



48th Edition

Manual of Procedure for
Incorporating by Reference the

**Standard Traffic Ordinance
For Kansas Cities**

Prepared and Published by
The League of Kansas Municipalities
300 SW 8th Avenue Suite 100, Topeka, KS, 66603



**MANUAL OF PROCEDURE
FOR
INCORPORATING BY REFERENCE
THE *STANDARD TRAFFIC ORDINANCE*
FOR KANSAS CITIES**

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PART I
INCORPORATION BY REFERENCE

K.S.A. 12-3009 et seq. allows a city to incorporate by reference the *Standard Traffic Ordinances for Kansas Cities* (STO) published annually by the League of Kansas Municipalities. This is done by passing and publishing an ordinance (called the incorporating ordinance), which contains a statement that a certain publication, in this case the STO, described by title, publisher, compiler, and edition, is "incorporated by reference." The effect of these magic words is that the provisions of the STO becomes as much a part of the incorporating ordinance as if they had been set out in full. The entire STO does not have to be published. It is necessary only to pass and publish the incorporating ordinance. See K.S.A. 12-3009 through K.S.A. 12-3012.

OMISSIONS, CHANGES, OR ADDITIONS: It is not necessary that all of the provisions contained in the publication be incorporated by reference. Various portions of the publication may be omitted by a statement in the incorporating ordinance that the particular article, section, or portion thereof is being omitted. Also, language of particular sections may be changed and additional provisions may be added to meet local conditions. Any provisions changing or adding to the incorporated provisions must be stated in full and published as part of the incorporating ordinance. If omissions, changes or additions are to be made after the incorporating ordinance has been passed and published, they may be made by enacting an ordinance amending the incorporating ordinance.

While this pamphlet provides information on incorporating by reference the *Standard Traffic Ordinance for Kansas Cities*, the same general procedure applies for incorporating by reference uniform or model codes or ordinances on such subjects as building, plumbing, electrical wiring, gas piping, health and sanitation, or any other compilation of rules, regulations, or laws embracing a subject in which a city may properly legislate by ordinance.

The statutes that authorize and prescribe the procedure for incorporation by reference are K.S.A. 12-3009 through 12-3012 and K.S.A. 12-3301 and 12-3302.

OFFICIAL COPIES: Any standard or model code or ordinance incorporated by reference must be stamped or marked as follows: OFFICIAL COPY AS INCORPORATED BY ORDINANCE NO. _____. A copy of the published incorporating ordinance must be attached to each official copy.

MARKING OUT OMITTED PROVISIONS: All articles, sections, or portions of the STO intended to be omitted by the City must be marked to show such omission.

PUBLIC INSPECTION: One official copy of the publication incorporated must be kept on file by the city clerk and available to the public for inspection.

FURNISHING OF OFFICIAL COPIES: The police department, the municipal judge, and all administrative departments charged with enforcement of any standard or model code incorporated must be supplied with such number of official copies as may be deemed expedient.

PART II
MODEL ORDINANCE INCORPORATING
THE STANDARD TRAFFIC ORDINANCE BY REFERENCE

(Published _____, 20__)

ORDINANCE NO. _____

An ordinance regulating traffic within the corporate limits of the City of _____, Kansas; incorporating by reference the *Standard Traffic Ordinance for Kansas Cities*, 48th Edition, ***with certain omissions, changes, and additions; prescribing additional regulations**; providing certain penalties and repealing ordinances numbered _____.

Be it Ordained by the Governing Body of the City of _____:

Section 1. INCORPORATING STANDARD TRAFFIC ORDINANCE. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of _____, Kansas, that certain standard traffic ordinance known as the *Standard Traffic Ordinance for Kansas Cities*, 48th Edition, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, ***save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified, or changed**. One copy of said *Standard Traffic Ordinance* shall be marked or stamped "Official Copy as Adopted by Ordinance No. _____," ***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 ordinance and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge, and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such *Standard Traffic Ordinance* similarly marked, as may be deemed expedient.

Section 2. TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES.

(a) An ordinance traffic infraction is a violation of any section of this ordinance 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.

(b) All traffic violations that are included within this ordinance, and are not ordinance traffic infractions, as defined in subsection (a) of this section, shall be considered traffic offenses.

****Section 3. PENALTY FOR SCHEDULED FINES.** The fine for violation of an ordinance traffic infraction or any other traffic offense in which the municipal judge establishes a fine in a fine schedule shall not be less than _____ nor more than _____, except for speeding, which shall not be less than _____ nor more than _____. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense in which a fine has not been established in a schedule of fines shall pay a fine fixed by the court not to exceed \$500.

Section _____. REPEAL. Ordinance(s) numbered ____ and ____ are repealed.

Section _____. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in _____.

Passed by the (Council) (Commission) the ____ day of _____, 20_____.

(Approved) (Signed) by the mayor this ____ day of _____, 20_____.

ATTEST: _____, City Clerk _____, Mayor

(SEAL)

***NOTE:** If no omissions or changes are made or no sections added, the bolded words should be omitted. If any article or section or portion thereof is to be omitted, or any section changed, or any additional regulations added, sections providing for the same should be inserted here. For examples of such sections see the forms shown in Sections III and IV.

****See Sec. V — Ordinance Traffic Infractions**

PART III

FORMS OF SECTIONS FOR OMITTING OR CHANGING PROVISIONS OF THE STANDARD TRAFFIC ORDINANCE

OMITTING PROVISIONS: The governing body may decide to omit certain articles and sections. If any article, section or portion thereof is omitted by the incorporating ordinance or by a later ordinance amending the incorporating ordinance, the official copies of the *Standard Traffic Ordinance* must be marked to show such omission.

Form For Omitting Complete Article:

Sec. ____: Article ____ of said *Standard Traffic Ordinance* relating to ____ is hereby declared to be and is omitted and deleted.

Form For Omitting A Section Or Portion Thereof:

Sec. ____: Section ____ (or subsection ____ of Section ____) of said *Standard Traffic Ordinance* relating to ____ is hereby declared to be and is omitted and deleted.

CHANGING PROVISIONS: The language of a section or portion thereof may be changed. If a change is made **the section as changed must be shown in full** in the incorporating ordinance or in a later ordinance amending the incorporating ordinance.

Caution should be exercised in changing the language of any provision of the *Standard Traffic Ordinance* that has a statutory citation in parenthesis at the end so as not to cause a conflict with the state traffic provision. City traffic regulations that conflict with state traffic regulations are abrogated and superseded by the state statute.

The following form may be used to change a section.

Sec. ____: Section ____ of said *Standard Traffic Ordinance* is hereby changed to read as follows: (Here insert complete section as changed).

PART IV

FORMS FOR ADDITIONAL LOCAL TRAFFIC REGULATIONS THAT MAY BE ADDED TO THE *STANDARD TRAFFIC ORDINANCE*

The section forms that follow may be completed, if appropriate, and inserted in full in the incorporating ordinance. If the model ordinance on page 3 is followed, insert after Section 1.

Additional traffic regulations necessary to meet local conditions may also be added to the *Standard Traffic Ordinance* after passing the incorporating ordinance by enactment of an ordinance amending the incorporating ordinance.

Care should be taken to ensure that any provisions added will not conflict with the state traffic law because city traffic regulations that conflict with state law are abrogated and superseded by the state statutes.

All references are to sections of the *Standard Traffic Ordinance* for Kansas cities; 48th Edition.

FORMS PROVIDED HEREIN:

1. Speed Limits on Connecting Links—Fixed by Secretary of Transportation
2. Speed Limits Fixed by City Governing Body
3. Minimum Speed Limits
4. Through Streets—Designation
5. Stop Intersections—Designation
6. Yield Intersections—Designation
7. One-Way Streets—Designation—Parking
8. Angle Parking
9. Parking—Prohibited on Certain Streets
10. Parking—Prohibited During Certain Hours
11. Trucks and Commercial Vehicles—Prohibited on Certain Streets
12. Trucks and Commercial Vehicles—Weight Limit on Certain Streets
13. Bridges—Weight Limit Fixed
14. Parades and Processions—Permit
15. Loading Zones
16. Bus and Taxicab Stands
17. Traffic Regulations on Private Property

1. Speed Limits on Connecting Links. If the Kansas Secretary of Transportation has fixed a speed limit on a connecting link street, use the following section (See K.S.A. 8-1559):

Sec. ____: **Speed Limit on _____ Street.** The Secretary of Transportation having determined upon the basis of an engineering and traffic investigation that the speed limit as provided by law upon _____ Street from _____ to _____, a connecting link in the state highway system, is (greater)(less) than is reasonable or safe under the conditions found to exist and has determined and declared a reasonable and safe speed limit thereon to be _____ (____) miles per hour (if certain hours specified, so state) and has caused to be erected appropriate signs giving notice thereof, the speed limit on said street for the distance designated and for the hours specified is hereby set at _____ (____) miles per hour.

2. Changing Speed Limit. (See K.S.A. 8-1558)

Sec. ____: **Speed Limit on _____ Street.** The Governing Body having determined upon the basis of an engineering and traffic investigation that the speed limit permitted under state law and Section 33* of the *Standard Traffic Ordinance* is (greater) (less) than is reasonable or safe under the conditions found to exist upon _____ Street from _____ to _____, hereby determines and declares that the reasonable and safe speed limit on _____ to _____ is _____ (____) miles per hour. The chief of police is hereby directed to erect appropriate signs giving notice of such speed along said street.

***NOTE:** If the street is also a state highway add the following sentence:

“Said street being a connecting link in the state highway system, the Secretary of Transportation has approved such speed limit in writing.”

3. Minimum Speed Limits. (Fixing minimum speed limit on certain streets under Section 34 of the *Standard Traffic Ordinance*). (K.S.A. 8-1561)

Sec. ____: **Minimum Speed Limit on _____ Street.** The Governing Body having determined on the basis of an engineering and traffic investigation that slow speeds on _____ Street from _____ to _____ consistently impede the normal and reasonable movement of traffic, determines and declares _____ (____) miles per hour on _____ Street from _____ to _____ to be a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law.

4. Through Streets—Designation. (See K.S.A. 8-2002(a)(6) and 8-2008)

Sec. ____: **Through Streets.** In accordance with the provisions of Section 59 of the *Standard Traffic Ordinance* and when signs are erected giving notice thereof drivers of vehicles shall stop or yield as the sign directs at every intersection before entering any of the following streets or parts of streets, which are hereby designated through streets:

_____ Street from _____ to _____

_____ Street from _____ to _____

5. Stop Intersections—Designation. (See K.S.A. 8-2008)

Sec. ____: **Stop Intersections Other Than on Through Highways.** In accordance with the provisions of Section 59 of the *Standard Traffic Ordinance*, the following intersections not on through streets are hereby designated as stop intersections and when signs are erected at one or more entrances as stated, the drivers of vehicles shall stop as provided by said Section 59 before entering the intersection.

Intersection of _____ Street and _____ Street, all four entrances

Intersection of _____ Street and _____ Street, east and west entrances

6. Yield Intersections—Designation. (See K.S.A. 8-2008)

Sec. ____: **Yield Intersections Other Than on Through Highways.** The following intersections on through streets are hereby designated as yield intersections and when signs are erected at one or more entrances as stated, the drivers of vehicles shall yield before entering the intersection as provided by Section 59 of the *Standard Traffic Ordinance*.

Intersection of _____ Street and _____ Street, north and south entrances;

Intersection of _____ Street and _____ Street, west and east entrance.

7. One-Way Streets—Designation—Parking. (See Section 45 and Section 85)

Sec. ____: **One-Way Streets—Parking On.** When properly posted, traffic shall move only in the direction indicated upon the following streets with parking permitted or prohibited as stated:

Street Direction of Traffic Movement

from _____ to _____ Parking permitted on both sides,
angle on right, parallel on left.

from _____ to _____ Parking permitted on right side
only, parallel.

from _____ to _____ Parking permitted on left side only,
parallel.

from _____ to _____ No parking permitted.

8. Angle Parking. (See Section 86(c))

Sec. ____: **Streets on Which Angle Parking Permitted.** Angle parking at the angle indicated on the curb, sidewalk, or pavement or by signs is hereby permitted on the following streets:

_____ Street from _____ to _____

_____ Street from _____ to _____

_____ Street, being a state highway connecting link, the Secretary of Transportation has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

9. Parking—Prohibited on Certain Streets. (See Section 85 and K.S.A. 8-2002 and 8-1571)

Sec. ____: **Parking Prohibited at All Times on Certain Streets.** When signs are erected giving notice thereof no person shall at any time park a vehicle upon any of the following described streets or parts of streets:

_____ Street from _____ to _____

_____ Street from _____ to _____

10. Parking—Prohibited During Certain Hours.

Sec. ____: **Parking Prohibited During Certain Hours on Certain Streets.** When signs are erected giving notice thereof, no person shall park a vehicle between the hours specified herein of any day except Sundays and public holidays upon any of the streets or parts of streets as follows:

Name of Street

Hours Parking Prohibited

_____ Street from _____ to _____

(Ash) (8th) (10th) (4 p.m. to 6 p.m.)

_____ Street from _____ to _____

_____ Street from _____ to _____

11. Trucks and Commercial Vehicles—Prohibited on Certain Streets. (K.S.A. 8-1912)

Sec. ____: **Trucks and Commercial Vehicles Not to Be Operated on Certain Streets.** No truck or other commercial vehicle shall be operated upon any of the following streets when appropriate signs are placed on such street:

_____ Street from _____ to _____

_____ Street from _____ to _____

Provided, that adjacent premises to such streets may be served.

12. Trucks and Commercial Vehicles—Weight Limit on Certain Streets.
(K.S.A. 8-1912)

Sec. ____: **Trucks and Commercial Vehicles Over ____ Pounds Not to Be Operated on Certain Streets.** No truck or other commercial vehicle which, with load, weighs over ____ pounds shall be operated upon any of the following streets when appropriate signs are placed on such streets:

_____ Street from _____ to _____

_____ Street from _____ to _____

Provided, that adjacent premises to such restricted streets may be served.

13. Bridges—Weight Limits Fixed.

Sec. ____: **Prohibiting Vehicles Over Certain Weights on Bridge.** No vehicle having a gross weight over _____ pounds shall be operated upon the bridge (here describe location of bridge) when signs giving notice thereof are erected upon or adjacent to said bridge.

14. Parades and Processions—Permit. (Use as substitute for Section 119)

Sec. ____: **Permits Required for Parades and Processions.**

(a) All requests for public parades to be held and conducted over public streets within the city shall be submitted to the Governing Body for its action and no such public parade shall be permitted until authorized by the Governing Body.

(b) All authorized parades and processions shall assemble and proceed along such streets as may be designated and approved by the chief of police.

15. Loading Zones. (See also Section 99)

Sec. ____: **Loading Zones Established by Governing Body.** The Governing Body may by resolution designate curb areas as loading zones either for vehicle passengers or freight for a period of one year and renewable annually. The chief of police shall mark such zones by appropriate signs in accordance with the determination of the Governing Body.

Sec. ____: **Application for Establishment of Loading Zones.**

(a) Applications for obtaining the benefits of the preceding section shall be processed in the following manner:

1. Application shall be made in writing to the chief of police.
2. The chief of police shall cause such application to be investigated and determine the necessity for the proposed loading zone as set forth in the application.
3. The chief of police shall immediately thereafter report his or her findings to the Governing Body in writing together with his or her recommendations as to the disposition of the application.

4. After recommended disposition is made by the chief of police, the entire file shall be submitted to the Governing Body who will either approve or reject the recommendation of the chief of police.

(b) If the application is favorably acted upon by the Governing Body, the city clerk will notify the chief of police who will cause said loading zone to be marked with appropriate signs or markings showing that such designated area is a loading zone.

(c) The privilege granted under this section may be revoked at any time by seven days' written notice to the applicant. No rights granted hereunder are transferable.

16. Bus and Taxicab Stands. (See Section 99)

Sec. ____: **Bus Stops and Taxicab Stands.** The Governing Body shall designate and establish zones or areas on the public streets for the stopping of buses for the safe and convenient loading and unloading of passengers and may designate, establish and maintain taxicab stands on the public streets in the manner and under the conditions hereinafter expressed.

Sec. ____: **Taxicab Stands: Application and Conditions of Permit.**

(a) The owner of any taxicab or taxicabs shall first obtain and file with the city clerk the written consent of the owner or of the one in control of the property abutting the street where the stand is to be established and maintained.

(b) The one granting such consent or permit may revoke the same by giving at least 10 days' notice in writing to the operator and filing with the city clerk proof of the service thereof.

(c) The Governing Body may revoke any such license or permit whenever it appears to be in the best interest of the public to do so.

Sec. ____: **Parking and Standing of Taxicabs and Buses.** The driver of a bus or taxicab shall not stand or park the same upon any street in any business district at any place other than at a bus stop or taxicab stand respectively, except that this provision shall not prevent the driver of any taxicab vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

17. Traffic Regulations on Private Property.

Sec. ____: **Traffic Regulations on Private Property.** Whenever the person in possession or control of any private property used by the public for purposes of vehicular traffic by permission of the owner, shall cause to be posted at each entrance thereto a permanently lettered clearly legible sign with the following legend:

"TRAFFIC REGULATIONS OF THE CITY OF _____ ENFORCED ON THIS PROPERTY. SPEED LIMIT 12 M.P.H." (OR AS POSTED.)

Then such private property shall thereafter be deemed to be under the traffic regulations of the city as provided by law.

PART V

ORDINANCE TRAFFIC INFRACTIONS

To expedite the handling of traffic offenses considered to be minor enough to be handled without a court appearance, the legislature enacted K.S.A. 8-2118, which gives an accused person an opportunity to pay a fixed fine by mail. These traffic offenses are classified as traffic infractions. City traffic offenses that prohibit the same traffic offenses as state traffic infractions must be classified as "ordinance traffic infractions." A list of ordinance traffic infractions showing the *Standard Traffic Ordinance* section and corresponding state statute appears in the Appendix of the *Standard Traffic Ordinance*.

K.S.A. 12-4305 provides that the municipal judge **shall** establish a schedule of fines which shall be imposed for violation of traffic offenses classified as ordinance traffic infractions.* The judge **may** also establish a schedule of fines for the violation of other traffic offenses. The fine established by the judge in the fine schedule must be within the minimum and maximum allowable fines established by ordinance. One way to meet this requirement for a minimum and maximum fine for scheduled offenses is to include within the ordinance incorporating the *Standard Traffic Ordinance* a section that establishes the minimum and maximum fine for traffic offenses included in a fine schedule. (See the section in the Model Incorporating Ordinance on page 3). The penalty for violation of traffic offenses not classified as traffic infractions or for which a scheduled fine has not been established, is not required in the incorporating ordinance. The penalty for such offenses appears in section 201(c) of the *Standard Traffic Ordinance for Kansas Cities*.

Under the procedure set out in K.S.A. 12-4214, a person accused of an ordinance traffic infraction is notified of the amount of fine established for that offense and any court costs.** The accused cannot be arrested nor can a warrant be issued against the accused, if charged only with an ordinance traffic infraction, unless he or she has received service of a notice to appear for an ordinance traffic infraction and has failed to appear (K.S.A. 12-4212). If the accused chooses to plead guilty or no contest and waiver of the right to trial. If the check is not honored for any reason, or if the fine and court costs are not paid in full, the traffic citation remains outstanding. (K.S.A. 12-4305)

The fine established in the fine schedule does not apply if the accused makes a court appearance and pleads not guilty. If the accused goes to trial and is convicted, the judge may impose a fine which under the state law may not exceed \$500 (K.S.A. 21-6611). The penalty section of the incorporating ordinance on page 4 provides for the imposition of such fine. The amount of the fine for conviction is left to the discretion of the governing body so it may be less than \$500. No term of imprisonment may be imposed upon conviction of an ordinance traffic infraction and the accused may appeal the conviction to the district court.

*The fine for traffic infractions established by statute varies from \$30 to \$315 except for speeding. Cities are free to establish fines in different amounts. (K.S.A. 8-2118)

**Court costs may be imposed only by those cities that have passed a charter ordinance exempting the city from K.S.A. 12-4112 to provide for court costs.

The law excludes from any schedule of fines the following traffic violations: (1) reckless driving; (2) driving while under the influence of alcohol or drugs; or both, or driving with a blood or breath alcohol concentration of .08 or more; (3) driving without a valid license issued or on a canceled, suspended or revoked license (4) fleeing or attempting to elude a police officer; or (5) offense comparable to those prescribed by K.S.A 8-1602, 8-1603 and 8-1604, and amendments thereto. (K.S.A. 12-4305). In addition, the following state traffic offenses are classified as misdemeanors and are not included in the state fine schedule as traffic infractions: (a) failure to obey a police officer; (b) defacing traffic control devices; (c) driving a prohibited vehicle on a controlled access highway; (d) walking on a highway while under the influence of alcohol; (e) drag racing; (f) failure to stop or give accurate information when involved in an accident; (g) selling bald tires; (h) equipping a motor-vehicle with one-way glass; (i) unsafe transportation of hazardous material; (j) operation of emergency lights on wreckers, tow trucks, or car carriers; (k) driving without a license; and (l) failure to comply with funeral procession requirements. Cities are not prohibited from including these offenses in a schedule of fines but they should not be classified as ordinance traffic infractions.

To respond to the requirements of K.S.A. 12-4214, cities must revise the notice to appear (or combined complaint and notice to appear) to provide the following information:

1. A place where the police officer shall enter the fine established by the fine schedule for the ordinance traffic infraction and court costs.
2. A place where the person may make a written entry of appearance, waive the right to trial and plead guilty or no contest.
3. Either the notice to appear or a separate form provided to the person by the law enforcement officer shall provide an explanation: (A) Of the person's right to appear and right to trial and the person's right to pay the appropriate fine prior to the appearance date; (B) that failure to either pay such fine or appear at the specified time may result in issuance of a warrant for the person's arrest; and in the case of a traffic infraction, that failure to either pay such fine or appear at the specified time may result in the suspension of the person's driver's license. The law enforcement officer shall provide the person with the telephone number and address of the municipal court to which the written entry of appearance, waiver of trial, plead guilty or no contest and payment of a fine shall be mailed.



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