

CHAPTER XIV. TRAFFIC

SECTIONS

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ARTICLE 1. STANDARD TRAFFIC ORDINANCE [STO]

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 Leawood, Kansas, that certain standard traffic ordinance known as the ‘Standard Traffic Ordinance for Kansas Cities,’ Edition of 2022, 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 incorporated by Ordinance No. 3104 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.

(Code 2000)

(Ord. 1908C; 08-06-01)

(Ord. 1960C; 10-07-02)

(Ord. 2022C; 09-15-03)

(Ord. 2082C; 09-20-04)

(Ord. 2136C; 11-07-05)

(Ord. 2194C; 11-06-06)

(Ord. 2305C; 02-04-08)

(Ord. 2350C; 10-06-08)

(Ord. 2419C; 11-02-09)

(Ord. 2462C; 09-20-10)

(Ord. 2514C; 10-17-11)

(Ord. 2577C; 10-01-12)

(Ord. 2640C; 10-21-13)

(Ord. 2691C; 10-14-14)

(Ord. 2756C; 11-02-15)

(Ord. 2803C; 09-19-16)

(Ord. 2906C; 10-01-18)

14-102. COMMERCIAL DRIVER’S LICENSES; DIVERSION AGREEMENT NOT ALLOWED

Repealed. [See Standard Traffic Ordinance, Section 30.5]

(Ord. 2082C; 09-20-04)

(Ord. 2136C; 11-07-05)

(Ord. 2194C; 11-06-06)

(Ord. 2305C; 02-04-08)

(Ord. 2350C; 10-06-08)

(Ord. 2419C; 11-02-09)

(Ord. 2462C; 09-20-10)

(Ord. 2514C; 10-17-11)

**14-102A. DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DURGS;
PENALTIES**

**Section 30. Driving Under the Influence of Intoxicating Liquor or
Drugs; Penalties.**

- (a) Driving under the influence is operating or attempting to operate any vehicle within this state while:
 - (1) The alcohol concentration in the person's blood or breath as shown by any competent evidence, including other competent evidence, as defined in K.S.A. 8-1013(f)(1), and amendments thereto, is 0.08 or more;
 - (2) The alcohol concentration in the person's blood or breath, as measured within three hours of the time of operating or attempting to operate a vehicle, is 0.08 or more;
 - (3) Under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle;
 - (4) Under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle; or
 - (5) Under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely driving a vehicle.

- (b)
 - (1) Driving under the influence is:
 - (A) On a first conviction, a class B, nonperson misdemeanor. The person convicted shall be sentenced to not less than 48 consecutive hours nor more than six months' imprisonment, or in the court's discretion 100 hours of public service, and fined not less than \$750 nor more than \$1,000.
 - (B) On a second conviction, a class A, nonperson misdemeanor. The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,250 nor more than \$1,750. The following conditions shall apply to such sentence:
 - (i) As a condition of any probation granted under this subsection, the person shall serve at least 120 hours of confinement. The hours of confinement shall include at least 48 hours of imprisonment and otherwise may be served by a combination of: Imprisonment; a work release program, if such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 2021 Supp. 21- 6609, and amendments thereto; and
 - (ii) (a) if the person is placed into a work release

program or placed under a house arrest program for any portion of the minimum of 120 hours of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program until the minimum sentence is met. If the person is placed into a work release program or placed under a house arrest program for more than the minimum of 120 hours of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program until the minimum of 120 hours of confinement is completed, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and

(b) when in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence.

(2) In addition, prior to sentencing for any conviction pursuant to subsection (b)(1)(A) or (b)(1)(B), the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendations made by the provider after such evaluation, unless otherwise ordered by the court.

(c) Any person 18 years of age or older convicted of violating this section or an ordinance which prohibits the acts that this section prohibits who had one or more children under the age of 18 years in the vehicle at the time of the offense shall have such person's punishment enhanced by one month of imprisonment. This imprisonment must be served consecutively to any other minimum mandatory penalty imposed for a violation of this section or an ordinance which prohibits the acts that this section prohibits. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.

(d) If a person is charged with a violation of subsection (a)(4) or (a)(5), the fact that the person is or has been entitled to use the drug under the laws

- of this state shall not constitute a defense against the charge.
- (e) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.
 - (f)
 - (1) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.
 - (2) The court may, in its discretion, waive any portion of a fine imposed pursuant to this section, except the \$250 required to be remitted to the state treasurer pursuant to state law, upon a showing that the person successfully completed court-ordered education or treatment.
 - (g) The court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of this section to the division including any finding regarding the alcohol concentration in the offender's blood or breath. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state.
 - (h) For the purpose of determining whether a conviction is a first or second conviction in sentencing under this section:
 - (1) Convictions for a violation of this section, or a violation of an ordinance of any city or resolution of any county that prohibits the acts that this section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this provision shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;
 - (2) Any convictions for a violation of the following sections occurring during a person's lifetime shall be taken into account: (A) Driving a commercial motor vehicle under the influence, K.S.A. 8-2,144,

and amendments thereto; (B) operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto; (C) involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or K.S.A. 2020 2021 Supp. 21-5405(a)(3) or (a)(5), and amendments thereto; (D) aggravated battery as described in K.S.A. 2020 2021 Supp. 21-5413(b)(3) or (b)(4), and amendments thereto; and (E) aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto;

- (3) "Conviction" includes: (A) entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging an offense described in subsection (i)(2); and (B) conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another jurisdiction that would constitute an offense that is comparable to the offenses described in subsection (h)(1) or (h)(2);
 - (4) multiple convictions of any crime described in subsection (h)(1) or (h)(2) arising from the same arrest shall only be counted as one conviction;
 - (5) it is irrelevant whether an offense occurred before or after conviction for a previous offense; and
 - (6) a person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section, and amendments thereto, or an ordinance which prohibits the acts of this section, and amendments thereto, only once during the person's lifetime.
- (i) For the purposes of determining whether an offense is comparable, the following shall be considered: (1) The name of the out-of-jurisdiction offense; (2) the elements of the out-of-jurisdiction offense; and (3) whether the out-of-jurisdiction offense prohibits similar conduct to the conduct prohibited by the closest approximate Kansas offense.
 - (j) Upon conviction of a person of a violation of this section or a violation of a city ordinance or county resolution prohibiting the acts prohibited by this section, the division, upon receiving a report of conviction, shall suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.
 - (k) Upon conviction of a person of a violation of this section, the court may order the convicted person to pay restitution to any victim who suffered loss due to the violation for which the person was convicted.
 - (l) Upon the filing of a complaint, citation or notice to appear alleging a person has violated a city ordinance prohibiting the acts prohibited by this section, and prior to conviction thereof, a city attorney shall request and shall receive from the: (A) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle

laws of this state; and (B) Kansas bureau of investigation central repository all criminal history record information concerning such person.

- (m) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section, or a violation of any ordinance of a city or resolution of any county in this state which prohibits the acts prohibited by this section, to avoid the mandatory penalties established by this section or by the ordinance. For the purpose of this subsection, entering into a diversion agreement pursuant to K.S.A. 12-4413 et seq. or 22-2906 et seq., and amendments thereto, shall not constitute plea bargaining. This subsection shall not be construed to prohibit an amendment or dismissal of any charge where the admissible evidence is not sufficient to support a conviction beyond a reasonable doubt on such charge.
- (n) The alternatives set out in subsection (a) may be pleaded in the alternative, and the city may, but shall not be required to, elect one or more of such alternatives prior to submission of the case to the fact finder.
- (o) As used in this section:
 - (1) "Alcohol concentration" means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath;
 - (2) "Imprisonment" shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city; and
 - (3) "Drug" includes toxic vapors as such term is defined in K.S.A. 2021 Supp. 21-5712, and amendments thereto.

(Ord. 2499C; 07-05-11)

(Ord. 2514C; 10-17-11)

(Ord. 2549C; 07-02-12)

(Ord. 2577C; 10-01-12)

(Ord. 2640C; 10-21-13)

(Ord. 3085; 06-21-22)

14-102B. DRIVING COMMERCIAL MOTOR VEHICLE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS; PENALTIES
Repealed. [See Standard Traffic Ordinance, Section 30.1]

(Ord. 2499C; 07-05-11)

(Ord. 2514C; 10-17-11)

(Ord. 2549C; 07-02-12)

(Ord. 2577C; 10-01-12)

(Ord. 2640C; 10-21-13)

14-102C. IGNITION INTERLOCK DEVICES; TAMPERING
Repealed. [See Standard Traffic Ordinance, Section 30.3]

(Ord. 2499C; 07-05-11)

(Ord. 2514C; 10-17-11)
(Ord. 2577C; 10-01-12)
(Ord. 2640C; 10-21-13)

14-102D. CHEMICAL TEST REFUSAL
Repealed.

(Ord. 2549C; 07-02-12)
(Ord. 2577C; 10-01-12)
(Ord. 2640C; 10-21-13)

14-102E. ACCIDENT INVOLVING DEATH OR PERSONAL INJURIES; PENALTIES.
Repealed

(Ord. 2691C; 10-06-14)
(Ord. 2756C; 11-02-15)

14-103. MAXIMUM SPEED LIMITS. Section 33 of the Standard Traffic Ordinance, incorporated in Section 14-101 of this Article, shall be amended to read as follows:

Section 33. MAXIMUM SPEED LIMITS.

- (a) Except when a special hazard exists that requires lower speed for compliance with Section 32, the limits specified in this Section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of such maximum limits, except where otherwise posted:
- (1) All vehicles 20 miles per hour in any park under the jurisdiction of this city.
 - (2) Speed limits within a designated school zone will be posted 15 miles below the posted speed limit, but in no event shall those speed limits be lower than 20 miles per hour. This school zone speed limit will apply upon streets and/or parts of streets abutting school property and adjacent to school crosswalks or otherwise designated as school zones; provided that appropriate signs are erected giving notice of the effective hours of enforcement or when a flashing yellow beacon is in operation with appropriately erected signs indicating the area is a school zone. The Director of Public Works shall determine the times said school zone limits are in force.
 - (3) All vehicles 25 miles per hour in any residential district and on other streets within the City except where modified as provided hereafter in subsection (b) of this Section. The maximum speed limit established by or pursuant to this paragraph shall be of force and effect regardless of whether signs are posted giving notice thereof.
 - (4) On any separated multilane highway, as designated and posted by the secretary of transportation.
- (b) The Director of Public Works is hereby authorized and empowered to designate maximum speed limits in excess of those listed above when he or she shall find and determine that such regulation is necessary for safety purposes or to expedite traffic, to the extent any such regulation is not in conflict with any law of the City. The Director of Public Works shall place and maintain the necessary traffic control signs and devices.

- (c) Whenever the Director of Public Works shall determine upon the basis of an engineering and traffic investigation that any speed limit herein set forth is greater or less than is reasonable or safe under the conditions found to exist, he or she shall determine a reasonable and safe speed limit consistent with applicable state and local statutes which shall be effective at all times or during daytime or nighttime or at such other times as may be determined when appropriate signs giving notice thereof are erected. It shall be unlawful for any person to drive a vehicle at a speed in excess of such declared maximum limits.
- (d) The Governing Body may, at any time, request review of any given speed limit by the Director of Public Works and the Governing Body may, after due investigation and review, direct that a new speed limit be determined and posted.

(Ord.1800C; 5-17-99)
 (Code 2000)
 (Ord. 1908C; 08-06-01)
 (Ord. 1960C; 10-07-02)
 (Ord. 2022C; 09-15-03)
 (Ord. 2082C; 09-20-04)
 (Ord. 2136C; 11-07-05)
 (Ord. 2194C; 11-06-06)
 (Ord. 2305C; 02-04-08)
 (Ord. 2350C; 10-06-08)
 (Ord. 2419C; 11-02-09)
 (Ord. 2462C; 09-20-10)
 (Ord. 2514C; 10-17-11)
 (Ord.2567C; 09-04-12)
 (Ord. 2577C; 10-01-12)
 (Ord. 2640C; 10-21-13)
 (Ord. 2691C; 10-06-14)
 (Ord. 2756C; 11-02-15)
 (Ord. 2803C; 09-19-16)
 (Ord. 2906C; 10-01-18)
 (Ord. 3104; 10-17-22)

14-104. PEDESTRIANS ON HIGHWAYS. Section 68 of the Standard Traffic Ordinance, incorporated in Section 14-101 of this Article, shall be amended to read as follows:

Sec. 68. Pedestrians on Highways.

- (a) Where a sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk, jog or run along or upon an adjacent roadway.
- (b) Where a sidewalk is not available, any pedestrian walking, jogging or running along or upon a highway shall walk, jog or run only on a shoulder, as far as practicable from the edge of the roadway.
- (c) Where neither a sidewalk nor a shoulder is available, any pedestrian walking, jogging or running along or upon a highway shall walk, jog or run as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, shall walk, jog or run only on the left side of the roadway.
- (d) Except as otherwise provided in this ordinance, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway.

(Ord. 1800C; 5-17-99)
(Code 2000)
(Ord. 1908C; 08-06-01)
(Ord. 1960C; 10-07-02)
(Ord. 2022C; 09-15-03)
(Ord. 2082C; 09-20-04)
(Ord. 2136C; 11-07-05)
(Ord. 2194C; 11-06-06)
(Ord. 2305C; 02-04-08)
(Ord. 2350C; 10-06-08)
(Ord. 2419C; 11-02-09)
(Ord. 2462C; 09-20-10)
(Ord. 2514C; 10-17-11)
(Ord. 2577C; 10-01-12)
(Ord. 2640C; 10-21-13)
(Ord. 2691C; 10-06-14)
(Ord. 2756C; 11-02-15)
(Ord. 2803C; 09-19-16)
(Ord. 2906C; 10-01-18)
(Ord. 3104; 10-17-22)

14-105. UNLAWFUL OPERATION OF ALL-TERRAIN VEHICLE

Section 114.1 of the Standard Traffic Ordinance entitled Unlawful Operation of All-Terrain Vehicle, as incorporated in Section 14-101 of this Article, is hereby deleted and omitted. *[See Section 11-108 of the Code of the City of Leawood, 2000.]2000.]*

(Ord. 2305C; 02-04-08)
(Ord. 2350C; 10-06-08)
(Ord. 2419C; 11-02-09)
(Ord. 2462C; 09-20-10)
(Ord. 2514C; 10-17-11)
(Ord. 2577C; 10-01-12)
(Ord. 2640C; 10-21-13)
(Ord. 2691C; 10-06-14)
(Ord. 2756C; 11-02-15)
(Ord. 2803C; 09-19-16)
(Ord. 2906C; 10-01-18)

14-106. UNLAWFUL OPERATION OF A GOLF CART. Section 114.4 of the Standard Traffic Ordinance, incorporated in Section 14-101 of this Article, shall be amended to read as follows:

Sec. 114.4. Unlawful Operation of a Golf Cart.

It shall be unlawful for any person to operate a golf cart on any interstate highway, federal highway, state highway or any other public highway or street within the corporate limits of the City of Leawood unless such golf cart is operating during the hours between sunrise and sunset and is crossing a highway or street for the purpose of continuing on a marked golf cart path.

(Ord. 2419C; 11-02-09)
(Ord. 2462C; 09-20-10)
(Ord. 2514C; 10-17-11)
(Ord. 2577C; 10-01-12)
(Ord. 2640C; 10-21-13)
(Ord. 2691C; 10-06-14)
(Ord. 2756C; 11-02-15)
(Ord. 2803C; 09-19-16)
(Ord. 2906C; 10-01-18)
(Ord. 3104; 10-17-22)

Sec. 114.4. Unlawful Operation of a Golf Cart.

It shall be unlawful for any person to operate a golf cart on any interstate highway, federal highway, state highway or any other public highway or street within the corporate limits of the City of Leawood unless such golf cart is operating during the hours between sunrise and sunset and is crossing a highway or street for the purpose of continuing on a marked golf cart path.

(Ord. 2419C; 11-02-09)
(Ord. 2462C; 09-20-10)
(Ord. 2514C; 10-17-11)
(Ord. 2577C; 10-01-12)
(Ord. 2640C; 10-21-13)
(Ord. 2691C; 10-06-14)
(Ord. 2756C; 11-02-15)
(Ord. 2803C; 09-19-16)
(Ord. 2906C; 10-01-18)
(Ord. 3104; 10-17-22)

14-107. UNLAWFUL OPERATION OF A WORK-SITE UTILITY VEHICLE. Section 114.5 of the Standard Traffic Ordinance, as incorporated in Section 14-101 of this Article, shall be amended to read as follows:

Sec. 114.5. Unlawful Operation of a Work-Site Utility Vehicle.

It shall be unlawful for any person to operate a work-site utility vehicle:

- (1) On any interstate highway, federal highway, or state highway; or
- (2) Within the corporate limits of the City of Leawood, provided, however, that this prohibition shall not apply to an unmodified utility vehicle with seating

for two people and containing a bed or flatbed and operating on private property or to City owned and operated maintenance vehicles.

(Ord. 2419C; 11-02-09)
(Ord. 2462C; 09-20-10)
(Ord. 2514C; 10-17-11)
(Ord. 2577C; 10-01-12)
(Ord. 2640C; 10-21-13)
(Ord. 2691C; 10-06-14)
(Ord. 2756C; 11-02-15)
(Ord. 2803C; 09-19-16)
(Ord. 2906C; 10-01-18)
(Ord. 3104; 10-17-22)

14-108. USE OF COASTERS, ROLLER SKATES AND SIMILAR DEVICES RESTRICTED. Section 136 of the Standard Traffic Ordinance, incorporated in Section 14-101 of this Article, shall be amended to read as follows:

- (a) No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall:
- (1) go upon any roadway except while crossing a street at a crosswalk and except upon streets set aside as play streets.
 - (2) operate such a device on any public tennis court.
 - (3) operate such a device on any private parking area or lot where signs are posted giving notice of such prohibition. This prohibition shall not be applicable unless the following signage is clearly and properly posted at all entrances to said private parking lot or area, to wit:

<p>NOTICE</p> <p>Pursuant to the Code of the City of Leawood, Kansas, no roller skates, coaster, roller blades, skateboard, toy vehicle or similar device may be operated in this parking lot or area. Conviction will result in a \$25 fine.</p>
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- (b) Whenever any person is operating such a device upon a useable path or sidewalk, such person shall yield the right of way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.
- (c) Any person found guilty of a violation of this section shall be fined \$25.

(Ord. 1800C; 5-17-99)
(Code 2000)
(Ord. 1908C; 08-06-01)
(Ord. 1960C; 10-07-02)
(Ord. 2022C; 09-15-03)
(Ord. 2082C; 09-20-04)
(Ord. 2136C; 11-07-05)
(Ord. 2194C; 11-06-06)
(Ord. 2305C; 02-04-08)
(Ord. 2350C; 10-06-08)
(Ord. 2398C; 07-06-09)

(Ord. 2419C; 11-02-09)
(Ord. 2462C; 09-20-10)
(Ord. 2514C; 10-17-11)
(Ord. 2577C; 10-01-12)
(Ord. 2640C; 10-21-13)
(Ord. 2691C; 10-06-14)
(Ord. 2756C; 11-02-15)
(Ord. 2803C; 09-19-16)
(Ord. 2906C; 10-01-18)
(Ord. 3104; 10-17-22)

**14-108A. DEFINITION -
Repealed**

(Ord. 2691C; 10-06-14)
(Ord. 2756C; 11-02-15)

14-109. COMPRESSION RELEASE ENGINE BRAKING SYSTEM.

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; provided, however, that such brakes may be used in an emergency situation exists where the use of engine braking mechanical exhaust device is necessary for the protection of persons or property.

(Ord. 2175C; 07-17-06)
(Ord. 2305C; 02-04-08)
(Ord. 2350C; 10-06-08)
(Ord. 2419C; 11-02-09)
(Ord. 2462C; 09-20-10)
(Ord. 2514C; 10-17-11)
(Ord. 2577C; 10-01-12)
(Ord. 2640C; 10-21-13)
(Ord. 2691C; 10-06-14)

14-109A. SEAT BELTS.

Repealed - . [See Standard Traffic Ordinance, Section 182.1; K.S.A. 8-2503-2504, and K.S.A. 12-4120.]

(Ord. 2450C; 06-21-10)
(Ord. 2462C; 09-20-10)
(Ord. 2487C; 05-02-11)
(Ord. 2514C; 10-17-11)
(Ord. 2847C; 06-19-17)
(Ord. 2906C; 10-01-18)

14-110. LITTERING FROM MOTOR VEHICLE.

No person shall throw, place or drop litter or allow litter to be thrown, placed or dropped from a motor vehicle onto or upon any highway, road or street. The driver of the motor vehicle may be cited for any litter thrown, placed or dropped from the motor vehicle, unless any other person in the motor vehicle admits to or

is identified as having committed the act.

For purposes of this Article, "litter" is defined as rubbish, refuse, waste material, garbage, trash or debris of whatever kind or description and includes improperly discarded paper, metal, plastic or glass.

(Ord. 2136C; 11-07-05)
(Ord. 2305C: 02-04-08)
(Ord. 2350C; 10-06-08)
(Ord. 2419C; 11-02-09)
(Ord. 2462C; 09-20-10)
(Ord. 2514C; 10-17-11)
(Ord. 2577C; 10-01-12)
(Ord. 2640C; 10-21-13)

- 14-111. TRAFFIC REGULATIONS ON PRIVATE PROPERTY.** Whenever the person in possession or control of any private property used by the public for purposes of vehicular traffic by permission of the owner, shall cause to be posted at each entrance thereto a permanently lettered clearly legible sign with the following legend:

"TRAFFIC REGULATIONS OF THE CITY OF LEAWOOD ENFORCED ON THIS PROPERTY. SPEED LIMIT 15 M.P.H." (or as posted.)

Then such private property shall thereafter be deemed to be under the traffic regulations of the city as provided by law.

(Ord. 1800C; 05-17-99)
(Code 2000)
(Ord. 1908C; 08-06-01)
(Ord. 2136C; 11-07-05)
(Ord. 2305C: 02-04-08)
(Ord. 2350C; 10-06-08)
(Ord. 2419C; 11-02-09)
(Ord. 2462C; 09-20-10)
(Ord. 2514C; 10-17-11)
(Ord. 2577C; 10-01-12)
(Ord. 2640C; 10-21-13)

14-112. 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.
- (b) All traffic infractions 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.

(Ord. 1800C; 5-17-99)
(Code 2000)
(Ord. 1908C; 08-06-01)
(Ord. 2136C; 11-07-05)

(Ord. 2305C; 02-04-08)
(Ord. 2350C; 10-06-08)
(Ord. 2419C; 11-02-09)
(Ord. 2462C; 09-20-10)
(Ord. 2514C; 10-17-11)
(Ord. 2577C; 10-01-12)
(Ord. 2640C; 10-21-13)

14-112A. DRIVING ON ROADWAYS LANED FOR TRAFFIC. Section 46 of the Standard Traffic Ordinance, incorporated in Section 14-101 of this Article, is amended to read as follows:

Sec. 46. Driving on Roadways Laned for Traffic.

Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply:

- (a) A vehicle shall be driven entirely within a single lane and shall not be moved from such lane until the driver has first complied with the requirements of Section 54.
- (b) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or whether such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.
- (c) Official traffic-control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device.
- (d) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the direction of every such device.

(Ord. 2756C; 11-02-15)
(Ord. 2803C; 09-19-16)
(Ord. 2906C; 10-10-18)
(Ord. 3104; 10-17-22)

14-112B. CONSTRUCTION ZONES. Section 204 of the Standard Traffic Ordinance, incorporated in Section 14-101 of this Article, is amended to read as follows:

Sec. 204. Fines Doubled in Road Construction Zones.

Fines listed in the schedule of fines, as established by the municipal court judge, shall be doubled if a person is convicted of an ordinance traffic infraction, which is defined as a moving violation in accordance with rules and regulations adopted pursuant to K.S.A. 8-249 and amendments thereto, committed within any road construction zone.

(Ord. 2756C; 11-02-15)
(Ord. 2803C; 09-19-16)

(Ord. 2906C; 10-01-18)
(Ord. 3104; 10-17-22)

14-112C. RIDING ON ROADWAYS AND BICYCLE PATHS. Section 131 of the Standard Traffic Ordinance incorporated in Section 14-101 of this article shall be amended to read as follows:

Sec. 131. Riding on Roadways and Bicycle Paths.

- (a) Every person operating a bicycle or a moped upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as near to the right side of the roadway as practicable, except under any of the following situations when:
 - (1) Overtaking and passing another bicycle or vehicle proceeding in the same direction;
 - (2) preparing for a left turn at an intersection or into a private road or driveway; or
 - (3) reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving bicycles, bicycles, pedestrians, animals, surface hazards or narrow width lanes that make it unsafe to continue along the right-hand edge of the roadway.
- (b) Any person operating a bicycle or a moped upon a one-way highway with two or more marked traffic lanes may ride as near to the left side of the roadway as practicable.
- (c) Persons riding bicycles upon a roadway shall not ride more than two abreast, except on paths or parts of roadways set aside for the exclusive use of bicycles.
- (d) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.
- (e) For purposes of this section, "narrow width lane" means a lane that is too narrow for a bicycle and a vehicle to travel safely side-by-side within the lane. "Usable path for bicycles" shall mean paths or parts of roadways set aside for the exclusive use of bicycles.

(Ord. 2906C; 10-01-18)
(Ord. 3104; 10-17-22)

14-112D. DRIVING UPON SIDEWALKS. Section 116 of the Standard Traffic Ordinance incorporated in Section 14-101 of this article shall be amended to read as follows:

Sec. 116. Driving Upon Sidewalks.

No person shall drive any vehicle or motor scooter upon a sidewalk, sidewalk area, or trail in the City, except upon a permanent or duly authorized temporary driveway.

(Ord. 2906C; 10-01-18)
(Ord. 3104; 10-17-22)

14-113. PENALTY FOR SCHEDULE FINES. Section 201 of the Standard Traffic Ordinance, incorporated in Section 14-101 of this Article, shall be amended to read as follows:

Sec. 201 Penalties

- (a) It is unlawful for any person to violate any of the provisions of this ordinance.
- (b) The judge of the municipal court shall in the manner prescribed by K.S.A. 12-4305 and amendments thereto establish a schedule of fines for violation of any section of this ordinance classified as an ordinance traffic infraction by K.S.A. 8-2118 and amendments thereto. Such fines shall be imposed upon a voluntary entry of appearance and upon a plea of guilty or no contest to a complaint alleging such violation and payment of the fine and any court costs.
- (c) 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 \$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 \$1,000.
- (d) Every person convicted of a violation of any of the provisions of this ordinance for which another penalty is not provided by this ordinance or by the schedule of fines established by the judge of the municipal court shall be punished for a first conviction thereof by a fine of not more than \$1000 or by imprisonment for not more than six months or by both such fine and imprisonment; and for a second or subsequent conviction within two years after the first conviction such person shall be punished by a fine of not more than \$2,500 or by imprisonment for not more than one year or by both such fine and imprisonment.

(Ord. 1800C; 5-17-99)

(Code 2000)

(Ord. 1908C; 08-06-01)

(Ord. 2136C; 11-07-05)

(Ord. 2305C; 02-04-08)

(Ord. 2350C; 10-06-08)

(Ord. 2419C; 11-02-09)

(Ord. 2462C; 09-20-10)

(Ord. 2514C; 10-17-11)

(Ord. 2577C; 10-01-12)

(Ord. 2640C; 10-21-13)

(Ord. 2691C; 10-06-14)

(Ord. 2756C; 11-02-15)

(Ord. 2803C; 09-19-16)

(Ord. 2906C; 10-01-18)

(Ord. 3104; 10-17-22)