

OCA No.: 083303

ORDINANCE NO. 50-642

AN ORDINANCE AMENDING SECTIONS 11.04.060, 11.20.080, 11.22.040, 11.44.020, 11.52.050 AND 11.56.020 AND CREATING SECTIONS 11.44.080, 11.44.090, 11.44.100, 11.44.110 AND 11.44.120 OF THE CODE OF THE CITY OF WICHITA PERTAINING TO TRAFFIC CONTROL SIGNALS AND ROADWAY RESTRICTIONS AND REPEALING THE ORIGINALS OF SECTIONS 11.04.060, 11.20.080, 11.22.040, 11.44.020, 11.44.050, 11.52.050, 11.56.020 AND CHAPTER 3.26 OF THE CODE OF THE CITY OF WICHITA.

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

SECTION 1. Section 11.04.060 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Congested area or district.

Congested area means all streets and portions of streets, excluding alleys, within the area described as follows: All the area bounded Central on the north including all property abutting Central on the north, Washington Street on the east, including all property abutting Washington to the east, the Arkansas River on the west, including all property abutting the Arkansas River on the west and Kellogg Drive on the south, including all property abutting Kellogg Drive on the south.”

SECTION 2. Section 11.20.080 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Flashing or dark traffic signals.

(a) Unless directed by a police officer or an official traffic control device, whenever an illuminated flashing red or yellow light is used in a traffic signal or the traffic signal has no indication illuminated, it shall require obedience by vehicular traffic as follows:

- (1) Flashing Red or Dark (Stop Signal). When a red lens is illuminated with rapid intermittent flashes or there are no lenses illuminated, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic before entering it, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
- (2) Flashing Yellow (Caution Signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(b) This section shall not apply at railroad grade crossings. Conduct of drivers approaching railroad grade crossings shall be governed by the provisions set forth in Section 11.36.080 of this title.”

SECTION 3. Section 11.22.040 of the Code of the City of Wichita is hereby amended to read as follows:

“Abatement notice—Time limit.

- (a) When, in the opinion of the traffic engineer, an obstruction to visibility exists, as prohibited in this chapter, it is his duty to give notice in writing by certified letter addressed to the property owner or owners complained against, provided that the notice shall specify in what manner a traffic hazard has been alleged to exist. The notice shall direct the removal by the property owner or owners of the structures, trees or other obstructions which constitute the traffic hazard. The notice shall provide that such structures, trees or other obstructions shall be removed within ten days.

- (b) The property owner shall be allowed ten days in which to comply with the order of the traffic engineer; provided, however, that any person or persons aggrieved by any such order may, within said ten-day period, submit a written request to the traffic engineer for a hearing before the city engineer wherein said person may appeal the traffic engineer's interpretation of Section 11.22.010 and/or Section 11.22.020 as these sections are being applied against them and/or further, may request that the city engineer grant a variance to the strict enforcement of Section 11.22.010 and/or Section 11.22.020.”

SECTION 4. Section 11.44.020 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Crossing streets at corners.

- (a) When 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 be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadways to be in danger.
- (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 vehicle approaching from the rear shall not overtake and pass such stopped vehicle.
- (c) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.
- (d) Whenever pedestrian signals exhibiting indications of a WALKING PERSON (symbolizing WALK) and an UPRAISED HAND (symbolizing DONT WALK),

such signals shall indicate as follows:

- (1) A steady WALKING PERSON (symbolizing WALK) signal indication means that a pedestrian facing the signal indication is permitted to start to cross the roadway in the direction of the signal indication, possibly in conflict with turning vehicles. The pedestrian shall yield the right-of-way to vehicles lawfully within the intersection at the time that the WALKING PERSON (symbolizing WALK) signal indication is first shown.
 - (2) A flashing UPRAISED HAND (symbolizing DONT WALK) signal indication means that a pedestrian shall not start to cross the roadway in the direction of the signal indication, but that any pedestrian who has already started to cross on a steady WALKING PERSON (symbolizing WALK) signal indication shall proceed to the far side of the traveled way of the street or highway, unless otherwise directed by a traffic control device to proceed only to the median of a divided highway or only to some other island or pedestrian refuge area.
 - (3) A steady UPRAISED HAND (symbolizing DONT WALK) signal indication means that a pedestrian shall not enter the roadway in the direction of the signal indication.
- (e) Subsection (a) of this section shall not apply under the conditions stated in subsection (b) of Section 11.44.030.”

SECTION 5. Section 11.52.050 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Diagonal Parking – Restrictions.

(a) Diagonal parking of motor vehicles on the streets is permitted on cutbacks on streets not designated as through streets and as designated by traffic control devices provided, however, that no motor vehicle which has an overall length of vehicle and load in excess of eighteen feet shall be parked diagonally upon such streets.

(b) Parking of motor vehicles in metered municipal parking lots as described in Section 11.96.050 shall be with the front wheels next to the curb at right angles; provided, however, that no motor vehicle which has an overall length of vehicle and load exceeding eighteen feet shall be parked in the municipal parking lots.”

SECTION 6. Section 11.56.020 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“How zones are to be used.

It is unlawful:

- (1) For any person or operator, other than the operator of a bus or U.S. postal vehicle, to stop or park a motor vehicle in any designated loading zone;
- (2) For any person or operator to stop or park in any designated truck loading zone, other than the operator of a truck; it is further unlawful for the operator of a truck to stop or park in such truck loading zone for a period of time longer than is necessary for the expeditious loading and unloading of merchandise, and in no event in excess of fifteen minutes; provided, however, that no loading or unloading of merchandise shall take place from streets located in the congested area of the city as defined in Section 11.04.060,

between the hours of four-thirty p.m. and six p.m. on weekdays; provided further, that all motor vehicles may park in truck loading zones between the hours of seven p.m. and seven a.m., and on Sundays and legal holidays;

- (3) For any person or operator to stop or park in any designated loading zone for a period of time longer than is necessary for an expeditious loading or unloading of passengers or merchandise, and in no event in excess of fifteen minutes;
- (4) For the operator of any tractor-trailer combination or truck having an overall length in excess of twenty-five feet to load or unload in a designated truck loading zone located in the congested area.”

SECTION 7. Section 11.44.050 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 8. Section 11.44.080 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Preamble.

Whereas, the City Council hereby finds that the high volume of motor vehicles travelling on congested roadways in the City of Wichita makes mixing pedestrian and the moving, slowing or temporarily stopping of motor vehicles in the same space, at the same time, inherently dangerous. The City Council finds that pedestrians distracting drivers from the task of driving by approaching a stopped vehicle, attracting and/or attempting to attract the attention of the driver of a motor vehicle for the purpose of inducing that driver to slow or stop the vehicle to facilitate the transfer of anything from the driver or occupant of the vehicle to the pedestrian or the transfer of anything by the pedestrian to the driver or passenger is hazardous to public safety, both for occupants of motor vehicles and for pedestrians.

The City Council further finds that the prohibitions set forth in this ordinance are narrowly tailored to serve the significant interest of promoting and protecting the public health, safety and welfare and that said prohibitions leave open ample alternative channels of communication throughout the City;

Whereas, it is the intent of this section to protect the health, safety and general welfare of the citizens of the City of Wichita, to assure the free, orderly, uninterrupted movement of motor vehicles on designated highways within the City limits, and to provide for the safety and interests of pedestrians and of occupants of motor vehicles located on designated roadways within the City of Wichita and to reduce the number of pedestrian and motor vehicle accidents occurring within the City; and

Whereas, pedestrians are increasingly using highways and roadways in ways for which the roads were not designed or intended. These uses include approaching vehicles when stopped or in use or staying upon medians and in the public right of way for purposes other than crossing the highway. These activities create safety hazards for pedestrians and distract drivers, making automobile accidents more likely. This ordinance is designed to decrease the safety hazards by restricting such activity. These safety concerns are most acute in the busiest streets within the City of Wichita, identified as arterial streets, main trafficways and those within a congested district.”

SECTION 9. Section 11.44.090 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Definitions.

As used in this section the following words and phrases shall have the following meanings:

“Alley” shall be defined as set forth in Section 11.04.010.

“Arterial Street” shall be defined as set forth in Section 11.04.012 and include those streets designated in 11.96.100.

“Chief of Police” means the Chief of Police or his or her designee.

“Congested Area” shall be defined as set forth in Section 11.04.060.

“Crosswalk” shall be defined as set forth in Section 11.04.070.

“Designated Roadway” includes the roadways, shoulders, islands, public right-of-ways or medians of any:

- (1) Arterial Street or Main Trafficway;
- (2) Street within a Congested Area;
- (3) Street with a posted speed limit of 40 mph or greater.

“Driver” shall be defined as set forth in Section 11.04.090.

“Intersection” shall be defined as set forth in Section 11.04.135.

“Island” or Median” means the paved or unpaved area between traffic lanes dividing a street or highway into separates lanes of traffic traveling in opposite directions, or in the case of left or right turn lanes, vehicles traveling in the same direction.

“Main Trafficways” shall include those roadways designated in Section 11.96.120.

“Motor Vehicle” shall be defined as set forth in Section 11.04.170.

“Pedestrian” shall be defined as set forth in Section 11.04.225.

“Private Road” shall be defined as set forth in Section 11.04.255.

“Public Right of Way” shall be defined as set forth in Section 11.04.257.

“Roadway” shall be defined as set forth in Section 11.04.290.

“Sidewalk” shall be defined as set forth in Section 11.04.320.”

SECTION 10. Section 11.44.100 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Entering or Staying Upon a Designated Roadway is Prohibited.

- (a) It shall be unlawful for any person to go upon any designated roadway or remain

alongside any designated roadway and approach a vehicle stopped on the roadway or attempt to attract the attention of the driver or occupant of a motor vehicle for the purpose of inducing the driver of the motor vehicle to remain stopped, slow or stop the vehicle to facilitate a transfer of anything from the driver or occupant of the vehicle to the pedestrian or the transfer of anything by the pedestrian to the driver or occupant.

- (b) No person shall be upon the median of a designated roadway unless that person is in the process of crossing the roadway.
- (c) No person shall activate a pedestrian crosswalk signal for any purpose other than to stop traffic to allow such person to cross the roadway.
- (d) It is *prima facie* evidence of a violation of Subsections (b) and (c) if the person stays on the median or at the intersection through two consecutive opportunities to legally cross the roadway. This may include a change in the traffic control signal or lack of traffic. After two such consecutive opportunities, such person shall not be considered to be “using the crosswalk” for purposes of the exceptions set forth below.
- (e) No driver or operator of a motor vehicle shall park, stop or leave standing a vehicle on a designated roadway or suddenly decrease the speed of such vehicle or deviate from a traffic lane for the purpose of responding to persons violating Subsections (a), (b) or (c).
- (f) Exceptions:
This ordinance does not apply to:
 - (1) Persons in or upon public or private parking lots, alleys or private roads;
 - (2) Persons using a crosswalk to cross the roadway;

- (3) Persons engaged in law enforcement, emergency or rescue activities, including providing assistance to an injured or disabled vehicle or person;
- (4) Persons entering a vehicle as an invited passenger where it is lawful to do so, including, but limited to: activity permitted under Chapter 3.84 (taxis), Chapter 3.85 (limousines) and Chapter 3.88 (airport limousines) or other “for hire” transportation services, including public transportation services;
- (5) Persons engaged in the repair or maintenance activities of the highway under the direction of the City of Wichita or State of Kansas;
- (6) Streets or portions thereof that have been closed pursuant to express authorization from the City to include but not be limited to: community events licensed pursuant to Chapter 3.11, parades licensed pursuant to Chapter 3.14 of the Code of the City of Wichita or Use of Right of Way or Use of a Street permit issued pursuant to Chapter 10.08 of the Code of the City of Wichita;
- (7) Persons entering the roadway for the purpose of conducting business with a food truck properly licensed pursuant to Chapter 3.15 or an ice cream vendor properly licensed pursuant to Chapter 3.89 of the Code of the City of Wichita.”

SECTION 11. Section 11.44.110 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Penalty.

Any person who violates the provisions of Section 11.44.100 is guilty of a misdemeanor. Upon a conviction, a person shall be sentenced to a fine not to exceed five hundred (500) dollars and/or imprisonment not to exceed thirty (30) days.”

SECTION 12. Section 11.44.120 of the Code of the City of Wichita, Kansas, is hereby created

to read as follows:

“Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.”

SECTION 13. Chapter 3.26 of the Code of the City of Wichita is hereby repealed in its entirety.

SECTION 14. The originals of Chapter 3.26 and Sections 11.04.060, 11.20.080, 11.22.040, 11.44.020, 11.44.050, 11.52.050 and 11.56.020 of the Code of the City of Wichita are hereby repealed.

SECTION 15. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this 19th day of December, 2017

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Jennifer L. Magaña
City Attorney and Director of Law