLE 1, SECTION 14-101 AND 14-102 OF THE CODE OF THE CITY OF LINCOLN CENTER AND SUBSTITUTING THEREFORE AS ARTICLE 1, NEW SECTIONS 14-101 AND 14-102.

Be it Ordained by the Governing Body of the City of Lincoln Center, Kansas:

Section 1. (Article 1, Section 14-101). **INCORPORATING STANDARD TRAFFIC ORDINANCE.** There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Lincoln Center, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities, Edition of 2017," prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, with the addition of Section 3, 4, 5, 6 and 7 of this ordinance. No fewer than three copies of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. 718" and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.

Section 2. (Article 1, Section 14-102). **TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES.** (a) An ordinance traffic infraction is a violation of any section of this ordinance 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. 8-2118 as amended.

(b) All traffic violations which are included within this ordinance, and which are not ordinance traffic infractions, as defined in subsection (a) of this section, shall be considered traffic offenses.

Section 3. (Article 1, Section 14-103). CARELESS DRIVING. (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 to be likely to endanger, any person or property.

(b) Any person violating the provisions of this Section shall for the first conviction thereof be punished by a fine of not more than One hundred dollars (\$100.00) or by imprisonment for not more than ten (10) days; for a second such conviction within one (1) year thereafter such person shall be punished by a fine of not more than Two hundred dollars (\$200.00) or by imprisonment for not more than twenty (20) days or by both such fine and imprisonment; and upon a third or subsequent conviction within one (1) year after the first conviction such person shall be punished by a fine of not more than Five hundred dollars (\$500.00) or by imprisonment for not more than six (6) months or by both such fine and imprisonment.

Section 4. UNLAWFUL OPERATION OF CERTAIN MOTORIZED VEHICLES. With the exception of participation in a parade or other lawful community activity the following motorized vehicles are expressly prohibited from being operated on the streets and alleys within the corporate limits of the City of Lincoln Center: (1) motorized scooters (electric or gas powered); (2) motorized skateboards; (3) go-carts; and (4) all-terrain vehicles commonly referred to as 4-wheelers or 3-wheelers except for snow removal, emergency circumstances or as permitted in subsection (b) of Section 114.1 of the Standard Traffic Ordinance for Kansas Cities, Edition of 2017.

Section 5. EXCEPTION. This prohibition shall not apply to “electric personal assistive mobility devices” or “motorized bicycles,” provided, the operation of “motorized bicycles” requires that the operator have a valid driver’s license.

Section 6. (Article 2, Section 14-205). ENGINE BRAKES PROHIBITED. It shall be unlawful for the driver of any vehicle to use or operate or cause to be operated within the City any mechanical exhaust devise designed to aid in the stopping or braking of a vehicle, in a manner so as to create excessive, loud, or unusual explosive noise from the vehicle. This prohibition shall include, but shall not be limited to the procedure commonly known as 'jake braking' and 'compression braking'. Upon conviction for violation of this provision, punishment shall be a fine of not less than \$25.00 nor more than \$100.00 plus court costs.

Section 7. (Article 1, Section 14-104). PENALTY FOR SCHEDULED FINES. The fine for the violation of an ordinance traffic infraction or any other traffic offense for which the municipal judge establishes a fine in a fine schedule shall not be less than Twenty dollars

(\$20.00) nor more than Five hundred dollars (\$500.00). A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the court not to exceed \$500.

Section 8. REPEAL. Former Code of the City of Lincoln Center, Article 1, Sections 14-101 and 14-102 are repealed.

Section 9. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

Passed and approved by the governing body of the City of Lincoln Center, Kansas, on this 14th day of August, 2017.

/s/ Travis Schwerdtfager
Mayor

ATTEST: (seal)

/s/ Heather N. Simms
City Clerk