

## **CHAPTER XIV. TRAFFIC**

- Article 1. Standard Traffic Ordinance
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- Article 3. Operation of Golf Carts
- Article 4. Hazardous Materials

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### **ARTICLE 1. STANDARD TRAFFIC ORDINANCE**

- 14-101. **INCORPORATING STANDARD TRAFFIC ORDINANCE.** There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Bentley, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities," Edition of 2016, prepared and published in book form by the League of Kansas Municipalities, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed, such incorporation being authorized by K.S.A. 12-3009 through 12-3012, inclusive, as amended. One copy of said standard ordinance shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Bentley, Kansas," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this section, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. (Ord. 274; Code 2016)
- 14-102. **TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES.** (a) An ordinance traffic infraction is a violation of any section of this ordinance that prescribes or requires that same behavior as that prescribed or required by a statutory provision that is classified as traffic infraction in K.S.A. 8-2118.  
(b) All traffic violations which are included within this ordinance, and which are not ordinance traffic infractions, as defined in subsection (a) of this section, shall be considered traffic offenses. (Code 2016)
- 14-103. **PENALTY FOR SCHEDULED FINES.** The fine for violation of an ordinance traffic infraction or any other traffic offense for which the municipal judge establishes a fine in a fine schedule shall not be less than \$10 nor more than \$300, except for speeding which shall not be less than \$10 nor more than \$500. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the court not to exceed \$500. (Code 2016)

## ARTICLE 2. LOCAL TRAFFIC REGULATIONS

- 14-201. **COMMERCIAL TRUCKS; PROHIBITION.** The operation of commercial trucks, including but not limited to semi-truck and tractor units, but not including pickup trucks, shall be prohibited from travel on all streets in the city except for the following streets and/or sections of streets:
- (a) Main Street, an east-west route, from Phelps Avenue on the west end of Main Street to Wichita Avenue on the east end of Main Street.
  - (b) Wichita Avenue, a north-south route, from Main Street on the north end of Wichita Avenue to Ragan Street on the south end of Wichita Avenue.
  - (c) Midland Street, a northeast-southeast route, from Phelps Avenue on the west end of Midland Street to Wichita Avenue on the east end of Midland Street.
- (Ord. 170, Sec. 2; Code 2016)
- 14-202. **TRAFFIC CONTROL DEVICES AND MARKINGS.** The Standard Traffic Ordinance as adopted is hereby modified by adding thereto the following:
- The governing body may, by resolution, establish and fix the location of such traffic control devices as may be deemed necessary to guide and warn traffic under the provisions of this chapter, other traffic ordinances and the state laws. The city shall place and maintain such traffic control signs, signals and devices when and as may be required by the authority of the governing body to make effective the provisions of this chapter and other ordinances for the regulation of traffic. Any official traffic control device placed pursuant to this section shall be marked and labeled on a map of the City of Bentley for the purpose of displaying all such traffic control devices and shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours of business.
- (Code 2016)
- 14-203. **REGULATION OF BICYCLES AND SIMILAR WHEELED DEVICES.** Every operator or user of a bicycle or other wheeled device which does not meet the definition of a motor vehicle or fall within the exceptions thereto under the duly adopted Standard Traffic Ordinance for Kansas Cities within the city shall obey all standard traffic ordinances of the city.
- (Ord. 200; Code 2016)
- 14-204. **SAME; RESTRICTIONS.** Every operator or user of a bicycle, roller skates, roller blades, mini-motorcycle, standard skateboard, coaster or similar device within the City shall:
- (a) Not ride or operate any such device within, upon or across any sidewalk, parking area or driveway in the General Business District (C-1), between the hours of 7:45 a.m. to 6:30 p.m., Monday-Friday.
  - (b) Not ride any such device upon or across any private lot or property if such property is clearly and visibly marked by a sign or signs indicating that such use of the property is prohibited.
    - (1) The police department is hereby authorized to enforce the provisions of this section on any private property so marked.
  - (c) No such device will be parked or left upon any sidewalk in the General Business District (C-1) in such a manner as to block or obstruct entrances or exits of any kind to adjacent building structures or properties.
  - (d) No bicycle shall be permitted on any street, sidewalk, or other public highway of the city between 30 minutes after sunset or 30 minutes before sunrise,

without a headlight, and a rear red light or red reflector conforming to the requirements for such devices under the Standard Traffic Ordinance as has been adopted and is in effect. (Ord. 200; Code 2016)

14-205. SAME; MOTORIZED. No person shall use, operate or ride any motorized scooter or mini-motorcycle powered by either electric motor or internal combustion engine including, but not limited to, sidewalk roller scooter, racer scooter, or motorized skateboard upon the street, highways, sidewalks or other public areas of the City. (Ord. 200; Code 2016)

14-206. PENALTY. Any person violating; the provisions of this section, shall upon conviction, be fined any sum in an amount not to exceed \$50. Furthermore, any law enforcement officer may impound any bicycle, skateboard, roller skates, roller blades, sidewalk roller scooter, racer scooter, mini-motorcycle, motorized scooter, roller skates, coaster or other similar device that is red den or operated in violation of this ordinance or of the Standard Traffic Ordinance for Kansas Cities, and upon such impoundment shall not release the same to the owner thereof until each of the following has occurred.

(a) Payment of \$10 to the City for the impoundment fee.

(b) All fines or other obligations or conditions imposed by Municipal Court are settled where applicable.

(c) In any case of impoundment, if the violator is 18 years or older, the impounded property shall be released to the violator by the police department at such time as the violator appears at the police department, requests return of the impounded property and provides self-identification. If the violator is less than 18, the violator must appear at the police department with a parent or guardian, who makes the request for the release of the impounded property, provided, however, if no parent or guardian resides in the city, the impounded property can be released if its owner provides a notarized letter from a parent or guardian requesting that it be released.

(Ord. 200; Code 2016)

14-207. TRUCK PARKING. No person shall utilize the streets of the City of Bentley for the parking of any trailer or truck tractor, as defined by the Standard Traffic Offense Code, as adopted by the City of Bentley, except for the direct purpose of loading and unloading and there must be bills of lading available for inspection by law enforcement officer upon request.

(Ord. 225; Code 2016)

14-208. SAME: No truck tractor or trailer may be parked on the street or within 300 feet of any residence and leave the motor, either truck or refrigeration, running to create a nuisance to residents of the area.

(Ord. 225; Code 2016)

14-209. SAME: Trucks or truck tractors may be parked off the street and on private property at the residence of any owner or person in lawful possession of such truck or truck tractor for a period not to exceed 72 hours but the same shall not be with the motor, either truck or refrigeration, running to create nuisance to residents of the area.

(Ord. 225; Code 2016)

### ARTICLE 3. OPERATION OF GOLF CARTS

- 14-301. OPERATION OF GOLF CARTS. (a) Golf carts may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city; provided, however, that no golf cart may be operated upon any public highway, street, road and alley with a posted speed limit in excess of 30 miles per hour. No golf cart shall be operated on any interstate highway, federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a golf cart from crossing a federal or state highway with a posted speed limit greater than 30 miles per hour.
- (b) No golf cart shall be operated on any public highway, street, road or alley between sunset and sunrise and any such vehicle operated on any public highway, street, road or alley shall be equipped with all lighting required of any personal vehicle including but not limited to headlights, brake lights, and turn signals.
- (c) Every person operating a golf cart on the public highways, streets, roads and alleys of the city shall be subject to all of the duties applicable to a driver of a vehicle imposed by law. (Ord. 241; Code 2016)
- 14-302. SAME: VALID DRIVER'S LICENSE REQUIRED; PENALTY. No person shall operate a golf cart on any public highway, street, road or alley within the corporate limits of the city unless such person has a valid driver's license. Violation of this section is punishable by a fine of not more than \$1,000 or by imprisonment for not more than six months or by both such fine and imprisonment. (Ord. 241; Code 2016)
- 14-303. SAME; DEFINITION. "Golf Cart" means a motor vehicle that has not less than three wheels in contact with the ground, an unladen weight of not more than 1,800 pounds, is designed to be operated at not more than 25 miles per hour and is designed to carry not more than four persons, including the driver. (Ord. 241; Code 2016)
- 14-304. SAME; PENALTY. Unless specifically provided herein, a violation of this section shall be deemed an ordinance traffic infraction. Upon an entry of a plea of guilty or not contest or upon being convicted of such violation, the penalty imposed shall be in accordance with the Standard Traffic Ordinance and amendments thereto, as the City has in effect. (Ord. 241; Code 2016)
- 14-305. SAME; INSURANCE REQUIRED; PENALTY. (a) Every owner of a golf cart shall provide liability coverage in accordance with the Standard Traffic Ordinance, and amendments thereto, as the City has in effect and the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101, et seq., and amendments thereto. (Ord. 241; Code 2016)

#### ARTICLE 4. HAZARDOUS MATERIALS

- 14-401. HAZARDOUS MATERIAL DEFINED. As used in this article, the term hazardous material shall mean any material or combination of materials which, because of its quantity, concentration, or physical, chemical, biological, or infectious characteristics, poses a substantial present or potential hazard to human health or safety or the environment if released into the workplace or environment or when improperly treated, stored, transported, or disposed of or otherwise managed. (Code 2016)
- 14-402. SAME; EXCEPTIONS. The provisions of this article shall not apply to any container which shall have a capacity of 150 gallons or less which shall be used for the purpose of supplying fuel for the vehicle on which it is mounted. These provisions shall also not apply to vehicles, trailers, containers or tanks containing anhydrous ammonia or other material primarily used by farmers for fertilizer purposes when such vehicles, trailers, containers or tanks are parked or housed upon property designated for the placement of such vehicle, trailer, container or tank by any farmers cooperative, elevator company or farm supply store located within the city limits. (Code 2016)
- 14-403. TRANSPORTATION OF HAZARDOUS MATERIALS. Except as provided in section 14-404 it shall be unlawful for any person, firm, corporation or other entity to transport any hazardous material upon any street, avenue, highway, road, alley or any other public right-of-way in the city. (Code 2016)
- 14-404. HAZARDOUS MATERIALS ROUTES. The provisions of section 14-403 shall apply to all streets, avenues, highways, roadways, alleys or other public right-of-ways within the city except those specified within this section where transportation of hazardous materials shall be allowed. Transportation of hazardous materials shall be allowed upon the following streets, avenues, highways or roadways:
- (a) (Reserved)
  - (b) (Reserved)
  - (c) (Reserved)
- (Code 2016)
- 14-405. PARKING OF VEHICLES OR TRAILERS CARRYING HAZARDOUS MATERIALS. (a) Except as provided in subsections (b) and (c), it shall be unlawful for any person, firm, corporation or other entity to park any vehicle, trailer or semi-trailer carrying any hazardous material within any of the following city zoning districts as defined in Chapter 16 of this code:
- (1) (Reserved)
  - (b) Subsection (a) shall not apply to vehicles, trailers or semi-trailers parked for continuous periods of time not to exceed one hour where such vehicles, trailers or semi-trailers are parked along those routes specified in section 14-404 of this code.
  - (c) Subsection (a) shall not apply to any vehicle, trailer or semi-trailer carrying any hazardous material where such vehicle, trailer or semi-trailer is not parked within 500 feet of any structure used for human habitation.
- (Code 2016)

14-406.           **REMOVAL OF ILLEGALLY PARKED TRAILERS.** If any vehicle, trailer or a semi-trailer is found parked in violation of the provisions of this article, the fire chief or assistant chief or any law enforcement officer may require the owner, operator or lessee of the trailer to move it within two hours. If such removal is not accomplished on the order of any such officer, it may be accomplished by any such officer, by any reasonable means, if the continued presence of the trailer or semi-trailer at its parked location constitutes, adds to or prevents correction of a situation threatening imminent injury or damage to persons or property.  
(Code 2016)