

CHAPTER XIV: TRAFFIC

Article

- 1. STANDARD TRAFFIC ORDINANCE**
- 2. LOCAL TRAFFIC REGULATIONS**
- 3. HAZARDOUS MATERIALS**
- 4. UNCONVENTIONAL VEHICLES**
- 5. TRUCK REGULATIONS**

ARTICLE 1: STANDARD TRAFFIC ORDINANCE

Section

- 14-101 Incorporating Standard Traffic Ordinance
- 14-102 Amendments; Standard Traffic Ordinance
- 14-103 Same; traffic infractions and traffic offenses
- 14-104 Penalty for scheduled fines

' 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 Burlington, Kansas, that certain code known as the "Standard Traffic Ordinance for Kansas Cities", _____ Edition, prepared and published in book form by the League of Kansas Municipalities, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed, such incorporation being authorized by K.S.A. 12-3009 through 12-3012, inclusive, as amended. No fewer than three copies of said "Standard Traffic Ordinance" shall be marked or stamped "Official Copy as Adopted by Ord. _____", with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this article, 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.

(Ord. 844, adopted 8-3-2016)

' 14-102 AMENDMENTS; STANDARD TRAFFIC ORDINANCE.

(a) Article 14 of said "Standard Traffic Ordinance for Kansas Cities" is hereby supplemented by the following sections.

114.1c114.5 Unlawful Operation of All-Terrain Vehicle, Unlawful Operation of a Micro Utility Truck, Unlawful Operation of Low-Speed Vehicle, Unlawful Operation of a Golf Cart, and Unlawful Operation of a Work Site Utility Vehicle are not adopted and are replaced by Burlington City Ord. 802. See Chapter XIV, Article 5 of this code of ordinances.

(b) Article 17 of said "Standard Traffic Ordinance for Kansas Cities" is hereby supplemented by

adding the following sections.

175.1 Compression Release Engine Braking System.

(a) It shall be unlawful for the driver of any motor vehicle to use or cause to be used or operated any compression release engine braking system without such motor vehicle being equipped with a muffler in accordance with ' 175. (2004 Session Laws of Kansas, Chapter 114)

(b) It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within the city any mechanical exhaust device designed to aid in the braking or deceleration of any vehicle which results in the excessive, loud, unusual or explosive noise from such vehicle. Violation of this article shall be an infraction, punishable, upon conviction of a fine not to exceed \$250. (Ord. 844, adopted 8-3-2016)

' 14-103 SAME; TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES.

(a) An ordinance traffic infraction is a violation of any section of this article 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.

(b) All traffic violations which are included within this article, and which are not ordinance traffic infractions, as defined in division (a) above, shall be considered traffic offenses. (Ord. 844, adopted 8-3-2016)

' 14-104 PENALTY FOR SCHEDULED FINES.

(a) Pursuant to Charter Ordinance 2-A, Code of the City of Burlington, Kansas, the governing body of the city is empowered and authorized to establish court costs and a fine schedule in the administration of justice for the city.

(b) The court costs assessable by the Municipal Court for the city shall be and hereby are amended as follows:

Costs assessable for the administration of justice in the Municipal Court, shall be equal to the court costs charged by the Coffey County District Court, as provided by statute, as amended from time to time which may include witness fees and mileage as set forth in K.S.A. 12-4411; assessment required by K.S.A. 20-1a11 and K.S.A. 12-4117 for judicial education; costs established pursuant to K.S.A. 74-5619 and K.S.A. 12-4117, as amended, providing funds for the law enforcement training center and juvenile detention facilities.

(c) The fine schedule adopted by the city shall be equal to and in the same amount of like fines charged in the Coffey County District Court, and as provided by statute, and as amended from time to time, and as set forth in the fine schedule for traffic infractions pursuant to K.S.A. 8-2118, as amended.

(d) The fine for 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 \$10 nor more than \$2,500, except for speeding which shall not be less than \$15 nor more than \$1,000. 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 \$2,500.
(Ord. 685, adopted 8-1-2001; Ord. 844, adopted 8-3-2016)

ARTICLE 2: LOCAL TRAFFIC REGULATIONS

Section

- 14-201 Traffic-control devices and markings
- 14-202 Impoundment of vehicles
- 14-203 Careless driving
- 14-204 U-turns
- 14-205 Compression release engine braking system
- 14-206 Truck routes
- 14-207 Truck parking
- 14-208 Semi-trailer parking
- 14-209 Driving on newly constructed public improvements
- 14-210 Major trafficways

' 14-201 TRAFFIC-CONTROL DEVICES AND MARKINGS.

(a) The Standard Traffic Ordinance, as adopted, is hereby modified by adding thereto the following.

(b) The governing body may, by resolution, establish and fix the location of such traffic-control devices as may be deemed necessary to guide and warn traffic under the provisions of this chapter, other traffic ordinances and the state laws. The city shall place and maintain such traffic-control signs, signals and devices when and as may be required by the authority of the governing body to make effective the provisions of this chapter and other ordinances for the regulation of traffic. Any official traffic-control device placed pursuant to this section shall be marked and labeled on a map of the city for the purpose of displaying all such traffic-control devices and shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable hours of business.

' 14-202 IMPOUNDMENT OF VEHICLES.

Burlington - Traffic

(a) It shall be the duty of any police officer of the city to remove or cause to be removed any vehicle from the streets and alleys when the vehicle is blocking a public or private driveway, street or alley, disabled, blocking traffic, illegally parked in a posted parking or no parking zone, blocking a sidewalk or access to a fire hydrant.

(b) Any removal charges incurred for removal of any vehicle shall be assessed to the registered owner of such vehicle. The Chief of Police is authorized to impound the vehicle until all removal charges are paid.

' 14-203 CARELESS DRIVING.

No person shall drive, operate or halt any vehicle upon a street or highway in the city 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.

' 14-204 U-TURNS.

It shall be unlawful for the driver of any vehicle to turn such vehicle across the centerline of any two-way through street within the city for the purpose of parking on the street or proceeding in the opposite direction on the street or roadway, except at intersections where U-turns are not prohibited.

' 14-205 COMPRESSION RELEASE ENGINE BRAKING SYSTEM.

(a) It shall be unlawful for the driver of any motor vehicle to use or cause to be used or operated any compression release engine braking system without such motor vehicle being equipped with a muffler in accordance with K.S.A. 8-1739, and amendments thereto.

(b) It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within the city any mechanical exhaust device designed to aid in the braking or deceleration of any vehicle which results in the excessive, loud, unusual or explosive noise from such vehicle. Violation of this section shall be an infraction, punishable, upon conviction of a fine not to exceed \$250. (Ord. 837, adopted 8-19-2015)

' 14-206 TRUCK ROUTES.

The governing body may by resolution establish truck routes through the city for the use of all trucks, tractors, trailers and semi-trailers of the capacity of one or more tons. When any such route shall have been established, the same shall be properly signed to indicate the same and all such vehicles shall follow the marked truck routes; provided, that any such vehicle used for the purpose of making deliveries to or from any point in the city shall follow the marked routes to a point nearest its destination and return to the truck routes by the shortest practical route.

‘ **14-207 TRUCK PARKING.**

It shall be unlawful to park any semi-trailer, truck tractor or truck which is over 22 feet in length or which has a licensed weight in excess of 2,400 pounds on any street in a residential district which is not marked as a federal or state highway except delivery vehicles in the process of loading or unloading. (Ord. 522, adopted 5-6-1992)

‘ **14-208 SEMI-TRAILER PARKING.**

It shall be unlawful to stop, stand or park any semi-trailer without a truck tractor along any street or alley in the city. (Ord. 522, adopted 5-6-1992)

‘ **14-209 DRIVING ON NEWLY CONSTRUCTED PUBLIC IMPROVEMENTS.**

It shall be unlawful for any person to walk upon, drive or ride over or across any pavement, sidewalk or similar public improvement in the city, during the course of construction, before the same has been opened for public travel or use.

‘ **14-210 MAJOR TRAFFICWAYS.**

(a) The following described streets located in the city are hereby designated and established as main trafficways pursuant to and under the provisions of K.S.A. 12-685:

- (1) Neosho Street from 1st Street to 16th Street;
- (2) Alleghany Street from 3rd Street to 16th Street;
- (3) Kennebec Street from 1st Street to 16th Street;
- (4) Cross Street from 2nd Street to Cleveland Street; and
- (5) 6th Street from Cross Street to Housatonic Street.

(b) It is hereby deemed and declared that the above-described streets of the city have as a primary function, the movement of through traffic between areas of concentrated activity within the city or between such areas within the city and traffic facilities outside the city performing the function of a major trafficway.

ARTICLE 3: HAZARDOUS MATERIALS

Section

- 14-301 Hazardous material defined
- 14-302 Same; exceptions
- 14-303 Transportation of hazardous materials
- 14-304 Hazardous materials routes
- 14-305 Parking of vehicles or trailers carrying hazardous materials
- 14-306 Removal of illegally parked trailers

' 14-301 HAZARDOUS MATERIAL DEFINED.

As used in this article, the term *HAZARDOUS MATERIAL* shall mean any material or combination of materials that, because of its quantity, concentration or physical, chemical, biological or infectious characteristics, poses a substantial present or potential hazard to human health or safety or the environment if released into the workplace or environment or when improperly treated, stored, transported or disposed of or otherwise managed.

' 14-302 SAME; EXCEPTIONS.

The provisions of this article shall not apply to any container that shall have a capacity of 150 gallons or less that shall be used for the purpose of supplying fuel for the vehicle on which it is mounted. These provisions shall also not apply to vehicles, trailers, containers or tanks containing anhydrous ammonia or other material primarily used by farmers for fertilizer purposes when such vehicles, trailers, containers or tanks are parked or housed upon property designated for the placement of such vehicle, trailer, container or tank by any farmers cooperative, elevator company or farm supply store located within the city limits.

' 14-303 TRANSPORTATION OF HAZARDOUS MATERIALS.

Except as provided in ' 14-304 it shall be unlawful for any person, firm, corporation or other entity to transport any hazardous material upon any street, avenue, highway, road, alley or any other public right-of-way in the city.

' 14-304 HAZARDOUS MATERIALS ROUTES.

The provisions of ' 14-303 shall apply to all streets, avenues, highways, roadways, alleys or other

public rights-of-way within the city except those specified within this section where transportation of hazardous materials shall be allowed. Transportation of hazardous materials shall be allowed upon the following streets, avenues, highways or roadways:

- (a) 4th Street (Highway 75);
- (b) Neosho Street;
- (c) Kennebec Street; and
- (d) 16th Street.

' 14-305 PARKING OF VEHICLES OR TRAILERS CARRYING HAZARDOUS MATERIALS.

(a) Except as provided in divisions (b) and (c) below, it shall be unlawful for any person, firm, corporation or other entity to park any vehicle, trailer or semi-trailer carrying any hazardous material within any city zoning districts as defined in Chapter XVI of this code.

(b) Division (a) above shall not apply to vehicles, trailers or semi-trailers parked for continuous periods of time not to exceed one hour where such vehicles, trailers or semi-trailers are parked along those routes specified in ' 14-304 of this code.

(c) Division (a) above shall not apply to any vehicle, trailer or semi-trailer carrying any hazardous material where such vehicle, trailer or semi-trailer is not parked within 500 feet of any structure used for human habitation.

' 14-306 REMOVAL OF ILLEGALLY PARKED TRAILERS.

If any vehicle, trailer or a semi-trailer is found parked in violation of the provisions of this article, the Fire Chief or Assistant Fire Chief or any law enforcement officer may require the owner, operator or lessee of the trailer to move it within two hours. If such removal is not accomplished on the order of any such officer, it may be accomplished by any such officer, by any reasonable means, if the continued presence of the trailer or semi-trailer at its parked location constitutes, adds to or prevents correction of a situation threatening imminent injury or damage to persons or property.

ARTICLE 4: UNCONVENTIONAL VEHICLES

Section

- 14-401 Generally
- 14-402 Operation of work-site utility vehicles (WSUV); penalty
- 14-403 Operation of micro-utility truck (MUT); penalty
- 14-404 Operation of all-terrain vehicle (ATV); penalty
- 14-405 Operation of a low speed vehicle/golf cart (LSV); penalty
- 14-406 Age restriction; seatbelts, child safety seats
- 14-407 Owner operator requirements and responsibilities
- 14-408 Roadways laned for traffic
- 14-409 Lawn mowers
- 14-410 Dealership requirements/responsibilities
- 14-411 Penalties
- 14-412 Unconventional vehicle permit application

' 14-401 GENERALLY.

Unlawful Operation of All-Terrain Vehicle, Unlawful Operation of a Micro Utility Truck, Unlawful Operation of Low-Speed Vehicle, Unlawful Operation of a Golf Cart, and Unlawful Operation of a Work Site Utility Vehicle, ' ' 114.1 through 114.5 of the Standard Traffic Ordinance are not adopted and are replaced by this article.

(Ord. 802, adopted 9-7-2011; Ord. 837, adopted 8-19-2015)

' 14-402 OPERATION OF WORK-SITE UTILITY VEHICLES (WSUV); PENALTY.

(a) Work-site utility vehicles may be operated upon the public streets, roads and alleys within the corporate limits of the city.

(b) **WORK-SITE UTILITY VEHICLE** means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 135 inches, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more low pressure tires, a steering wheel and bench or bucket type seating allowing at least two people to sit side-by-side, and may be equipped with a bed or cargo box for hauling materials.

(c) No work-site utility vehicle shall be operated on any streets, roads or alleys between sunset and sunrise unless equipped with head lights and tail lights.

(d) Every person operating a work-site utility vehicle on the public 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.

(e) A violation of this section shall be deemed a 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 Article 20, ' 201, Standard Traffic Ordinance, and amendments thereto, or such other similar provisions as the city may then have in effect.

(Ord. 802, adopted 9-7-2011)

' 14-403 OPERATION OF MICRO-UTILITY TRUCK (MUT); PENALTY.

(a) Micro utility trucks may be operated upon the streets, roads and alleys within the corporate limits of the city.

(b) **MICRO UTILITY TRUCK** means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 144 inches, has an unloaded weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 mph as originally manufactured, and is manufactured with a metal cab.

(c) No micro utility truck shall be operated on any streets, roads or alleys between sunset and sunrise unless equipped with head lights and tail lights.

(d) Every person operating a micro utility truck on the 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.

(e) A violation of this section shall be deemed a 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 ' 201, Standard Traffic Ordinance, and amendments thereto, or such other similar provisions as the city may then have in effect.

(Ord. 802, adopted 9-7-2011)

' 14-404 OPERATION OF ALL-TERRAIN VEHICLE (ATV); PENALTY.

(a) *Off-road vehicles (all-terrain vehicles).*

(1) Definition: **ALL-TERRAIN VEHICLES**, also known as ATVs are defined as any motorized non-highway vehicle 45 inches or less in width, having a dry weight of 650 pounds or less, traveling on three or more low pressure tires and have a seat designed to be straddled by the operator. As used in this section, **LOW PRESSURE TIRES** mean any pneumatic tire six inches or more in width, designed for use on wheels with rim diameter of 12 inches or less and utilizing an operating pressure of ten pounds per square inch or less as recommended by the manufacture.

(2) No all-terrain vehicles (ATV) may be operated within the city limits, to include any streets, highway, alley, right-of-way or public property.

(3) Exceptions to the provision of division (a)(2) above are as follows.

(A) A person may operate such a vehicle on real property owned by the person or upon private property with the written permission of the owner of said real property.

(B) A utility company authorized employee may operate an all-terrain vehicle during the course of his or her employment with a utility company, subject to limitation of operation between the hours of sunrise and sunset.

(C) During the course of employment or for hire jobs such as snow removal, weed spraying or blading gravel, subject to limitation of operation between the hours of sunrise and sunset unless equipped with head lights and tail lights.

(4) Exemptions for the operation of all-terrain vehicles may be granted, on a case by case basis, for such reasons as traffic control for parades or other functions in the public interest, by the Chief of Police or governing body, said exemptions shall be limited to begin no more than one hour prior to the start of the function and shall expire not more than one hour after the conclusion of the function. Request for exemption shall be made in writing, setting forth the times, dates, locations and numbers of vehicles and persons involved, shall include proof of insurance and shall be signed by the individual who shall assume full responsibility for operation of any all-terrain vehicles.

(5) No person riding upon an all-terrain vehicle shall attach himself, herself or the all-terrain vehicle to any other vehicle on a roadway.

(6) Any all-terrain vehicle carrying a passenger shall be equipped with a seat and footrests for such passenger.

(b) *Operation of all-terrain vehicles; equipment required for operators and riders.*

(1) No person under the age of 18 years shall operate or ride upon an all-terrain vehicle unless wearing a helmet, which complies with the minimum guidelines established by the National Highway Safety Administration pursuant to the National Traffic and Motor Vehicle Safety Act of 1966 for helmets designed for use by motorcyclists and other motor vehicle users.

(2) No person shall operate an all-terrain vehicle unless such person is wearing an eye-protective device which shall consist of protective glasses, goggles or transparent face shields which are shatterproof and impact resistant, except when the all-terrain vehicle is equipped with a windscreen which has a minimum height of ten inches measured from the center of the handlebars.

(c) *Same; penalties.* Every person operating an all-terrain vehicle on the 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. A violation of any provision in divisions (a) and (b) above shall be deemed a 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 Article 20, ' 201, Standard Traffic Ordinance, as amended, or such similar provisions as the city may then have in effect.

(Ord. 802, adopted 9-7-2011)

' 14-405 OPERATION OF A LOW SPEED VEHICLE/GOLF CART (LSV); PENALTY.

(a) Low speed vehicles/golf carts may be operated upon the streets, roads and alleys of the city.

(b) ***LOW SPEED VEHICLE/GOLF CART*** means any four-wheeled electric vehicle whose top speed is not greater than 25 mph. A low speed vehicle/golf cart that is factory designed to be operated by a fuel motor shall be included within this definition provided that the designed top speed shall not exceed 25 mph.

(c) No low speed vehicle/golf cart shall be operated on any streets, roads or alleys between sunset and sunrise unless equipped with head lights and tail lights.

(d) Every person operating a low speed vehicle on the 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.

(e) A violation of this section shall be deemed a 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 Article 20, ' 201, Standard Traffic Ordinance, and amendments thereto, or such other similar provisions as the city may then have in effect.

(Ord. 802, adopted 9-7-2011)

' 14-406 AGE RESTRICTION; SEATBELTS, CHILD SAFETY SEATS.

(a) No person shall operate a work-site utility vehicle, micro utility truck, an all-terrain vehicle or a low speed vehicle/golf cart on any street, road or alley within the corporate limits of the city unless such person has attained the age of 16 and holds a valid driver=s license. Violation of this section is punishable by a fine of not more than \$1,000 or by imprisonment for not more than six months or by both such fine and imprisonment.

(b) All State of Kansas motor vehicle seatbelt and child safety seat/booster seat regulations shall apply to occupants of any work site utility vehicle, micro utility truck, low speed vehicle or golf cart. Any of these vehicles that do not have seatbelts installed may not transport individuals under the age of 18.

(c) A violation of this section shall be deemed a 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

Article 20, ' 201, Standard Traffic Ordinance, and amendments thereto, or such other similar provisions as the city may then have in effect.

(Ord. 802, adopted 9-7-2011)

' 14-407 OWNER OPERATOR REQUIREMENTS AND RESPONSIBILITIES.

(a) *Permit and insurance.* No vehicle listed under this article shall be operated within the corporate limits of the city without first having a permit issued by the city for operation of said vehicle. Said permits are to be issued on an annual basis upon paying the permit fee. No permit shall issue except upon proof of liability insurance. The city, by issuing a permit for operation of one of the above mentioned vehicles, has verified that the owner has provided proof of insurance and the city assumes no further liability. Permits shall be prominently displayed on the rear of the vehicle, visible when being driven. Proof of valid insurance shall be carried and produced upon demand by a law enforcement officer.

(1) *Dealer permit.* Whenever owner/operator is also a dealer, the dealer may purchase multiple permits (up to three permits) for one fee of \$25 for demonstrating the vehicles and for people to test drive the vehicles; and

(2) *Dealer insurance.* The dealership shall maintain proof of insurance at the dealer=s place of business to cover the dealer and/or employees driving the vehicles for demonstration and anyone test driving the vehicles. (See ' 14-410.)

(b) *Revocation and appeal.* Any violation of this article may be cause for revocation of the city issued permit. Permits may be revoked for cause, effective immediately, by the Chief of Police with notice provided to the owner/operator/dealer in writing within a reasonable amount of time.

(c) *Appeal.* A permit that has been revoked by the Chief of Police may be appealed to the governing body of the city by filing a written appeal with the City Clerk within five business days of the date of the written notice of revocation. The governing body may choose to hear or refuse to hear the appeal. If the governing body chooses to hear the appeal, it may sustain the revocation, rescind and reissue the permit or reissue a permit with restrictions.

(d) *Application.* The unconventional vehicle permit application must be completed by owner/operator, who must:

- (1) Complete an unconventional vehicle permit application with the city for each vehicle;
- (2) Attach a copy of proof of insurance for the vehicle;
- (3) Agree to obey all sections of this article, of which they will be provided a copy; and

(4) Pay \$25 fee for each permit. Permit(s) will be renewable each year on the anniversary of the initial date of issue upon payment of the annual permit fee.

(Ord. 802, adopted 9-7-2011)

14-408 ROADWAYS LANED FOR TRAFFIC.

(a) All vehicles listed in this article are entitled to full use of a lane, and no motor vehicle shall be driven in such a manner as to deprive any listed vehicle of the full use of a lane.

(b) The operator of a listed vehicle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(c) No person shall operate a listed vehicle between lanes of traffic or between adjacent lines or rows of vehicles.

(d) No vehicle listed in this article shall travel upon 75 Highway (4th Street) except to cross safely by the most direct path of travel.

(e) All-terrain vehicles shall not be operated more than two abreast in a single lane.

(f) Divisions (b) and (c) above shall not apply to police officers in the performance of their official duties.

(Ord. 802, adopted 9-7-2011)

14-409 LAWN MOWERS.

Lawn mowers may be operated upon the public streets, roads and alleys within the corporate limits of the city in so far as the lawn mower and operator are engaged in mowing work or travelling to or from mowing work. No lawn mower shall travel upon 75 Highway (4th Street) except to cross safely by the most direct path of travel. There shall be no requirement for permit, insurance, age or driver=s license for operation of a lawn mower.

(Ord. 802, adopted 9-7-2011)

14-410 DEALERSHIP REQUIREMENTS/RESPONSIBILITIES.

(a) *Dealer permit and insurance requirements.*

(1) *Permit.*

(A) No dealer/dealership shall operate or allow to be operated inside the corporate city limits of the city any vehicle of the dealer/dealership of the types listed under this article without first having a permit, which will be valid for one year, issued by the city for operation of said vehicle. Permits shall be prominently displayed on the rear of the vehicle, visible when being driven.

(B) Whenever owner/operator is also a dealer, the dealer may purchase multiple permits (up to three permits) for one fee of \$25 for demonstrating the vehicles and for people to test drive the vehicles. The unconventional vehicle permit application is available at City Hall.

(2) *Insurance.*

(A) No dealer/dealership permit shall issue except upon proof of liability insurance. The city, by issuing a permit for operation of one of the above mentioned vehicles, has verified that the owner/operator/dealer has provided proof of insurance and the city assumes no further liability.

(B) The dealership shall maintain proof of insurance for each type of vehicle at the dealer=s place of business to cover the dealer and/or employees driving vehicles for demonstration and anyone test driving the vehicles.

(b) *Revocation and appeal.*

(1) Any violation of this article may be cause for revocation of the city issued permit. Permits may be revoked for cause, effective immediately, by the Chief of Police with notice provided to the owner/operator/dealer in writing within a reasonable amount of time.

(2) A permit that has been revoked by the Chief of Police may be appealed to the governing body of the city by filing a written appeal with the City Clerk within five business days of the date of the written notice of revocation. The governing body may choose to hear or refuse to hear the appeal. If the governing body chooses to hear the appeal, it may sustain the revocation, rescind and reissue the permit or reissue a permit with restrictions.

(c) *Application.* Dealers shall:

(1) Complete an unconventional vehicle permit application with the city for each type of vehicle listed in this article that will be driven for demonstration or test drive;

(2) Attach a copy of proof of insurance for each type of vehicle;

(3) Agree to obey all sections of this article, of which they will be provided a copy; and

(4) Pay \$25 fee for each multiple permit for each type of vehicle, with the understanding a permit will cover up to three vehicles of the same type. This fee will be due each year on the anniversary of the initial date of issue.

(d) *Sales of vehicles.* Dealers shall collect sales tax at the city rate and shall abide by all sales tax laws administered by the state.

(1997 Code, Ch. 1, Article 8) (Ord. 802, adopted 9-7-2011; Ord. 847, FEES adopted 1-18-2017)

14-411 PENALTIES.

(a) A violation of any provision in sections of this article shall be deemed a traffic infraction.

(b) Upon an entry of a plea of guilty or no contest or upon being convicted of such violation, the

Burlington - Traffic

penalty imposed shall be in accordance with Article 20, ' 201, Standard Traffic Ordinance, as amended, or such similar provisions as the city may then have in effect. (Ord. 802, adopted 9-7-2011)

' 14-412 UNCONVENTIONAL VEHICLE PERMIT APPLICATION.

City of Burlington, Kansas					
Unconventional Vehicle Permit Application					
Date: _____					
Name of Owner/Dealer (Print) _____					
Address _____					
Phone # _____					
Type of Vehicle	<input type="checkbox"/> GOLF CART	<input type="checkbox"/> WSUV	<input type="checkbox"/> MUT	<input type="checkbox"/> ATV	<input type="checkbox"/> LSV
Make _____					
Model _____ Color _____					
Insurance Company _____					
Insurance Policy # _____					
I have received a copy of the current ordinance and will obey all sections which pertain to my permit.					
Dealers shall collect sales tax at the City of Burlington rate and shall abide by all sales tax laws administered by the State of Kansas.					
Owner/Dealer Signature _____					
Received By _____			Date _____		
Permit # _____					
Receipt # _____					
Expiration Date _____					
Current copy of Ord. 802 provided? _____					

Private owners: Shall pay a permit fee of \$25 per vehicle.
 Shall have a permit for each vehicle.
 Shall attach a copy of proof of insurance.
 Shall receive a copy of Ord. 802, and agree to stay in compliance with regulations applying to the permit.

Dealers:
 Shall pay a permit fee of \$25 for each type of vehicle.
 Shall have a permit for each type of vehicle.
 Shall attach a copy of proof of insurance for each type of vehicle available for purchase.

Shall receive a copy of Ord. 802, and agree to stay in compliance with regulations applying to the permit.

(Ord. 802, adopted 9-7-2011; Ord. 847, FEES adopted 1-18-2017) (Form Revised 10-11-2016)

ARTICLE 5: TRUCK REGULATIONS

Section

- 14-501 Federal Motor Carrier Safety Regulations, Parts 382, 383, 390c397
- 14-502 Section 396.9 Inspection of motor vehicles in operation
- 14-503 Interpretation

' 14-501 FEDERAL MOTOR CARRIER SAFETY REGULATIONS, PARTS 382, 383, 390c397.

There is hereby incorporated by reference for the purpose of regulating traffic upon highways and streets of the city that certain standard safety regulations known as Federal Motor Carrier Safety Regulations, Parts 382, 383, 390-397, Edition of November, 1998, prepared and published in book form by J.J. Keller & Associates, Inc., 30030 West Breezewood Lane, P.O. Box 368, Neenah, Wisconsin, 54957-0368, save and except such articles, section, parts or portions as are hereafter omitted, deleted, modified or changed. No less than three copies of said article shall be marked or stamped "Official Copy" as adopted by Ord. _____, with a copy of the current ordinance codified herein 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 the enforcement of the article shall be supplied, at the cost of the city, such number of official copies of such Federal Motor Carrier Safety Regulations as may be deemed expedient. (Ord. 646, adopted 12-16-1998)

' 14-502 SECTION 396.9 INSPECTION OF MOTOR VEHICLES IN OPERATION.

Section 396.9 of the Federal Motor Carrier Safety Regulations, as incorporated in Code ' 396 of this Article, is hereby repealed and a new ' 396.9 is added to read as follows:

Section 396.9 Inspection of Motor Vehicles in Operation.

A. *Personnel authorized to perform inspections.* Inspections of motor carriers= vehicles in operation shall be conducted by Commercial Vehicle Safety Alliance (CVSA) certified officers.

B. *Prescribed inspection report.* The driver equipment compliance check shall be used to record results of motor vehicle inspections conducted by authorized FHWA personnel.

C. *Motor vehicles declared out of service.*

1. Authorized personnel shall declare and mark out of service any motor vehicle which by reason of its mechanical condition or loading would likely cause an accident or a breakdown. An out of service vehicle sticker shall be used to mark vehicles out of service.

2. No motor carrier shall require or permit any person to operate nor shall any person operate any motor vehicle declared and marked out of service until all repairs required by the out of service notice have been satisfactorily completed. The term operate as used in this section shall include towing the vehicle, except that vehicles marked out of service may be towed away by means of a vehicle using a crane or hoist. A vehicle combination consisting of the emergency towing vehicle and an out of service vehicle shall not be operated unless such combination meets the performance requirements of this subchapter except for those conditions noted on the driver equipment compliance check.

3. No person shall remove the out of service vehicle sticker from any motor vehicle prior to completion of all repairs required by the out of service notice.

D. *Motor carrier's disposition.*

1. The driver of any motor vehicle receiving an inspection report shall deliver it to the motor carrier operating the vehicle upon his or her arrival at the next terminal or facility. If the driver is not scheduled to arrive at a terminal or facility of the motor carrier operating the vehicle within 24 hours, the driver shall immediately mail the report to the motor carrier.

2. Motor carriers shall examine the report. Violations or defects noted thereon shall be corrected.

3. Within 15 days following the date of the inspection, the motor carrier shall:

a. Certify that all violations noted have been corrected by completing the signature of carrier official, title and date signed portions of the form; and

b. Return the completed roadside inspection form to the issuing agency at the address indicated on the form and retain a copy of the motor carrier's principal place of business or where the vehicle is housed for 12 months from the date of the inspection.

(Ord. 646, adopted 12-16-1998)

14-503 INTERPRETATION.

(a) *Liberal construction.* The provisions of this article shall be liberally construed to effectively carry out its purposes which are hereby found and declared to be in furtherance of the public health, safety, welfare and convenience.

(b) *Invalidity.* If for any reason any chapter, article, section, subsection, sentence, portion or part of the article set out, or the application thereof to any person or circumstances is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of the code or other ordinances.

(Ord. 646, adopted 12-16-1998)