

(Summary First Published in the Times-Sentinel  
on the 5 day of November, 2015.)

THE CITY OF CLEARWATER, KANSAS

ORDINANCE NO. 1003

AN ORDINANCE EXPANDING THE DEFINITION OF VEHICLES AND THE PROHIBITION OF PARKING OF VEHICLES IN FRONT YARDS WITHIN THE CITY OF CLEARWATER BY AMENDING SECTIONS 10.20.005 AND 10.20.110 OF THE CLEARWATER, KANSAS MUNICIPAL CODE AND REPEALING ALL CONFLICTING ORDINANCES OR PARTS THEREOF.

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

Section 1. Amending Section 10.20.005 of the Clearwater, Kansas Municipal Code.

Section 10.20.005 of the Clearwater, Kansas Municipal Code is hereby amended to read as follows:

"10.20.005 - Definitions.

As used in this chapter, unless the context clearly indicates otherwise:

A. "Damaged or disabled vehicle" means any motor vehicle which is partially dismantled or wrecked and which cannot safely or legally be operated. It also means old, unused, stripped, junked and any other vehicles, machinery, implements, and/or equipment of any kind which is no longer safely usable for the purposes for which it was manufactured.

B. "House trailer" means a manufactured/mobile home as defined in Section 17.06.010 of the Municipal Code.

C. "Motor vehicle" means any self-propelled land vehicle which can be used for towing or transporting people or materials, including but not limited to automobiles,

trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, dune buggies and other off the road vehicles.

D. "Recreational vehicle" means camper, motor home, travel trailer, camping trailer, truck camper, converted bus, fifth wheeler, and any other motor vehicle so designed, constructed or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons and customarily or ordinarily used for vacation or recreational purposes. It also includes a unit that may be mounted on or drawn by another vehicle, which is primarily designed for temporary living or recreational use, such as boats and boat trailers.

E. "Utility trailer" means a vehicle without motive power designed for carrying property on its own structure and to be drawn by a vehicle with motive power.

F. "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a public roadway, excepting electric personal assistive mobility devices or devices moved by human power or used exclusively upon stationary rails or tracks.

G. "Commercial vehicle" used for a commercial purpose primarily, and having a gross weight of 16,000 pounds or more, and having a commercial vehicle tag."

Section 2. Amending Section 10.20.110 of the Clearwater, Kansas Municipal Code.

Section 10.20.110 of the Clearwater, Kansas Municipal Code is hereby amended to read as follows:

"10.20.110 – Parking in front yards.

A. It is unlawful in all residential zones in the city of Clearwater, Kansas, to park a vehicle upon the portion of premises commonly referred to as the front yard. This section shall not apply to any parking area, driveway, or loading area which is graded and paved with an all weather dustless material, such as asphalt, concrete, asphaltic concrete or other equivalent material, if such parking area, driveway or loading area complies with applicable zoning regulations. Further this section shall not apply to parking in front yards in commercial or industrial zones.

B. Whenever any vehicle without driver is found illegally standing or stopped in violation of this section, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user and shall conspicuously affix to such vehicle a traffic citation.

C. If a violator of this section does not appear in response to a traffic citation affixed to such motor vehicle within a period of five days, the clerk of the court shall send to the owner of the motor vehicle to which the traffic citation was affixed, a letter informing the owner of the violation and warning that in the event such letter is disregarded for a period of five days a warrant of arrest will be issued.

D. Penalty. Any person, firm or corporation violating any of the provisions of this section upon conviction, shall be punished as provided in Section 10.20.160 of this code."

Section 3. Severability.

If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 4. Repeal

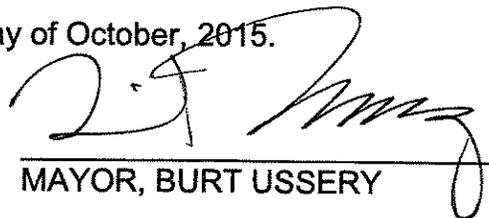
All ordinances or parts of ordinances in conflict herewith are repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

Section 5. Effective Date.

This Ordinance shall take effect and be in force from and after publication in the official city newspaper.

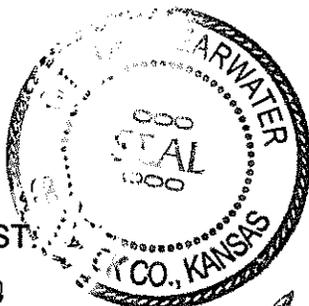
Adopted by the City Council this 27th day of October, 2015.

Approved by the Mayor this \_\_\_\_ day of October, 2015.

  
MAYOR, BURT USSERY

SEAL

ATTEST:



  
CITY CLERK, COURTNEY MEYER