

CITY OF SHAWNEE
ORDINANCE NO. 3385

AN ORDINANCE AMENDING SECTIONS 10.02.010, 10.04.023, 10.04.025, 10.04.026, 10.04.028, 10.04.029, 10.04.030, 10.04.030.1, 10.04.030.2, 10.04.030.4, 10.04.031, 10.04.179, 10.04.198.1, 10.04.201.1, 10.36.010, 10.42.010, AND 10.42.020 OF THE SHAWNEE MUNICIPAL CODE CONCERNING VEHICLES AND TRAFFIC; REPEALING SECTION 10.04.030.3 CONCERNING REFUSING TO SUBMIT TO AN ALCOHOL OR DRUG TEST; AND REPEALING THE SECTIONS HEREBY AMENDED

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SHAWNEE, KANSAS:

PARAGRAPH 1. Section 10.02.010 of the Shawnee Municipal Code is hereby amended to read as follows:

Section 10.02.010 – Definitions

The terms or phrases used in this Title shall have those meanings and definitions as set forth hereafter, unless from the context a different meaning is intended, or the Code directs that a different definition is to be applied to a provision.

A. Alcoholic Beverage shall mean any alcoholic liquor, as defined by K.S.A. 41-102 and amendments thereto, or any cereal malt beverage, as defined by K.S.A. 41-2701 and amendments thereto.

B. Alcohol Concentration shall mean the number of grams of alcohol per one hundred (100) milliliters of blood or per two hundred ten (210) liters of breath.

C. Alley or Alleyway shall mean a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.

D. All-Terrain Vehicle shall mean any motorized non-highway vehicle 55 inches or less in width measured from the outside of one tire rim to the outside of the other tire rim, having a dry weight of 1,500 pounds or less, traveling on three or more nonhighway tires.

E. Arterial Street shall mean any U.S. or state numbered route, controlled access highway or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.

F. Authorized Emergency Vehicle shall mean such fire department vehicles or police bicycles or police vehicles which are publicly owned; motor vehicles operated by ambulance services permitted by the emergency medical services board; wreckers, tow trucks or car carriers, as defined by K.S.A. 66-1329, and amendments thereto, and having a certificate of public service from the state corporation commission; and such other publicly or privately owned vehicles which are designated as emergency vehicles pursuant to K.S.A. 8-2010, and amendments thereto.

G. Bicycle shall mean every device propelled by human power upon which any person may ride, having two (2) tandem wheels, either of which is more than fourteen (14) inches in diameter.

H. Bus shall mean every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

I. Business District shall mean the territory contiguous to and including a highway when within any six hundred (600) feet along such highway there are buildings in use for business or industrial purposes, including, but not limited to, hotels, banks or office buildings, railroad stations and public buildings which occupy at least three hundred (300) feet of frontage on one (1) side or three hundred (300) feet collectively on both sides of the highway.

J. Camper shall mean any device without motor power that is designed primarily as temporary living quarters for recreational camping, vacation or travel use, which is mounted on or drawn by another vehicle. This includes travel trailers, house trailers, camping trailers, pop-up campers, slide-in campers, and all other similar devices. This does not include modular mobile homes designed for long-term habitation or motor homes.

K. Chief of Police shall mean the Chief of Police of the City, or any member of the police department of the City designated by the Chief of Police to act in his or her place.

L. Christian Science Practitioner shall mean an individual listed in The Christian Science Journal as a Christian Science practitioner.

M. Church Bus shall mean every bus owned by a religious organization, and operated for the transportation of persons to or from services or activities of such religious organization.

N. Commercial Vehicle shall mean, when applied to provisions other than Chapter 10.04 of this Code, a vehicle designed or used to transport property or passengers if:

1. The vehicle is registered to a business or displays business markings and is licensed as a truck with a registered weight capacity of more than sixteen thousand pounds (16,000) pursuant to Chapter 8 of the Kansas Statutes or any amendments thereto; or

2. The vehicle is designed to transport sixteen (16) or more persons, including the driver; or;

3. The vehicle contains hazardous materials and is required to be placarded in accordance with 49 C.F.R. 172, subpart F, effective January 1, 1991 and any amendments thereto; or

4. The vehicle, or the combined length of a vehicle and an attached trailer, including any permanently mounted equipment, exceed twenty-four (24) feet in length, or eight (8) feet in height, or eight (8) feet in width. This definition shall not include a motor home parked in compliance with Title 17 and Title 15 of the Shawnee Municipal Code, or a passenger conversion van; or

5. The vehicle is of the following type regardless of their registered weight, dimensions or markings: flatbed truck, dump truck, tow truck, cement mixer, bus, or utility wrecker; and

6. This definition shall not include implements of husbandry, authorized emergency vehicles and/or those vehicles currently owned and operated by federal, state and local governmental authorities.

O. Commercial Motor Vehicle shall mean, when applied to Chapter 10.04 of this Code, a motor vehicle designed or used to transport passengers or property, if:

1. The vehicle has a gross vehicle weight rating of twenty-six thousand and one (26,001) or more pounds or such lesser rating, as determined by rules and regulations adopted by the secretary, but shall not be more restrictive than the federal regulation;

2. The vehicle is designed to transport sixteen (16) or more passengers, including the driver; or

3. The vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. 172, subpart F.8.

P. Commission shall mean the Secretary of Transportation.

Q. Compression Release Engine Braking System shall mean a hydraulically operated device that converts a power producing diesel engine into a power absorbing retarding mechanism.

R. Controlled-Access Highway shall mean every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

S. Crosswalk shall mean:

1. That part of a roadway at an intersection included within the connections of the lateral lines of sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or

2. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

T. Day Care Programs shall mean those which provide day service for development in self-help, social, recreational and work skills for people with intellectual and other disabilities, giving priority to providing services for young people with severe intellectual and other disabilities.

U. Day Care Program Bus shall mean every motor vehicle used primarily to carry out functions of a day care program or used by a child care facility licensed by the Kansas Department of Health and Environment who provides transportation for children six (6) through eighteen (18) years of age.

V. Department shall mean the Department of Transportation.

W. Director shall mean the director of vehicles.

X. Divided Highway shall mean a highway divided into two (2) or more roadways by leaving an intervening space or by a physical barrier or by a clearly indicated dividing section so constructed as to impede vehicular traffic.

Y. Division shall mean the division of vehicles of the department of revenue.

Z. Double Parking shall mean the standing or stopping of a vehicle in the line of traffic, and:

1. To the rear of a vehicle angle parked, or to the rear of a space where a vehicle may be parked at any angle to the curb or edge of the roadway; or

2. To the roadway side of a vehicle parked parallel with the curb or edge of the roadway or the roadway side of the space in which a vehicle may be parked parallel to the curb or edge of the roadway.

AA. Drag Race shall mean the operation of two (2) or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other, or the operation of one (1) or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit.

BB. Drawbar shall mean drawbar a bar across the rear of a motor vehicle, or a device securely attached to the motor vehicle, which maintains a fixed position and to which a tow bar may be coupled.

CC. Driveaway-Towaway Operations shall mean any operation in which any motor vehicle, trailer or semitrailer, singly or in combination, new or used, constitutes the commodity being transported, when one (1) set or more of wheels of any such vehicle are on the roadway during the course of transportation, whether or not any such vehicle furnishes the motive power.

DD. Driver shall mean every person who drives or is in actual physical control of a vehicle.

EE. Driver's License shall mean any license to operate a motor vehicle issued under the laws of this state.

FF. Driveway or Paved Parking Area shall mean a hard-surfaced area designed and constructed specifically for use by vehicles as a path for the vehicle to be driven across or as a location at which a vehicle could be parked or stored. The paving material for a driveway or parking area shall consist of concrete, asphalt, or paver bricks. The entire area intended to be used for a parking area shall be paved, and shall include the area under a parked vehicle.

GG. Electric-Assisted Bicycle shall mean a bicycle with two (2) or three (3) wheels, a saddle, fully operative pedals for human propulsion, and an electric motor. The electric-assisted bicycle's electric motor must have a power output of no more than one thousand (1,000) watts, be incapable of propelling the device at a speed of more than twenty (20) miles per hour on level ground and incapable of further increasing the speed of the device when human power alone is used to propel the device beyond twenty (20) miles per hour.

HH. Electric Personal Assistive Mobility Device shall mean a self-balancing two (2) nontandem wheeled device, designed to transport only one (1) person, with an electric propulsion system that limits the maximum speed of the device to fifteen (15) miles per hour or less.

II. Essential Parts shall mean all integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation.

JJ. Exhibition of Speed or Acceleration shall mean those acts which cause or create unnecessary rapid acceleration, unnecessary tire squeal, skid, smoke, or slide upon acceleration or stopping including the casting of tread, gravel, dirt or other road surface materials from the tires; acts that simulate a temporary race; acts that cause the vehicle to unnecessarily turn abruptly, sway or lose traction with the road surface.

KK. Explosives shall mean any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, and which contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

LL. Farm Tractor shall mean every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry and such term shall include every self-propelled implement of husbandry.

MM. Flammable Liquid shall mean any liquid which has a flash point of seventy (70) degrees Fahrenheit, or less, as determined by a Tagliabue or equivalent closed-cup test device.

NN. Golf Cart shall mean a motor vehicle that does not have fewer than three wheels in contact with the ground, an unladen weight of not more than 1,800 pounds, is designed to be and is operated at not more than 25 miles per hour and is designed to carry not more than four persons including the driver.

OO. Gross Weight shall mean the weight of a vehicle without load plus the weight of any load thereon.

PP. Highway. See Street or Highway.

QQ. House Trailer shall mean:

1. A trailer or semitrailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, and is equipped for use as a conveyance on streets and highways; or

2. A trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in paragraph A., but which is used instead permanently or temporarily for the advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

RR. Identifying Numbers shall mean the numbers, and letters, if any, on a vehicle designated by the division for the purpose of identifying the vehicle.

SS. Ignition Interlock Device shall mean a device which uses a breath analysis mechanism to prevent a person from operating a motor vehicle if such person has consumed an alcoholic beverage.

TT. Implement of Husbandry shall

mean every vehicle designed or adapted and used exclusively for agricultural operations, including feedlots, and only incidentally moved or operated upon the highways. "Implement of husbandry" includes, but is not be limited to:

1 A farm tractor

2 a self-propelled farm implement;

3 a fertilizer spreader, nurse tank or truck permanently mounted with a spreader used exclusively for dispensing or spreading water, dust or liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2- 2202, and amendments thereto, regardless of ownership;

4 a truck mounted with a fertilizer spreader used or manufactured principally to spread animal dung; and

5 a mixer-feed truck owned and used by a feedlot, as defined in K.S.A. 47-1501, and amendments thereto, and specially designed and used exclusively for dispensing food to livestock in such feedlot.

UU. Intersection shall mean:

1. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict; or

2. Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

3. The junction of an alley with a street or highway shall not constitute an intersection.

VV. Laned Roadway shall mean a roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

WW. License or License to Operate a Motor Vehicle shall mean any driver's license or any other license or permit to operate a motor vehicle issued under, or granted by, the laws of this state, including:

1. Any temporary license or instruction permit;

2. The privilege of any person to drive a motor vehicle whether or not such person holds a valid license; and

3. Any nonresident's operating privilege.

XX. Light Transmission shall mean the ratio of the amount of total light to pass through a product or material including any safety glazing material to the amount of the total light falling on the product or material and the glazing.

YY. Lightweight Roadable Vehicle shall mean a multipurpose motor vehicle that is allowed to be driven on public roadways and is required to be registered with, and flown under the direction of, the federal aviation administration.

ZZ. Low Power Cycle shall mean every vehicle and every bicycle and tricycle with not to exceed one (1) brake horsepower provided by battery in addition to human power.

AAA. Low Speed Vehicle shall mean any four-wheeled electric vehicle whose top speed is greater than twenty (20) miles per hour but not greater than twenty-five (25) miles per hour and is manufactured in compliance with the national highway and traffic safety administration standards for low-speed vehicles in 49 C.F.R. 571.500.

BBB. Luminous Reflectants shall mean the ratio of the amount of total light that is reflected outward by the product or material to the amount of the total light falling on the product or material.

CCC. Mail shall mean to deposit in the United States mail properly addressed and with postage prepaid.

DDD. Metal Tire shall mean every tire the surface of which, in contact with the highway, is wholly or partly of metal or other hard nonresilient material.

EEE. Micro Utility Truck shall mean any motor vehicle which is not less than forty-eight (48) inches in width, has an overall length, including the bumper, of not more than one hundred sixty (160) inches, has an unladen weight, including fuel and fluids, of more than one thousand five hundred (1,500) pounds, can exceed forty (40) miles per hour as originally manufactured and is manufactured with a metal cab. Micro utility truck does not include a work-site utility vehicle.

FFF. Motor Vehicle shall mean every vehicle, other than a motorized bicycle or a motorized wheelchair, which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

GGG. Motorcycle shall mean every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

HHH. Motor-Driven Cycle shall mean every motorcycle, including every motor scooter, with a motor which produces not to exceed five (5) brake horsepower, and every bicycle with motor attached, except a motorized bicycle or an electric-assisted bicycle.

III. Motor home(s) shall mean a vehicular-type unit built on or for use on a chassis and designed primarily as living quarters for recreational, camping, vacation or travel use and which has its own mode of power.

JJJ. Motorized Bicycle shall mean every device having two tandem wheels or three wheels which may be propelled by either human power or helper motor, or by both, and which has:

1. A motor which produces not more than 3.5 brake horsepower;
2. A cylinder capacity of not more than 130 cubic centimeters;
3. An automatic transmission; and

4. The capability of a maximum design speed of no more than 30 miles per hour.

KKK. Motorized Skateboard shall mean a self-propelled device which has a motor or engine, a deck on which a person may ride and at least two (2) wheels in contact with the ground.

LLL. Motorized Wheelchair shall mean any self-propelled vehicle designed specifically for use by a physically disabled person that is incapable of a speed in excess of fifteen (15) miles per hour.

MMM. Narrow Width Lane shall mean a lane that is too narrow for a bicycle and a vehicle to travel safely side-by-side within the lane.

NNN. Nonreflective shall mean a product or material designed to absorb light rather than to reflect it.

OOO. Nonresident shall mean when applied to Chapter 10.04 mean every person who is not a resident of this state.

PPP. Nonresident's Operating Privilege shall mean the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in this state.

QQQ. Official Time Standard shall mean whenever certain hours are specified they shall mean standard time or daylight-saving time as may be in current use in this city.

RRR. Official Traffic-Control Devices shall mean all signs, signals, markings, and devices, not inconsistent with this ordinance, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

SSS. Official Traffic-Control Signal shall mean any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

TTT. Ordinance Traffic Infraction shall mean a violation of any Section of this Chapter 10.04 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, as amended.

UUU. Other Competent Evidence shall mean and include:

1. Alcohol concentration tests obtained from samples taken three (3) hours or more after the operation or attempted operation of a vehicle; and

2. Readings obtained from a partial alcohol concentration test on a breath testing machine.

VVV. Owner shall mean a person, other than a lienholder, having the property in or title to a vehicle; and such term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

WWW. Park or Parking shall mean the standing of a vehicle, whether occupied or not, other than momentarily for the purpose of and while actually engaged in loading or unloading of property or passengers.

XXX. Passenger Car shall mean every motor vehicle, except motorcycles and motor-driven cycles, designed for carrying ten (10) passengers or less and used for the transportation of persons.

YYY. Passenger Vehicle shall mean, when applied to provisions other than Chapter 10.04 of this Code, a licensed vehicle, designed primarily for the transportation of people as opposed to equipment, freight or other vehicles, and sold primarily for personal use. This definition shall include vehicles commonly referred to as coupes, sedans, hatchbacks, station wagons, and convertibles, and other vehicles commonly referred to as minivans, passenger vans and pickup trucks and motorcycles. This definition shall not include recreational vehicles, motor homes, or trailers.

ZZZ. Pedestrian shall mean:

1. Any person afoot;
2. Any person in a wheelchair, either manually or mechanically propelled, or other low powered, mechanically propelled vehicle designed specifically for use by a physically disabled person; or
3. Any person using an electric personal assistive mobility device.

AAAA. Person means and includes an individual, a corporation, a partnership, and an unincorporated association of persons such as a club.

BBBB. Person with a Disability shall mean any individual who:

1. Has a severe visual impairment;
2. Cannot walk one hundred (100) feet without stopping to rest;
3. Cannot walk without the use of or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistive device;
4. Is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one (1) second, when measured by spirometry, is less than one (1) liter or the arterial oxygen tension is less than sixty (60) mm/hg on room air at rest;
5. Uses portable oxygen;
6. Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association; or
7. Is severely limited in such person's ability to walk at least one hundred (100) feet due to an arthritic, neurological or orthopedic condition.

CCCC. Pneumatic Tire shall mean every tire in which compressed air is designed to support the load.

DDDD. Pole Trailer shall mean every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or

irregular shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

EEEE. Police Officer shall mean every law enforcement officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

FFFF. Private Road or Driveway shall mean every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

GGGG. Racing shall mean the use of one (1) or more vehicles in an attempt to out-gain, out-distance or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long distance driving routes.

HHHH. Railroad shall mean a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

IIII. Railroad Sign or Signal shall mean any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

JJJJ. Railroad Train shall mean a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

KKKK. Recreational Off-highway Vehicle shall mean any motor vehicle not greater than 75 inches in width measured from the outside of one tire rim to the outside of the other tire rim, having a dry weight of 3,500 pounds or less, traveling on four or more nonhighway tires.

LLLL. Recreational Vehicle(s) shall mean when applied to provisions other than Chapter 10.04 of this Code, a motorized or non-motorized boat, boat trailer, personal watercraft, snow mobile trailer, all-terrain vehicle trailer, or camper.

MMMM. Recreational Vehicle(s) shall mean when applied to the provisions of Chapter 10.04 of this Code, a vehicular-type unit built on or for use on a chassis and designed primarily as living quarters for recreational, camping, vacation or travel use and which has its own motive power or is mounted on or drawn by another vehicle, and which has a body width not exceeding eight (8) feet and a body length not exceeding forty (40) feet; but such term shall not include a unit which has no electrical system which operates above twelve (12) volts and has no provisions for plumbing, heating and any other component or feature for which a standard is adopted by the state uniform standards code for mobile homes and recreational vehicles.

NNNN. Registration shall mean the registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of vehicles.

OOOO. Residential Area(s) or Residentially Zoned Area(s) shall, when applied to provisions other than Chapter 10.04 of this Code, mean any place or area where the property is zoned for residential occupancy, including single family, two-family and multifamily dwellings.

PPPP. Residence District shall mean, when applied to the provisions of Chapter 10.04 of this Code, the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business.

QQQQ. Revocation of Driver's License shall mean the termination by formal action of the division of a person's license or privilege to operate a motor vehicle on the highways, which termination shall not be subject to renewal except that an application for a new license may be presented and acted upon by the division after the expiration of the applicable period of time prescribed by state law.

RRRR. Right-of-Way or Street shall mean, when applied to provisions other than Chapter 10.04 of this Code, the area on, below or above the present and future City streets, curbs and gutters, alleys, bridges, bikeways, parkways, sidewalks, and the area between the sidewalk and the street, City maintained or owned parking areas, and the entire width between the right-of-way lines of every way publicly maintained.

SSSS. Right-of-Way shall mean, when applied to the provisions of Chapter 10.04 of this Code, the right of one (1) vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

TTTT. Road Construction Zone shall mean the portions of a highway which are identified by posted or moving signs as being a construction or maintenance work area. The zone starts at the first sign identifying the zone and continues until a posted or moving sign indicates that the road construction zone has ended.

UUUU. Roadway shall mean that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

VVVV. Safety Hitch shall mean a chain, cable, or other material of sufficient weight which will prevent the towed vehicle from breaking loose in the event the tow bar or drawbar fails or becomes disconnected.

WWWW. Safety Zone shall mean the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

XXXX. School Bus shall mean every motor vehicle defined and designated as a school bus in Subsection (g)(1) of K.S.A. 72-8301 as amended.

YYYY. School Crossing Guard shall mean a person eighteen (18) years of age and older or any person under eighteen (18) years of age who is being directly supervised by a person at least eighteen (18) years of age, acting with or without compensation and who is authorized by a school district, nonpublic school, city, or county, to supervise, direct, monitor, or otherwise assist school children at a street or intersection in the vicinity of a school crosswalk or bus stop.

ZZZZ. Secretary shall mean the Secretary of Transportation.

AAAAA. Semitrailer shall mean every vehicle, with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle, and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

BBBBB. Service Station shall mean property used in the business of fueling, polishing, greasing, washing, spraying, cleaning, servicing or repairing of motor vehicles.

CCCCC. Sidewalk shall mean that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

DDDDD. Solid Rubber Tire shall mean every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

EEEEE. Special Mobile Equipment shall mean every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: Ditch digging apparatus, well boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and drag lines, and self-propelled cranes and earth moving equipment. The term does not include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

FFFFF. Specially Constructed Vehicle shall mean every vehicle of a type required to be registered in this state, not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.

GGGGG. Stand or Standing shall mean the halting of a vehicle whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

HHHHH. State shall mean the State of Kansas.

IIIII. Stop shall, when required, mean complete cessation from movement.

JJJJJ. Stop or Stopping shall mean, when prohibited, any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

KKKKK. Street or Highway shall mean 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 purposes of vehicular travel. Where the word "highway" or the word "street" is used in this Title, it shall mean street, avenue, boulevard, thoroughfare, trafficway, alley and other public way for vehicular travel by whatever name unless the context clearly indicates otherwise.

LLLLL. Sun Screening Devices shall mean a film material or device that is designed to be used in conjunction with motor vehicle safety glazing materials for reducing the effects of the sun.

MMMMM. Suspension of a Driver's License shall mean the temporary withdrawal by formal action of the division of a person's license or privilege to operate a motor vehicle on the highways.

NNNNN. Through Highway shall mean every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such highway

in obedience to either a stop sign, yield sign or other traffic-control device, when such signs or devices are erected as provided in this ordinance.

OOOOO. Tow Bar shall mean a rigid piece of material which is structurally adequate to hold any weight vehicle towed and which is properly and securely mounted to the towed vehicle without excessive slack but with sufficient play to allow for universal action of the connection and which is equipped with a suitable locking device to prevent accidental separation of the towing vehicle and the towed vehicle.

PPPPP. Toxic Vapors shall mean the following substances or products containing such substances:

1. Alcohols, including methyl, isopropyl, propyl, or butyl;
2. Aliphatic acetates, including ethyl, methyl, propyl, or methyl cellosolve acetate;
3. Acetone;
4. Benzene;
5. Carbon tetrachloride;
6. Cyclohexane;
7. Freons, including Freon 11 and Freon 12, and other halogenated hydrocarbon;
8. Hexane;
9. Methyl ethyl ketone;
10. Methyl isobutyl ketone;
11. Naptha;
12. Perchlorethylene;
13. Toluene;
14. Trichloroethane; or
15. Xylene; or
16. Any other substances as indicated in K.S.A. 2020 Supp. 21-5712 and amendments thereto.

QQQQQ. Traffic shall mean pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highway for purposes of travel.

RRRRR. Traffic-Control Signal shall mean any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

SSSSS. Traffic-Control Signal Preemption Device shall mean any device, instrument, or mechanism designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

TTTTT. Traffic Infraction shall mean a violation of any of the statutory provisions listed in subsection (c) of K.S.A. 8-2118 as amended.

UUUUU. Trailer(s) shall mean, when applied to provisions other than Chapter 10.04 of this Code, every wheeled device designed or constructed for being drawn by a motor vehicle, regardless of whether it is attached or unattached to a vehicle.

VVVVV. Trailer shall mean, when applied to the provisions of Chapter 10.04 of this Code, every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle, and so constructed that no part of its weight rests upon the towing vehicle.

WWWWW. Truck shall mean every motor vehicle designed, used, or maintained primarily for the transportation of property.

XXXXX. Truck-Camper shall mean any structure designed, used or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space.

YYYYY. Truck Tractor shall mean every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

ZZZZZ. Urban District shall mean the territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses, situated at intervals of less than one hundred (100) feet for a distance of a quarter of a mile or more.

AAAAA. Vehicle shall mean, when applied to provisions other than Chapter 10.04 of this Code, every device in, or upon which any person or property is or may be transported or drawn upon a right-of-way, and shall include trailers and boats, and shall not include a motorized wheelchair or devices moved by human power or used exclusively upon stationary rails or tracks.

BBBBB. Vehicle shall mean, when applied to the provisions of Chapter 10.04 of this Code, every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except electric personal assistive mobility devices or devices moved by human power or used exclusively upon stationary rails or tracks.

CCCCC. Wide-Base Single Tires shall mean all tires having a section width, as specified by the manufacturer, of fourteen (14) inches or more.

DDDDD. Wireless Communication Device shall mean any wireless electronic communication device that provides for voice or data communication between two (2) or more parties, including but not limited to, a mobile or cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages, an audio-video player that sends or receives messages or a laptop computer. Wireless communication device does not include a device which is voice-operated and which allows the user to send or receive a text based communication without the use of either hand, except to activate or deactivate a feature or function.

EEEEEE. Work-Site Utility Vehicle shall mean any motor vehicle which is not less than forty-eight (48) inches in width, has an overall length, including the bumper, of not more than one hundred thirty-five (135) inches, has an unladen weight, including fuel and fluids, of more than eight hundred (800) pounds and is equipped with four (4) or more low pressure tires, a steering wheel and bench or bucket-type seating allowing at least two (2) people to sit side-by-side, and may be equipped with a bed or cargo box for hauling materials. Work-site utility vehicle does not include a micro utility truck or recreational off-highway vehicle.

FFFFFF. Wrecker or Tow Truck shall mean any motor vehicle equipped with booms, winches or similar equipment specifically designed for recovery or towing of vehicles.

GGGGGG. Write, Send or Read a Written Communication shall mean using a wireless communication device to manually type, send or read a written communication, including, but not limited to, a text message, instant message or electronic mail.

PARAGRAPH 2. Section 10.04.023 of the Shawnee Municipal Code is hereby amended to read as follows:

10.04.023 – Accident Involving Personal Injury or Damage to Attended Vehicle

A. The driver of any vehicle involved in an accident resulting in injury to any person or damage to any attended vehicle or property shall immediately stop such vehicle at the scene of such accident, or as close thereto as possible, but shall then immediately return to and in every event shall remain at the scene of the accident until the driver has fulfilled the requirements of Section 10.04.025.

B. Any person who violates this Section when an accident results in total property damage of less than \$1,000.00 shall be guilty of a class C offense and, upon conviction, shall be punished as provided in 10.04.201. Any person who violates this Section when an accident results in injury or total property damage over \$1,000.00 shall be guilty of a class A offense and, upon conviction, shall be punished by imprisonment for not more than one year or by a fine of not more than \$2500, or by both such fine and imprisonment.

C. The driver shall comply with the provisions of section 10.04.026.1

PARAGRAPH 3. Section 10.04.025 of the Shawnee Municipal Code is hereby amended to read as follows:

10.04.025 – Duty to Give Information and Render Aid; Requirement to Provide Information (Hit and run, attended property).

A. 1. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any attended vehicle or other property shall give such driver's name, address, and the registration number of the vehicle such driver is driving, and upon request shall exhibit such driver's license or permit to drive, the name of the company with which there is in effect a policy of motor vehicle liability insurance covering the vehicle involved in the accident and the policy number of such policy to any person injured in such accident or to the driver or occupant of or person attending any vehicle or other property damaged in such accident, and shall give such information and upon request exhibit such license or permit and the name of the insurer and policy number to any police officer at the scene of the accident or who is investigating the accident.

2. Such driver, insofar as possible, shall immediately make efforts to determine whether any person involved in such accident was injured or killed, and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for 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.

B. If no police officer is present, the driver of any vehicle involved in such accident, or any occupant of such vehicle 18 years of age or older, shall immediately report such accident, by the quickest available means of communication, to the nearest office of a duly authorized police authority if:

1. There is apparently property damage of \$1,000 or more;
2. Any person involved in the accident is injured or killed; or
3. The persons specified in subsection A are not present or in condition to receive such information.

C. Unless the insurance company subsequently submits an insurance verification form indicating that insurance was not in force, no person charged with failing to provide the name of such person's insurance company and policy number as required in subsection A, shall be convicted if such person produces in court, within ten days of the date of arrest or of issuance of the citation, evidence of financial security for the motor vehicle operated, which was valid at the time of arrest or of issuance of the citation. For the purpose of this subsection, evidence of financial security shall be provided by a policy of motor vehicle liability insurance, an identification card or certificate of insurance issued to the policyholder by the insurer which provides the name of the insurer, the policy number, the make and year of the vehicle, and the effective and expiration dates of the policy, or a certificate of self-insurance signed by the commissioner of insurance. Such evidence also may be produced by displaying evidence of financial security on a cellular phone or other type of portable electronic device. Any person to whom such evidence of financial security is displayed shall view only such evidence of financial security. Such person shall be prohibited from viewing any other content or information stored on such cellular phone or other portable electronic device. Upon the production in court of evidence of financial security, the court shall record the information displayed thereon on the insurance verification form prescribed by the secretary of revenue, immediately forward such form to the department of revenue, and stay any further proceedings on the matter pending a request from the prosecuting attorney that the matter be set for trial. Upon receipt of such form the department shall mail the form to the named insurance company for verification that insurance was in force on the date indicated on the form. It shall be the duty of insurance companies to notify the department within 30 calendar days of the receipt of such forms of any insurance that was not in force on the date specified. Upon return of any form to the department indicating that insurance was not in force on such date, the department shall immediately forward a copy of such form to the office of the prosecuting attorney or the city clerk of the municipality in which such prosecution is pending when the prosecuting attorney is not ascertainable. Receipt of any completed form indicating that insurance was not in effect on the date specified shall be prima facie evidence of failure to provide proof of financial security and violation of this section. A request that the matter be set for trial shall be made immediately following the receipt by the prosecuting attorney of a copy of the form from the department of revenue indicating that insurance was not in force. Any charge hereunder shall be dismissed if no request for a trial setting has been made within 60 days of the date evidence of financial security was produced in court.

PARAGRAPH 4. Section 10.04.026 of the Shawnee Municipal Code is hereby amended to read as follows:

10.04.026 – Duty upon Striking Unattended Vehicle or Other Property (Hit and run, unattended property).

A. The driver of any vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended, resulting in any damage to such other vehicle or property, shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle or other property of such driver's name, address and the registration number of the vehicle such driver was driving, or shall attach securely in a conspicuous place in or on such vehicle or other property a written notice giving such driver's name, address and the registration number of the vehicle such driver was driving, and without unnecessary delay shall notify the nearest office of a authorized police authority. Violation of this subsection is a class C offense, and upon conviction, shall be punished as provided in 10.04.201.

B. The driver under subsection A, if possible, shall comply with the provisions of Section 10.04.026.1.

PARAGRAPH 5. Section 10.04.028 of the Shawnee Municipal Code is hereby amended to read as follows:

10.04.028 – False Reports

A person shall not give information in oral or written reports, as required in this Chapter, knowing or having reason to believe that such information is false. Violation of this subsection is a class C offense, and upon conviction, shall be punished as provided in 10.04.201.

PARAGRAPH 6. Section 10.04.029 of the Shawnee Municipal Code is hereby amended to read as follows:

10.04.029 – Reckless Driving; Penalties.

A. Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

B. Except as provided in K.S.A. 8-2,142, upon a first conviction of a violation of this Section a person shall be sentenced to not less than five days nor more than 90 days' imprisonment or fined not less than \$25 nor more than \$500, or by both such fine and imprisonment. On a second or subsequent conviction of a violation of this Section, a person shall be sentenced to not less than 10 days nor more than six months imprisonment, or fined not less than \$50 nor more than \$500 or both such fine and imprisonment.

PARAGRAPH 7. Section 10.04.030 of the Shawnee Municipal Code is hereby amended to read as follows:

10.04.030 – Driving Under the Influence of Alcohol or Drugs; Penalties.

A. Driving under the influence is unlawful. Driving under the influence is operating or attempting to operate any vehicle within this City 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 .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 .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 Offense. 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. The person convicted shall serve at least 48 consecutive hours' Imprisonment or 100 hours of public service either before or as a condition of any grant of probation or suspension, reduction of sentence or parole. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-6609 and amendments thereto, to serve the remainder of the sentence only after such person has served 48 consecutive hours' Imprisonment;

b. On a second conviction, which is a Class A offense, 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 person convicted shall serve at least five consecutive days' Imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five days' Imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' Imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 120 hours of confinement. Such 120 hours of confinement shall be a period of at 48 consecutive hours of Imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto, to serve the five days' Imprisonment mandated by this subsection only after such person has served 48 consecutive hours' Imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 120 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 120 hours;

2. In addition, prior to sentencing for any conviction pursuant to 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 recommendation 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. 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.

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 for sentencing under this Section:

1. Convictions for a violation of this Section, or a violation of K.S.A. 8-1567, 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 or second 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, or a violation of Shawnee Municipal Code Section 10.04.030.1, or a

violation of an ordinance of any city or resolution of any county which prohibits the acts that those Sections prohibit;

b. Operating a vessel under the influence of alcohol or Drugs, K.S.A. 32-1131, and amendments thereto, or a violation of an ordinance of any city or resolution of any county which prohibits the acts that Section prohibits;

c. Involuntary manslaughter while driving under the influence of alcohol or Drugs, K.S.A. 21-3442, prior to its repeal, or subsection (a)(3) or (a)(5) of K.S.A. 21-5405, and amendments thereto;

d. Aggravated battery as described in subsection (b)(3) or (b)(4) of K.S.A. 21-5413, 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 a violation of a crime described in subsection H.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 this state or any law of another jurisdiction that would constitute an offense that is comparable to the offense 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;

3. Whether the out-of-jurisdiction offense prohibits similar 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 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 the acts prohibited in this section, and prior to conviction thereof, a city attorney shall receive from the:

1. Division a record of all prior convictions obtained against such person for any violation of any of the motor vehicle laws of this state; and

2. 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 to avoid the mandatory penalties established by this Section or by this adopting 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.

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;

3. Drug includes toxic vapors as such term is defined in K.S.A. 21-5712 and amendments thereto.

PARAGRAPH 8. Section 10.04.030.1 of the Shawnee Municipal Code is hereby amended to read as follows:

10.04.030.1 – Driving Commercial Motor Vehicle with .04 Alcohol Concentration or Under the Influence of Drugs; Penalties.

A. Driving a commercial motor vehicle under the influence is operating or attempting to operate any commercial motor vehicle, as defined in 10.02.010 within this City 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 paragraph (1) of subsection (f) of K.S.A. 8-1013, and amendments thereto, is .04 or more;

2. The alcohol concentration in the person's blood or breath, as measured within three hours of the time of driving a commercial motor vehicle, is .04 or more; or

3. Committing a violation of Section 10.04.030.

B. 1 Driving a commercial motor vehicle under the influence is:

a. On a first conviction a class B offense. 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. The person convicted shall serve at least 48 consecutive hours' imprisonment or 100 hours of public service either before or as a condition of any grant of probation or suspension or reduction of sentence or parole or other release.

b. On a second conviction of a class A offense. 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 person convicted shall serve at least five consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The Court may place the person convicted under a house arrest program pursuant to K.S.A. 2020 Supp. 21-6609, and amendments thereto, to serve the five days' imprisonment mandated by this subsection only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 120 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 120 hours.

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 a violation of this Section 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 shall be served consecutively to any other minimum mandatory penalty imposed for a violation of this Section. 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 Section 10.04.030A.4. or A.5., and amendments thereto, as incorporated in this section, 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. 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.

G. 1. Upon the filing of a complaint, citation or notice to appear alleging a person has violated this Section, and prior to conviction thereof, a City Attorney shall request and shall receive from the:

a. Division of Vehicles 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.

2. If the elements of the violation are the same as the elements of a felony violation of K.S.A. 8-2,144 and amendments thereto, the City Attorney shall refer the violation to the Johnson County District Attorney for prosecution.

H. The court shall electronically report every conviction of a violation of this section to the division. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the:

1. Division a record of all prior convictions obtained against such person for any violation of any of the motor vehicle laws of this state; and

2. Kansas bureau of investigation central repository all criminal history record information concerning such person.

I. The court is authorized to order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted

J. 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 to avoid the mandatory penalties established by this Section.

K. 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.

L. Upon conviction of a person of a violation of this section, the division, upon receiving a report of conviction, shall: (1) Disqualify the person from driving a commercial motor vehicle under K.S.A. 8-2,142, and amendments thereto; and (2) suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

M. 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 K.S.A. 8-1567, and amendments thereto, or a violation of an ordinance of any city or resolution of any county which prohibits the acts that such 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 or second offense;

2. Any convictions for a violation of the following Sections occurring during a person's lifetime shall be taken into account:

a. This Section; or 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 subsection (a)(3) of K.S.A. 2020 Supp. 21-5405, and amendments thereto;

d. Aggravated battery as described in subsection (b)(3) of K.S.A. 2020 Supp. 21-5413, 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 a violation of a crime described in subsection M.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 offense described in subsection M.1. or M.2.;

4. It is irrelevant whether an offense occurred before or after conviction for a previous offense; and

5. Multiple convictions of any crime described in subsection M.1. or M.2. arising from the same arrest shall only be counted as one conviction.

N. 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;

3. Whether the out-of-jurisdiction offense prohibits similar conduct prohibited by the closest approximate Kansas offense

O. For the purpose of 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. 2020 Supp. 21-5712, and amendments thereto.

PARAGRAPH 9. Section 10.04.030.2 of the Shawnee Municipal Code is hereby amended to read as follows:

10.04.030.2 – Preliminary Screening Test or Breath Alcohol Concentration; Request by Officer; Refusal and Penalties.

A. A law enforcement officer may request a person who is operating or attempting to operate a motor vehicle within this state to submit to a preliminary screening test of the person's breath or oral fluid, or both, if the officer has reasonable suspicion to believe that the person has been operating or attempting to operate a vehicle while under the influence of alcohol or drugs or both alcohol and drugs.

B. If the person submits to the test, the results shall be used for the purpose of assisting law enforcement officers in determining whether an arrest should be made and whether to request the tests authorized by K.S.A. 8-1001, and amendments thereto. A law enforcement officer may arrest a person based in whole or in part upon the results of a preliminary screening test. Such results shall not be admissible in any civil or criminal action concerning the operation of or attempted operation of a vehicle except to aid the court or hearing officer in determining a challenge to the validity of the arrest or the validity of the request to submit to a test pursuant to K.S.A. 8-1001, and amendments thereto. Following the preliminary screening test, additional tests may be requested pursuant to K.S.A. 8-1001, and amendments thereto.

C. Any preliminary screening of a person's breath shall be conducted with a device approved pursuant to K.S.A. 65-1,107, and amendments thereto. Any preliminary screening of a person's oral fluid shall be conducted in accordance with rules and regulations, if any, approved pursuant to K.S.A. 75-712h, and amendments thereto.

PARAGRAPH 10. Section 10.04.030.4 of the Shawnee Municipal Code is hereby amended to read as follows:

10.04.030.4 – Ignition Interlock Devices; Tampering.

A. No person shall:

1. Tamper with an ignition interlock device, circumvent it or render it inaccurate or inoperative;

2. Request or solicit another to blow into an ignition interlock device, or start a motor vehicle equipped with such device, providing an operable motor vehicle to a person whose driving privileges have been restricted to driving a motor vehicle equipped with such device;

3. Blow into an ignition interlock device, or start a motor vehicle equipped with such device, providing an operable motor vehicle to a person whose driving privileges have been restricted to driving a motor vehicle equipped with such device; or

4. Operate a vehicle not equipped with an ignition interlock device while such person's driving privileges have been restricted to driving a motor vehicle equipped with such device.

B. Violation of this Section a class A offense. Upon conviction, the 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.

C. In addition to any other penalties provided by law:

1. A. On a first conviction of a violation of subsection A.1. or A.2., the division shall extend the ignition interlock restriction period on the person's driving privileges for an additional 90 days; and

B. on a second or subsequent conviction of a violation of subsection A.1. or A.2., the division shall restart the original ignition interlock restriction period on the person's driving privileges; and

2. On a conviction of a violation of subsection A.4., the division shall restart the original ignition interlock restriction period on the person's driving privileges.

PARAGRAPH 11. Section 10.04.031 of the Shawnee Municipal Code is hereby amended to read as follows:

10.04.031 – Fleeing or Attempting to Elude a Police Officer.

A. 1. a. Any driver of a motor vehicle who knowingly fails or refuses to bring such driver's vehicle to a stop for a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop shall be guilty as provided by subsection C.

b. Any driver of a motor vehicle who knowingly otherwise flees or attempts to elude a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop, shall be guilty as provided by subsection C.

2. It shall be an affirmative defense to any prosecution subsection A.1. that the driver's conduct in violation of such subsection was caused by such driver's reasonable belief that the vehicle or bicycle pursuing such driver's vehicle is not a police vehicle or police bicycle.

B. The signal given by the police officer may be by hand, voice, emergency light, or siren:

1. If the officer giving such signal is within or upon an official police vehicle or police bicycle at the time the signal is given, the vehicle or bicycle shall be appropriately marked showing it to be an official police vehicle or police bicycle; or

2. If the officer giving such signal is not utilizing an official police vehicle or police bicycle at the time the signal is given, the officer shall be in uniform, prominently displaying such officer's badge of office at the time the signal is given.

C. Every person convicted of violating this Section, shall upon first conviction be imprisoned for not more than six months or fined not to exceed \$1,000, or both. Every person convicted of violating this Section shall upon a second conviction be punished by imprisonment not to exceed one year or fined not to exceed \$2,500 or both.

D. For the purpose of this Section: 1. Conviction means a final conviction without regard to whether sentence was suspended or probation granted after such conviction. Forfeiture of bail, bond or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction. For the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section, it is irrelevant whether an offense occurred before or after conviction for a previous offense.

2. Appropriately marked official police vehicle or police bicycle shall include, but not be limited to, any police vehicle or bicycle equipped with functional emergency lights or siren or both and which the emergency lights or siren or both have been activated for the purpose of signaling a driver to stop a motor vehicle.

PARAGRAPH 12. Section 10.04.179 of the Shawnee Municipal Code is hereby amended to read as follows:

10.04.179 – Spilling Loads on Highways Prohibited.

A. No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that:

1. This Section shall not prohibit the necessary spreading of any substance in highway maintenance or construction operations; and

2. a. Subsections A and C shall not apply to:

(1) trailers or semitrailers when hauling livestock if such trailers or semitrailers are properly equipped with a cleanout trap and such trap is operated in a closed position unless material is intentionally spilled when the trap is in a closed position; or

(2) trucks, trailers or semitrailers when hauling agricultural forage commodities intrastate from the place of production to a market or place of storage or from a place of storage to a place of use. The provisions of this clause shall not apply to trucks, trailers or semitrailers hauling:

(i) hay bales; or

(ii) other packaged or bundled forage commodities.

b. Paragraph 2.a.(1) shall not apply to trailers or semitrailers used for hauling livestock when livestock are not being hauled in such trailers or semitrailers.

B. All trailers or semitrailers used for hauling livestock shall be cleaned out periodically.

C. No person shall operate on any highway any vehicle with any load unless such load and any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the highway.

PARAGRAPH 13. Section 10.04.198.1 of the Shawnee Municipal Code is hereby amended to read as follows:

10.04.198.1 – Display of License Plate.

A. The license plate assigned to the vehicle shall be attached to the rear of the vehicle and shall be displayed during the current registration year or years. Except as otherwise provided in subsection B, a Kansas registered vehicle shall not have a license plate attached to the front of the vehicle.

B. The following classes of vehicles shall attach a license plate in the location or locations specifically stated:

1. The license plate issued for a truck tractor shall be attached to the front of the truck tractor;

2. A model year license plate issued for an antique vehicle, in accordance with K.S.A. 8-172, and amendments thereto, may be attached to the front of the antique vehicle;

3. A personalized license plate issued to a passenger vehicle or truck pursuant to K.S.A. 8-132(c), and amendments thereto, may be attached to the front of the passenger vehicle or truck;

4. The license plate issued for a motor vehicle used as a concrete mixer truck may be attached to either the front or rear of the vehicle; and

5. The license plate issued for a motor vehicle used as a dump truck with a gross weight of 26,000 pounds or more shall be attached to the front of the vehicle. The provisions of this paragraph shall not apply to such vehicle if such vehicle is registered as a farm truck.

C. Every license plate shall at all times be securely fastened to the vehicle to which it is assigned to prevent the plate from swinging, and at a height not less than 12 inches from the ground, measuring from the bottom of such plate. The license plate shall be fastened in a place and position to be clearly visible, and shall be maintained free from foreign materials and in a condition to be clearly legible.

D. During any period in which the construction of license plates has been suspended pursuant to the provisions of K.S.A. 8-132, and amendments thereto, the plate, tag, token, marker or sign assigned to such vehicle shall be attached to and displayed on such vehicle in such place, position, manner and condition as shall be prescribed by the director of vehicles.

E. A law enforcement officer shall issue a warning citation to anyone violating the provisions of subsection (B)(5). The provisions of this subsection shall expire and have no effect on and after January 1, 2022.

PARAGRAPH 14. Section 10.04.201.1 of the Shawnee Municipal Code is hereby amended to read as follows:

10.04.201.1 – Failure to Comply with a Traffic Citation.

A. It shall be unlawful to fail to comply with a traffic citation. Failure to comply with a traffic citation means failure either to:

1. Appear before the Municipal Court in response to a traffic citation and pay in full any fine and court costs imposed; or

2. Otherwise comply with a traffic citation issued for an ordinance traffic infraction. Failure to comply with a traffic citation shall be unlawful regardless of the disposition of the charge for which such citation was originally issued.

B. 1. In addition to penalties of law applicable under subsection A, when a person fails to comply with a traffic citation, except for illegal parking, standing, or stopping, the municipal court in which the person should have complied with the citation shall mail notice to the person that if the person does not appear in municipal court or pay all fines, court costs and any penalties within 30 days from the date of mailing notice, the division of vehicles will be notified to suspend the person's driving privileges. The Municipal Court may charge an additional fee of \$5 for mailing such notice. Upon the person's failure to comply within such 30 days of mailing notice, the Municipal Court shall electronically notify the division of vehicles. Upon receipt of a report of a failure to comply with a traffic citation under this subsection, pursuant to K.S.A. 8-255, and amendments thereto, the division of vehicles shall notify the violator and suspend the license of the violator until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the Court. When the Court determines the person has complied with the terms of the traffic citation, the Court shall immediately electronically notify the division of vehicles of such compliance. Upon receipt of notification of such compliance from the Court, the division of vehicles shall terminate the suspension or suspension action.

2. a. In lieu of suspension under paragraph 1., the driver may submit to the division of vehicles a written request for restricted driving privileges.

b. A person whose driver's license has expired during the period when such person's driver's license has been suspended for failure to pay fines for traffic citations, the driver may submit to the division of vehicles a written request for restricted driving privileges. An individual shall not qualify for restricted driving privileges pursuant to this section unless the following conditions are met:

(i) The suspended license that expired was issued by the division of vehicles;

(ii) The suspended license resulted from the individual's failure to comply with a traffic citation pursuant to subsection B.1.; and

(iii) The traffic citation that resulted in the failure to comply pursuant to subsection B.1. was issued in this state; and

c. Upon review and approval of the driver's eligibility, the driving privileges will be restricted by the division of vehicles for a period up to one year or until the terms of the traffic citation have been complied with and the Court shall immediately electronically notify the division of vehicles of such compliance. If the driver fails to comply with the traffic citation within the one

year restricted period, the driving privileges will be suspended by the division of vehicles until the court determines the person has complied with the terms of the traffic citation and the court shall immediately electronically notify the division of vehicles of such compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the suspension action. When restricted driving privileges are approved pursuant to this section, the person's driving privileges shall be restricted to driving only under the following circumstances:

- (i) In going to or returning from the person's place of employment or schooling;
- (ii) In the course of the person's employment;
- (iii) In going to or returning from an appointment with a health care provider or during a medical emergency; and
- (iv) In going to and returning from probation or parole meetings, drug or alcohol counseling or any place the person is required to go by a court.

C. Except as provided in subsection D, when the Municipal Court notifies the division of vehicles of a failure to comply with a traffic citation pursuant to subsection B, the Court shall assess a reinstatement fee of \$100 for each charge on which the person failed to make satisfaction regardless of the disposition of the charge for which such citation was originally issued and regardless of any application for restricted driving privileges. Such reinstatement fee shall be in addition to any fine, restricted driving privilege application fee, municipal court costs and other penalties. The Court shall remit all reinstatement fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. On and after July 1, 2019, through June 30, 2025, the Supreme Court may impose an additional charge, not to exceed \$22 per reinstatement fee to fund the costs of non-judicial personnel.

D. 1. The Municipal Court shall waive the reinstatement fee provided for in subsection C, if the failure to comply with a traffic citation was the result of such person enlisting in or being drafted into the armed services of the United States, being called into service as a member of a reserve component of the military service of the United States, or volunteering for such active duty, or being called into service as a member of the State of Kansas national guard, or volunteering for such active duty, and being absent from Kansas because of such military service.

2. A person who is assessed a fine or court costs for a traffic citation may petition the Court at any time to waive payment of the fine or costs, or any portion thereof. If it appears to the satisfaction of the Court that payment of the amount due will impose manifest hardship on the person or the person's immediate family, the Court may waive payment of all or part of the amount due or modify the method of payment.

PARAGRAPH 15. Section 10.36.010 of the Shawnee Municipal Code is hereby amended to read as follows:

10.36.010 – Article 19, Chapter 8 of the Kansas Statutes Annotated Incorporated by Reference

There is hereby incorporated by reference as if set out in full the Article 19, Chapter 8 of the Kansas Statutes Annotated ("K.S.A. Art. 19 Ch. 8), and any amendments thereto, for the purpose of regulating the size, weight, and load of vehicles within the City.

PARAGRAPH 16. Section 10.42.010 of the Shawnee Municipal Code is hereby amended to read as follows:

10.42.010 – Incorporating Motor Carrier Regulations of the Transportation Division of the State Corporation Commission

There is hereby incorporated by reference (to view a copy, [click here](#)) for the purpose of regulating commercial motor vehicle safety on the streets and highways of the City, Regulations 82-4-1, 82-4-2a, 82-4-3, 82-4-3a, 82-4-3c, 82-4-3d, 82-4-3f, 82-4-3g, 82-4-3h, 82-4-3i, 82-4-3j, 82-4-3k, 82-4-3o, 82-4-6a, 82-4-6d, 82-4-8h, 82-4-20, 82-4-21, 82-4-22, 82-4-23, 82-4-26a, 82-4-35, 82-4-35a, 82-4-42, 82-4-48, and 82-4-50, of the "2019 Motor Carrier Regulations of the Transportation Division of the State Corporation Commission of the State of Kansas," revised July 26, 2019, as those provision may thereafter be amended, prepared and published in book form by the Transportation Division of the State Corporation Commission of the State of Kansas. Said Regulations adopt and amend certain safety regulations known as the Hazardous Materials Regulations and the Federal Motor Carrier Safety Regulations, 49 C.F.R. Parts 171-173, 177-178, 180, 374, 382, 385, 386, 390-393, and 395-397. One copy of said Kansas Administrative Regulations, Hazardous Materials Regulations, and Federal Motor Carrier Safety Regulations shall be marked "Official Copy as incorporated by Ordinance No. __," and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours. A copy of the Ordinance codified herein shall be attached to the Regulations. The Municipal Court and all administrative departments of the City charged with the enforcement of the Ordinance shall be supplied at the cost of the City such number of official copies of the Regulations as may be deemed expedient.

PARAGRAPH 17. Section 10.42.020 of the Shawnee Municipal Code is hereby amended to read as follows:

10.42.020 – Penalty

Any person who violates the provisions of Kansas Administrative Regulations 82-4-1, 82-4-2a, 82-4-3, 82-4-3a, 82-4-3c, 82-4-3d, 82-4-3f, 82-4-3g, 82-4-3h, 82-4-3i, 82-4-3j, 82-4-3k, 82-4-3o, 82-4-6a, 82-4-6d, 82-4-8h, 82-4-20, 82-4-21, 82-4-22, 82-4-23, 82-4-26a, 82-4-35, 82-4-35a, 82-4-42, 82-4-48, and 82-4-50, known as the "2019 Motor Carrier Regulations of the Transportation Division of the State Corporation Commission of the State of Kansas," as incorporated by reference and adopted as Section 10.42.010 shall, upon conviction, pay a fine in accordance K.S.A. 8-2118, and amendments thereto, along with any court costs. Any person who violates any provision for which a fine is not scheduled under K.S.A. 8-2118, and amendments thereto, shall, upon conviction, be punished as a violation of a Class C Municipal Offense. The court clerk is hereby directed to abstract all convictions of violations excluding parking violations committed by persons holding a Commercial Driver's License (CDL) or persons operating a Commercial Motor Vehicle at the time of the offense to the Driver's Control Bureau of the Department of Revenue.

PARAGRAPH 18. Upon the effective date of this Ordinance, Sections 10.02.010, 10.04.023, 10.04.025, 10.04.026, 10.04.028, 10.04.029, 10.04.030, 10.04.030.1, 10.04.030.2, 10.04.030.4, 10.04.031, 10.04.179, 10.04.198.1, 10.04.201.1, 10.36.010, 10.42.010, and 10.42.020 of the Shawnee Municipal Code as they existed before the above amendments are hereby repealed.

PARAGRAPH 19. Upon the effective date of this Ordinance, Section 10.04.030.3 is hereby repealed.

PARAGRAPH 20. If any part or parts of this Ordinance shall be held to be invalid, such invalidity shall not affect the validity of the remaining parts of this Ordinance. The Governing Body hereby declares that it would have passed the remaining parts of this Ordinance if it would have known that such part or parts thereof would be declared invalid.

PARAGRAPH 21. Neither the passage of this Ordinance, the repeal of the Ordinance or Code provisions set forth herein, or the future repeal or amendment of any Ordinance or Code section or part or portion thereof, shall in any manner affect the prosecution for violation of this Ordinance or any Ordinance or Code amended or repealed herein, nor be construed as a waiver of any license, fee or penalty at said effective date and unpaid under any Ordinance or Code, nor be construed as affecting any of the provisions of such Ordinance or Code relating to the collection of any such license, fee or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any Ordinance or Code, and all rights and obligations thereunder shall continue in full force and effect. Any Ordinance or Code sections amended or repealed, are hereby continued in force and effect after the passage, approval, and publication of this Ordinance for the purposes of such rights, fines, penalties, forfeitures, liabilities, and actions therefore.

PARAGRAPH 22. This Ordinance shall take effect and be in force from and after its passage and publication as required by law.

This portion is intentionally blank.

PASSED by the Governing Body this 9 day of August, 2021.

APPROVED AND SIGNED by the Mayor this 9 day of August, 2021.

CITY OF SHAWNEE, KANSAS



By: _____

Michelle Distler, Mayor

ATTEST:

By: _____

Stephanie Zaldivar, City Clerk

APPROVED AS TO FORM:

By: _____

Ellis Rainey, City Attorney

The Legal Record

1701 E. Cedar St., Ste. 111
Olathe, KS 66062-1775
(913) 780-5790

CITY OF SHAWNEE - CITY CLERK
11110 JOHNSON DR
SHAWNEE KS 66203-2750

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Maureen Gillespie, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Clerk for The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than one year prior to the first publication of the notice attached, and has been entered at the post office as Periodicals Class mail matter. That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

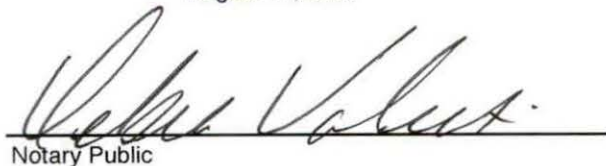
SUMMARY OF ORDINANCE NO. 3385
8/17/21



Maureen Gillespie, Legal Notices Billing Clerk

Subscribed and sworn to before me on this date:

August 17, 2021


Notary Public

DEBRA VALENTI
Notary Public-State of Kansas
My Appt. Expires Aug. 21, 2023

First published in The Legal Record, Tuesday, August 17, 2021.
CITY OF SHAWNEE
Summary of Ordinance No. 3385

On the 9 day of August, 2021, the Governing Body of the City of Shawnee, Kansas passed Ordinance No. 3385, An Ordinance amending Sections 10.02.010, 10.04.023, 10.04.025, 10.04.026, 10.04.028, 10.04.029, 10.04.030, 10.04.030.1, 10.04.030.2, 10.04.030.4, 10.04.031, 10.04.179, 10.04.198.1, 10.04.201.1, 10.36.010, 10.42.010, and 10.42.020 of the Shawnee Municipal Code concerning vehicles and traffic; repealing Section 10.04.030.3 concerning refusing to submit to an alcohol or drug test; and repealing the sections hereby amended.

A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk or at www.cityofshawnee.org.

The undersigned hereby certifies as prescribed by KSA 12-3007 that the foregoing Summary of Ordinance No. 3385 is legally accurate and sufficient.

Dated: August 9, 2021

/s/ M. Ellis Rainey, II, City Attorney
8/17

L92380
Publication Fees: \$9.90