

ORDINANCE NO. 189

AN ORDINANCE ADOPTING THE STANDARD TRAFFIC ORDINANCE BY THE CITY OF LINN VALLEY, KANSAS, OTHERWISE REGULATING TRAFFIC WITHIN THE CITY, AND REPEALING ORDINANCE NO. 184

IT IS HEREBY ORDAINED BY THE GOVERNING BODY OF LINN VALLEY, KANSAS:

Section 1. INCORPORATING STANDARD TRAFFIC ORDINANCE. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Linn Valley, 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, 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 ordinance shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Linn Valley, Kansas," 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 ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours.

Section 2. REVISION OF THE DEFINITION OF "STREET OR HIGHWAY" That portion of Article 1, Section 1 which defines "Street or Highway" is hereby revised to read, in its entirety, as follows:

"Street or Highway. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for vehicular travel, and the entire width between the boundary lines of any privately owned road or other way used for vehicular traffic when the owner of record of that privately owned way has filed with the City Clerk an affidavit, in the case of an individual, or a certified enactment or writing, in the case of an entity, declaring the desire of said owner that said privately owned way shall for the purpose of the enforcement of the Standard Traffic Ordinance, be treated as a public way and said Standard Traffic Ordinance be enforced thereon in all respects as though it were a public way. Where the word "highway" or the word "street" is used in this ordinance, it shall mean street, avenue, boulevard, thoroughfare, trafficway, drive, lane, alley and other way for vehicular travel by whatever name unless the context clearly indicates otherwise."

Section 3. REVISION OF A PORTION OF SECTION 1. The definition of All-Terrain Vehicle in Section 1 is hereby revised by the addition of the following sentence:

"The term All-Terrain Vehicle shall also include all those vehicles commonly referred to as "go-karts" and "dirt bikes" which are not otherwise registered with the state of Kansas for use upon the public highways of the state."

Section 4. REVISION OF SECTION 198. The terms of Section 198(a)(1) shall not apply to Golf Carts operating on any privately owned street to which this ordinance may apply and said terms shall not apply to any All-Terrain Vehicles operating on any privately owned street to

which this ordinance applies when said All-Terrain Vehicle is properly registered with the Linn Valley Lakes Property Owners Association as registration agent of the City and is properly displaying on the front and rear of the vehicle a valid, current registration decal issued by the Association.

Section 5. REVISION OF SECTION 191. Section 191 is hereby revised by the addition of the following sentence:

“Every All-Terrain Vehicle shall comply with Section 175, on noise prevention and mufflers.”

Section 6. REVISION OF SECTION 192. Section 192 is hereby revised by the addition of the following sentence:

“Except, however, that upon privately owned streets to which this ordinance applies, no driver’s license shall be required for the operation of an ATV or Golf Cart by any person under 18 years of age, provided that such operator shall either be accompanied on the ATV or golf cart by or within a 100 foot sight distance of an individual over the age of 18 years. Any person in violation of this Section who is 14 years of age or older can be issued a Notice to Appear in Linn Valley Municipal Court. In the event a person under the age of 14 is in violation of this Section, said person’s parent or legal guardian may be issued a Notice to Appear in Linn Valley Municipal Court.”

Section 7. ALL-TERRAIN VEHICLES. It shall be unlawful for any person to operate, or for the owner thereof knowingly to permit, between the hours of 10:00 PM and 8:00 AM, the operation, upon any privately owned street regulated by City ordinance within the city limits of the City of Linn Valley, Kansas, any ALL-TERRAIN VEHICLE. No All-Terrain Vehicle shall be operated within the City except on property owned by the vehicle’s owner or on private roads within the City. The operation of any All-Terrain Vehicle within the City shall be governed by all speed limits within the City. Every All-Terrain Vehicle (“ATV”) operated within the City of Linn Valley shall be registered with the City of Linn Valley in compliance with the following procedures:

(1) The registering of ATVs for use within the City of Linn Valley shall be administered by the Linn Valley Lakes Property Owners Association (the “POA”), acting as an agent of the City for this purpose. Records of all registrations shall be retained by the POA, as custodian thereof, and shall be available to the City for audit and review upon request by the City Council.

(2) No application for registration shall be accepted from any person or entity who is not a property owner of Linn Valley or a member in good standing of the POA.

(3) Applications for registration must be accompanied by (a) proof of ownership of the ATV, (b) proof of current liability insurance on the ATV, and (c) proof of residence or status as a member in good standing of the POA.

(4) Upon compliance with the registration procedures herein, owners of ATVs registered shall be issued two Linn Valley POA identification stickers for each ATV registered,

which shall be affixed to the ATV registered, with one sticker on the front of the ATV in plain sight, and one sticker on the rear of the ATV in plain sight. Any ATV not properly displaying the identification sticker assigned to that ATV will be deemed to be unregistered.

Section 8. 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. Supp. 8-2118.
- (b) All traffic violations which are included within this ordinance, and which are not ordinance traffic infractions as defined in subsection (a) of this ordinance, shall be considered traffic offenses.

Section 9. PENALTY FOR SCHEDULED FINES. 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 \$1000, except for speeding which shall not be less than \$4 nor more than \$500. 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 \$1000.

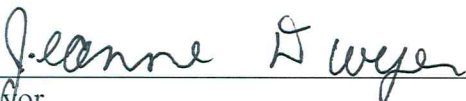
Section 10. REPEAL. Ordinance number 184 is hereby repealed.

Section 11. CONFLICTS. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 12. If any section of this ordinance is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the ordinance and the applicability thereof to other persons and circumstances shall not be affected thereby.

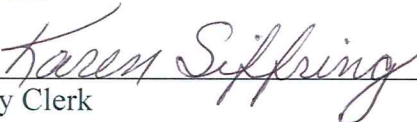
Section 13. This ordinance shall take effect and be in force from and after its publication in the Linn County News.

Passed and Approved this 24th day of July, 2017.



Mayor

Attest:



City Clerk