

Linn Valley Ordinance 79

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ORDINANCE NO. 79

AN ORDINANCE ADOPTING THE STANDARD TRAFFIC ORDINANCE BY THE CITY OF LINN VALLEY, KANSAS, OTHERWISE REGULATING TRAFFIC WITHIN THE CITY, AND REPEALING ORDINANCE NO. 73

IT IS HEREBY ORDAINED BY THE GOVERNING BODY OF LINN VALLEY, KANSAS:

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 Linn Valley, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities," Edition of 2005, 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. No fewer than three copies of said standard ordinance shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Linn Valley, 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 ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours.

Section 2. REVISION OF THE

DEFINITION OF "STREET OR HIGHWAY." That portion of Article 1, Section 1 which defines "Street or Highway" is hereby revised to read, in its entirety, as follows:

Street or Highway. 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 vehicular travel, and the entire width between the boundary lines of any privately owned road or other way used for vehicular traffic when the owner of record of that privately owned way has filed with the City Clerk an affidavit, in the case of an individual, or a certified enactment or writing, in the case of an entity, declaring the desire of said owner that said privately owned way shall for the purpose of the enforcement of the Standard Traffic Ordinance, be treated as a public way and said Standard Traffic Ordinance be enforced thereon in all respects as though it were a public way. Where the word "highway" or the word "street" is used in this ordinance, it shall mean street, avenue, boulevard, thoroughfare, trafficway, drive, lane, alley and other way for vehicular travel by whatever name unless the context clearly indicates otherwise.

Section 3. 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. Supp. 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 ordinance, shall be considered

traffic offenses.

Section 4. SPEED LIMIT SIGNS. Speed limit signs which designate the maximum speed limits upon those streets and roads within the City of Linn Valley shall be erected every 600 feet or in compliance with the requirements of any traffic studies on said roads, and shall be erected in accordance with the applicable requirements of the manual of Uniform Traffic Control Devices prepared by the U.S. Department of Transportation.

Section 5. 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 \$1000, except for speeding which shall not be less than \$4 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.

Section 6. REPEAL. Ordinance number 73 is hereby repealed.

Section 7. CONFLICTS. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 8. This ordinance shall take effect and be in force from and after its publication in the Linn County News.

Passed and Approved this 11th day of July, 2005.

/s/ Ralph L. Fitch, Mayor

Attest:

/s/ Joyce Virgin, City Clerk

CORPORATE RESOLUTION

WHEREAS, the Linn Valley Lakes Property Owners Association is the owner of record of all roads, streets, alleys and other ways within the gated region known as Linn Valley Lakes; and

WHEREAS, said Linn Valley Lakes lies entirely within the city limits of the City of Linn Valley, Kansas; and

WHEREAS, said Property Owners Association desires to provide for the safety and well-being of all property owners of Linn Valley Lakes as they use said roads, streets, alleys, and other ways within Linn Valley Lakes; and

WHEREAS, the City of Linn Valley, Kansas has enacted the Standard Traffic Ordinances (2005), as amended, published by the Kansas League of Municipalities; and

WHEREAS, the said Property Owners Association desires that said Standard Traffic Ordinances be enforced by City Police Officials on the privately owned roads, streets, alleys and other ways within the gated region known as Linn Valley Lakes;

NOW THEREFORE IT IS HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE LINN VALLEY LAKES PROPERTY OWNERS ASSOCIATION:

The Governing Body of the City of Linn Valley, Kansas, is hereby requested to enact whatever ordinances and other enactments may be necessary to allow the Police Department of the City to enforce the Standard Traffic Ordinances of Kansas (2005), as amended, (excepting any Standard Traffic Ordinances that apply to golf carts, ATVs, mopeds or go-carts), within the gated region known as Linn Valley Lakes, and upon the roads, streets, alleys and other ways owned by the Linn Valley Lakes Property Owners Association.

Said enactment and enforcement should begin at the earliest possible date, upon the said enactment by the Governing Body of the City, and upon published notice in the official newspaper of the City.

This request shall remain in effect through subsequent revisions of the Standard Traffic Ordinances and subsequent enactments of said revisions, until such time as the Board of Directors of the Linn Valley Lakes Property Owners Association revoke this request in writing and by Resolution, or until the Governing Body of Linn Valley, Kansas repeals said enactments.

RESOLVED THIS 18th DAY OF JULY, 2005


DAVID FREER, PRESIDENT

CERTIFICATION:


BOARD SECRETARY