

PASSED ON THE 10th DAY OF June 1957.

AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF ANDOVER, KANSAS, AND PROVIDING PENALTIES AND FINES FOR THE VIOLATION OF SAID ORDINANCE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS:

SECTION 1: Definitions. All words or terms used herein shall have such meanings as are usually legally ascribed to such words and terms except the word "vehicle" shall be construed to mean all motor driven vehicles including so-called motor scooter, bicycles and any and all other means of conveyances now used or hereinafter used upon the streets of said City, and the word "roadway" shall mean any public street, alley, or other thoroughfare commonly used for carrying motor vehicular traffic.

SECTION 2: Marshal to Direct Traffic. It shall be the duty of the Marshal of this City to enforce the provisions of this ordinance. The Marshal is hereby authorized to direct all traffic either in person or by means of visible or audible signal in conformance with the provisions of this ordinance, provided that in the event of a fire or other emergency or to expedite traffic or safeguard pedestrians or in the interest of the public health, safety or welfare, the Marshal may direct traffic as conditions may require, notwithstanding the provisions of this ordinance.

SECTION 3: Obedience to Marshal. It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal or direction of the Marshal.

SECTION 4: Public Employees to Obey Traffic Regulations. The provision of this ordinance shall apply to the driver of any vehicle owned by or used in the service of the United States Government, this State, County or City, and it shall be unlawful for any said driver to violate any of the provisions of this ordinance, excepting as otherwise permitted in this ordinance.

SECTION 5: Exemptions to Authorized Emergency Vehicles. The provisions of this ordinance regulating the movement, parking and standing of vehicles shall not apply to authorized emergency vehicles, as defined in this ordinance, while the driver of such vehicle is operating the same in an emergency in the necessary performance of public duties.

SECTION 6: Traffic Signs and Signals. The City Council shall by resolution or ordinance, determine and designate the character or type of all official traffic signs and signals in accordance with the Manual and Specifications for Uniform System of Traffic Control Devices on Streets and Highways in Kansas and determine by resolution where said signs and/or signals shall be placed.

SECTION 7: Obedience to Traffic Signs and Signals. It shall be unlawful for the driver of any vehicle to disobey the instructions of any official traffic sign or signal placed in accordance with the provisions of this ordinance, unless otherwise directed by the Marshal.

SECTION 8: Display of Unauthorized Signs and Signals Prohibited. It shall be unlawful for any person to place or maintain or to display upon or in view of any street any official sign, signal or device which purports to be or is an imitation of or resembles an official traffic sign or signal, or which attempts to direct the movement or parking of traffic, or which hides from view or interferes with the effectiveness of any official sign or signal. Every such prohibited sign, signal or device is hereby declared to be a public nuisance, and the Marshal is hereby empowered to remove the same, or cause it to be removed without notice.

SECTION 9: Interference with Signs and Signals Prohibited. It shall be unlawful for any person to willfully deface, injure, move, obstruct or interfere with any official traffic sign or signal.

SECTION 10: Pedestrians Right of Way at Crosswalks.

(a) Where traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right of way, slowing down or stopping if need to so yield, to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection.

(b) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk, at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

SECTION 11: Pedestrian Crossing at Other Than Crosswalks.

(a) Every pedestrian crossing a roadway at a point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon a roadway.

(b) Notwithstanding the provisions of this section every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway, and shall give warning by sounding the horn when necessary, and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

SECTION 12: Unlawful Riding.

(a) It shall be unlawful for any person to ride on any passenger vehicle on running board, bumpers or fenders or for more than three adult persons to occupy the front seat of a vehicle when the vehicle is in motion.

(b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

SECTION 13: Stopping Prohibited in Specified Places. It shall be unlawful for the driver of a vehicle to stop, stand or park such vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a marshal or traffic control sign or signal:

- (a) On a sidewalk
- (b) In front of a public or private driveway
- (c) Within an intersection
- (d) Within fifteen feet of a fire hydrant
- (e) On a crosswalk
- (f) Within twenty feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway
- (g) Within twenty feet of the driveway entrance to any fire station
- (h) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic
- (i) On the roadway side of any vehicle stopped or parked at the edge or curb of a street
- (j) At any place where official signs prohibit stopping.

SECTION 14: Standing for Loading or Unloading Only in Certain Places.

(a) The City Council may by resolution determine the location of passenger zones, and loading zones, and may erect and maintain or cause to be maintained appropriate signs indicating same.

(b) It shall be unlawful for the driver of a vehicle to stop, stand or park said vehicle for a period of time longer than is necessary for the expeditious loading or unloading of passengers, or for the loading and delivery or pick up and loading of materials, in any place marked as a loading zone. In no case shall he stop for loading of materials exceed 15 minutes.

(c) The driver of a vehicle upon a road or street when meeting or overtaking from either direction any vehicle used and designated as a school bus which has stopped on such road or street for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such bus whenever a stop signal which meets standard requirements approved by the Kansas Highway Commission shall be displayed from such warning to the driver of any approaching vehicle that children may be on the road or street and such vehicle shall not pass the school bus until such stop signal has been withdrawn.

SECTION 15: Standing or Parking Close to Curb.

(a) Except when necessary in obedience to traffic regulations or traffic signs or signals, the driver of a vehicle shall not stop, stand or park such vehicle in a roadway, other than parallel with the edge of the roadway, headed in the direction of traffic, and with the curbside wheels of the vehicle within twenty inches of the edge of the roadway except as provided in the following paragraphs:

(1) Upon those streets which by order or resolution of the City Council have been marked or signed for angle parking, vehicles shall be parked at the angle to the curb indicated by such marks or signs, and with the nearest wheel within 12 inches of the curb or edge of roadway.

(2) In places where, and at hours when, stopping for the loading or unloading of merchandise or materials is permitted, vehicles used for the transportation of merchandise or materials may back into the curb to take or discharge loads provided not less than ten (10) feet of roadway is left free for vehicular traffic.

SECTION 16: Parking Vehicles for Sale Prohibited. It shall be unlawful for any person to park upon the street or roadway any vehicle displayed for sale.

SECTION 17: Operation of Vehicles on Approach of Authorized Emergency Vehicles.

(a) Upon the immediate approach of an authorized emergency vehicle, when the driver is giving audible signal by siren, exhaust whistle, or bell, the driver of every vehicle shall yield the right of way, and shall immediately drive to a parking position at the right hand edge or curb of the highway, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by the Marshal.

(b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

SECTION 18: Following Fire Apparatus Prohibited. It shall be unlawful for the driver of any vehicle, other than one on official business, to follow closer than 500 feet, any fire apparatus traveling in response to a fire alarm, or to drive into or stop any vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

SECTION 19: Unlawful to Drive Thru Procession unless Directed by Traffic Control Signals or by Marshal. It shall be unlawful for the driver of any vehicle to drive between the vehicles comprising a funeral or other authorized procession while they are in motion, provided that said vehicles are conspicuously so designated. This provision shall not apply at intersections where traffic is controlled by traffic control signals or the Marshal.

SECTION 20: Emerging from Alley or Private Driveway. The driver of a vehicle emerging from an alley or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway.

SECTION 21: Vehicles shall not be Driven on the Sidewalk. The driver of a vehicle shall not drive within any sidewalk area, except at a permanent or temporary driveway.

SECTION 22: Clinging to Moving Vehicles. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any toy vehicle to cling to or attach himself or his vehicle to any other moving vehicle upon any roadway.

SECTION 23: Compliance With State Driver's License Provisions. It shall be unlawful for a resident of the State of Kansas to operate upon the streets or alleyways of the City of Andover, Kansas any motor vehicle unless said resident has fully complied with the provisions of the laws of the State of Kansas governing the issuance of drivers' licenses. Provided further that it shall be unlawful for any resident of the State of Kansas between the ages of fourteen and sixteen years to whom restricted driver's licenses have been issued, to operate a motor vehicle within the City of Andover, Kansas except for the purposes for which said driver's license was issued.

SECTION 24: Motor Vehicles Left Unattended, Brakes to be Set and Engine Stopped. No person having control or charge of a motor vehicle shall allow such vehicle to stand on any street unattended without first setting the brakes thereon and stopping the motor of said vehicle, and, when standing upon a perceptible grade, without turning the wheels of such vehicle to the curb or the side of the street or highway.

SECTION 25: Lights. Every motor vehicle upon a street within this City at any time from a half hour after sunset to a half hour before sunrise, and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the street at a distance of 500 feet ahead, shall display lighted lamps and illuminating devices as required for different classes of vehicles, subject to exceptions with respect to parked vehicles, as specified in the Uniform Act Regulating Traffic on Highway, 1937 Session Laws Kansas Legislature.

SECTION 26: Mufflers and Brakes. It shall be unlawful for the driver of any motor vehicle to operate such vehicle on the streets of the City of Andover without having attached thereto a good and sufficient muffler which shall remain closed or without said vehicle being equipped with brakes sufficient to stop said vehicle in a prudent and safe manner.

SECTION 27: Person Under the Influence of Intoxicating Liquors or Narcotic Drugs.

(a) It shall be unlawful for any person who is an habitual user of narcotic drugs or any person who is under the influence of intoxicating liquor or narcotic drugs to drive any vehicle within this City.

(b) Every person who is convicted of a violation of this section shall be punished by imprisonment for not more than one year, or by fine of not less than \$25.00 nor more than \$500.00, or by both such fine and imprisonment. On a second

or subsequent conviction he shall be punished by imprisonment for not less than ninety days nor more than one year, and, in the discretion of the Court, a fine of not more than \$500.00.

SECTION 28: Reckless Driving. Any person who drives any vehicle upon a street carelessly and heedlessly in willful and wanton disregard of the rights of others, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property shall be guilty of reckless driving.

Every person convicted of reckless driving shall be punished upon a first conviction by imprisonment in the municipal jail ninety (90) days, or by fine of not less than \$10.00 nor more than \$500.00, or by both such fine and imprisonment, and on second or subsequent conviction shall be punished by imprisonment for not less than ten (10) days nor more than six (6) months, or by a fine of not less than \$20.00 nor more than \$500.00, or by both such fine and imprisonment.

SECTION 29: Speed Restrictions.

(a) No person shall drive a vehicle on a street at a speed greater than is reasonable and prudent under the conditions then existing.

(b) Where no special hazard exists the following speeds shall be lawful, but any speed in excess of said limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful: (1) twenty (20) miles per hour; (2) fifteen (15) miles per hour in any area designated by resolution as a school district.

(c) The fact that the speed of a vehicle is lower than the foregoing prima facie limits shall not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding street, or when special hazard exists with respect to pedestrians or other traffic or by reason of weather or street condition, and speed shall be decreased as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the street in compliance with legal requirements and the duty of all persons to use due care.

(d) The foregoing provisions of this section shall not be construed to relieve the plaintiff in any civil action from the burden of proving negligence upon the part of the defendants as the proximate cause of an accident.

SECTION 30: Minimum Speed Regulation. No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law. The Marshal is hereby authorized to enforce this provision by directions to drivers, and in the event of apparent willful disobedience to this provision and refusal to comply with direction of an officer in accordance herewith, the continued slow operation by a driver shall be a misdemeanor.

SECTION 31: When Speed Restrictions Not Applicable.
The prima facie speed limitations set forth in this article shall not apply to authorized emergency calls and the drivers thereof sound audible signal by bell, siren or exhaust whistle. This provision shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

SECTION 32: Drive on Right Side of Street--Exceptions.
Upon all streets of sufficient width a vehicle shall be driven upon the right half of the street, except as follows: (1) when overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement; (2) when the right half of the street is closed to traffic while under construction or repair; (3) upon a street divided into three marked lands for traffic under the rules applicable thereon; or (4) upon a street designated and signposted for one-way traffic.

SECTION 33: Overtaking a Vehicle on the Left. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction subject to those limitations, exceptions, and special rules hereinafter stated:

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle.

(b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

SECTION 34: When Overtaking on the Right is Permitted.

(a) The driver of a vehicle may overtake and pass upon the right another vehicle which is making or about to make a left turn.

(b) The driver of a vehicle may overtake and, allowing sufficient clearance, pass another vehicle proceeding in the same direction either upon the left or upon the right on a street with unobstructed pavement of sufficient width for four or more lines of moving traffic when such movement can be made in safety. No person shall drive off the pavement or upon the shoulder of the roadway in overtaking or passing on the right.

SECTION 35: Limitations on Overtaking to Left.

(a) No vehicle shall be driven to the left side of the center of the street in overtaking and passing another vehicle proceeding in the same direction unless left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle approaching from the opposite direction or any vehicle overtaken.

In every event, the overtaking vehicle must return to the right hand side of the street before coming within 100 feet of any vehicle approaching from the opposite direction.

(b) No vehicle shall, in overtaking and passing another vehicle or at any other time, be driven to the left side of the street under the following conditions: (1) When approaching within 100 feet of any bridge, viaduct, or tunnel or when approaching within 100 feet of or traversing any intersection or railroad grade crossings; (2) When approaching the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed; (3) Where official signs are in place directing that traffic keep to the right, or a distinctive center line is marked.

SECTION 36: Turning at Intersections. The driver of a vehicle intending to turn at an intersection shall do so as follows:

(a) Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the street.

(b) Approach for a left turn shall be made in that portion of the right half of the street nearest the center line thereof, and after entering the intersection to the right of the center line of the street being entered.

(c) Approach for a left turn from a two-way street into a one-way street shall be made in that portion of the right half of the street nearest the center line thereof and by passing to the right of such center line where it enters the intersection. A left turn from a one-way street into a two-way street shall be made by passing to the right of the center lines of the street being entered upon leaving the intersection.

SECTION 37: When Signal Required.

(a) No person shall turn a vehicle from a direct course upon a street unless and until such movement can be made with reasonable safety, and then only after giving a clearly audible signal by sounding the horn if any pedestrian may be affected by such movement, or after given an appropriate signal in the manner hereinafter provided in the event any other vehicle may be affected by such movement.

(b) A signal of intention to turn right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.

(c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

SECTION 38: Signals by Hand and Arm or Signal Device.

The signals herein required shall be given either by means of the hand and arm or by a signal lamp or signal device of the type approved by the department, but when a vehicle is so constructed or loaded that hand and arm signal would not be visible both to the front and rear of such vehicle then said signals must be given by lamp or device.

SECTION 39: Method of Giving Hand and Arm Signals.

All signals herein required given by hand and arm shall be given

from the left side of the vehicle in the following manner and such signals shall indicate as follows: (1) Left turn--hand and arm extended horizontally. (2) Right turn--hand and arm extended upward and moved with a swinging motion from the rear to the front. (3) Stop or decrease of speed--hand and arm extended downward.

SECTION 40: Vehicles Approaching or Entering Intersection.

(a) The driver of a vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection from a different street.

(b) When two vehicles enter an intersection from different streets at the same time the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

(c) The foregoing rules are modified at through streets and otherwise as hereinafter stated in this ordinance.

SECTION 41: Vehicles Turning Left at Intersection. The driver of a vehicle within an intersection intending to turn left shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but said driver, having so yielded and having given a signal when and as required by this act, may make such left turn and the drivers of all other vehicles approaching the intersections from said opposite direction shall yield the right of way to the vehicle making the left turn.

SECTION 42: Vehicles Entering Thru Street or Stop Intersection.

(a) The driver of a vehicle shall stop as required by this act at the entrance to a through street and shall yield the right of way to other vehicles which have entered the intersection from said through street or which are approaching so closely on said through street as to constitute an immediate hazard, but said driver having so yielded may proceed, and the drivers of all other vehicles approaching the intersection on said through street shall yield the right of way to the vehicle so proceeding into or across the through street.

(b) The driver of a vehicle shall likewise stop in obedience to a stop sign as required herein at an intersection where a stop sign is erected at one or more entrances thereto, although not a part of a through street, shall proceed cautiously, yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed.

SECTION 43: Vehicles Entering Street from Private Road or Driveway. The driver of a vehicle about to enter or cross a street from a private road or driveway shall yield the right of way to all vehicles approaching on said street.

SECTION 44: Duty to Stop in Event of an Accident.

(a) The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as, possible, but shall forthwith return to and in every

event shall remain at the scene of the accident until he has fulfilled the requirements of Section 46. Every such stop shall be made without obstructing traffic more than is necessary.

(b) Any person failing to stop or to comply with said requirements under such circumstances shall upon conviction be punished by imprisonment for not more than one year or by a fine of not less than \$25.00 nor more than \$500.00, or by both such fine and imprisonment.

SECTION 45: Accident Involving Damage to Vehicle or Injury to a Person or Persons. The driver of any vehicle involved in any accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible, but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of Section 44. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said requirements under such circumstances shall be guilty of a misdemeanor.

SECTION 46: Duty to Give Information and Render Aid. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address, and the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's or chauffeur's license to the Marshal or to the person struck or the driver or occupant of or person attending any vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary, or if such carrying is requested by the injured person. In all events, the operator or owner of any vehicle involved in any accident resulting in injury or death to any person or damage to property shall forthwith report the nature and details of the same to the Marshal.

SECTION 47: Duty upon Striking Unattended Vehicle. The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle, of the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof.

SECTION 48: Penalties.

(a) Any persons violating any of the provisions of this ordinance or any rule, regulation or resolution contained herein or made by the City Council pursuant thereto shall be guilty of a misdemeanor unless such violation is by this ordinance or other law of this state declared to be a felony.

(b) Every person convicted of a misdemeanor for a viola-

tion of any of the provisions of those ordinances for which another penalty is not provided shall for first conviction thereof be punished by a fine of not more than \$100.00 or by imprisonment for not more than ten days; for a second such conviction within one year thereafter such person shall be punished by fine of not more than \$200.00 or by imprisonment for not more than twenty days or by both such fine and imprisonment; upon a third or subsequent conviction within one year after the first conviction such person shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than six months or by both such fine and imprisonment.

SECTION 49: Validity. If any section, sub-section, paragraph or provision of this ordinance be held to be invalid by any court for any reason, it shall be presumed that this ordinance would have been passed by the City Council without such invalid section, sub-section, paragraph, or provision, and such finding or construction shall not in any way affect the remainder of this ordinance.

SECTION 50: Repeal of Previous Ordinances. That any and all ordinances, or portions thereof, of the City of Andover, Kansas, in conflict with this ordinance shall be and hereby are repealed to the extent that such ordinances or portion thereof, conflict with this ordinance.

SECTION 51: This ordinance shall become of full force and effect from and after its posting as required by law.

Passed and adopted the 20th day of April, 1957 by the Governing Body of the City of Andover, Kansas.


Mayor

ATTEST:

(SEAL)


City Clerk