

ORDINANCE NO. 2573

AN ORDINANCE RELATING TO THE DERBY TRAFFIC ORDINANCE FOR THE CITY OF DERBY, KANSAS; AMENDING AND REPEALING SECTIONS 10.04.024, 10.04.092, AND 10.04.208 OF THE DERBY MUNICIPAL CODE AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR;

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

Section 1. Section 10.04.024 of the Derby Municipal Code is hereby amended to read as follows:

“10.04.024 Accident involving death or personal injuries; penalties.

- A. The driver of any vehicle involved in an accident resulting in injury to, great bodily harm to or death of 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. A person who violates subsection A. when an accident results in:
 - 1. Total property damages of less than one thousand dollars shall be punished as provided in Section 10.04.207.
 - 2. Any person who violates this section which results in injury to any person or property damages of one thousand dollars or more shall be punished by imprisonment for not more than one year or by a fine of not more than two thousand five hundred dollars, or by both such fine and imprisonment.
- C. The driver shall comply with the provisions of Section 10.04.026.1.”

Section 2. Section 10.04.092 of the Derby Municipal Code is hereby amended to read as follows:

“10.04.092 Parking disabled and other vehicles.

- A. It shall be unlawful for any person to encumber any public street, road, alley or highway within the city by placing or parking or causing to be placed or parked thereon or store any:
 - 1. Farm machinery, trailer or semitrailer of any kind, or parts of the same, or any dead, damaged or disabled motor vehicle or farm machinery, trailer, house trailer, travel trailer, or semitrailer of any kind whether or not attached to a vehicle,
 - 2. Or any other vehicle required, as a condition of lawful operation on a public street or highway, to display thereon a license plate or plates assigned to such vehicle for the

current registration year and which does not so display such plate or plates, in the roadway of any highway, or on the side-strip or right-of-way adjacent thereto.

- B. A person shall not use a street or highway to abandon vehicles or leave vehicles unattended thereof in such a manner as to interfere with public highway operations. When a person leaves a vehicle of any type unattended on a public highway or other property open to use by the public, the city having jurisdiction of such highway or other property open to use by the public, the city may, after 48 hours or when such vehicle interferes with vehicular or pedestrian traffic, remove and impound the motor vehicle.
- C. The Chief of Police shall have the ability to approve exceptions to the above restrictions for special events or emergencies. Exceptions for special events must be requested in writing seven (7) days prior to the event date.”

Section 3. Section 10.04.208 of the Derby Municipal Code is hereby amended to read as follows:

“10.04.208 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 thirty 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 five dollars for mailing such notice. Upon the person's failure to comply within such thirty 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 informing 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 informing court, the division of vehicles shall terminate the suspension or suspension action.
- 2. i. In lieu of suspension under paragraph B.1, the driver may submit to the division of vehicles a written request for restricted driving privileges, with a non-refundable twenty-five-dollar application fee, to be applied by the division of

vehicles for additional administrative costs to implement restricted driving privileges.

- ii. 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, with a non-refundable twenty-five-dollar application fee, to be applied by the division of vehicles for additional administrative costs to implement restricted driving privileges. The division shall remit all restricted driving privilege application fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the division of vehicles operating fund. 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.; (iii) the traffic citation that resulted in the failure to comply pursuant to subsection B.1. was issued in this state; and (iv) the individual has not previously received a stayed suspension as a result of driving while suspended conviction.
 - iii. 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:
 1. In going to or returning from the person's place of employment or schooling;
 2. In the course of the person's employment;
 3. In going to or returning from an appointment with a health care provider or during a medical emergency;
 4. 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. 1. Prior to July 1, 2018, 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 fifty-nine dollars for each case that 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.

2. On and after July 1, 2018, 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 one hundred dollars for each case that 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.
- D. 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. In any case of a failure to comply with a traffic citation which occurred on or after August 1, 1990, and prior to the effective date of this act, in which a person was assessed and paid a reinstatement fee and the person failed to comply with a traffic citation because the person was absent from Kansas because of any such military service, the reinstatement fee shall be reimbursed to such person upon application therefor.
- E. 1. A person who is assessed a reinstatement fee pursuant to subsection C may petition the court that assessed the fee at any time to waive payment of the fee, any additional charge imposed pursuant to subsection F, 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.
2. A person who is assessed a fine and court costs for a traffic citation may petition the court that assessed the fine or costs 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.
- F. Except as provided further, the reinstatement fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for such reinstatement. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2019, through June 30, 2025, the supreme court may impose an additional charge, not to exceed twenty-two dollars per reinstatement fee, to fund the costs of non-judicial personnel.”

Section 4. Repeal

Original sections 10.04.024, 10.04.092, and 10.04.208 of the Derby Municipal Code are hereby repealed. All other provisions of the Municipal Code of the City of Derby, Kansas shall remain in full force and effect except as specifically amended herein. All other ordinances or parts of other ordinances in conflict herewith are repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

Section 5. Severability

Should any section, clause, sentence, or phrase of this ordinance be found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any remaining provisions herein.

Section 6. Effective Date

This Ordinance shall take effect and be in force from and after its passage and publication of the ordinance or a summary thereof once in the City’s official newspaper as provided by State law.

PASSED by the City Council this 10th day of September, 2024 and **SIGNED** by the Mayor.

/s/Mark A. Staats
Mark A. Staats, Mayor

Seal:

Attest:

/s/Lynn Ciarleglio
Lynn Ciarleglio, City Clerk

Approved as to form:

/s/Jacqueline Kelly
Jacqueline Kelly, City Attorney