

Published in the Herington Times January 11, 2018.

**ORDINANCE NO. 1799**

**AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 5, SECTION 6-519 OF THE CODE OF THE CITY OF HERINGTON, KANSAS, PROHIBITING AND REGULATING THE PARKING OF MOTOR VEHICLES OR PARTS OF SUCH VEHICLES WITHIN CERTAIN AREAS IN RESIDENTIAL ZONES OF THE CITY; PROVIDING PENALTIES THEREFORE; AND REPEALING ANY OTHER CURRENT ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH.**

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

**SECTION 1.** Chapter VI, Article 5, Section 6-519, prohibiting and regulating the parking of motor vehicles or parts of such vehicles within certain areas in residential zones of the City and providing penalties therefore, shall be amended and replaced in its entirety as follows:

**6-519. REGULATION, AS DESIGNATED, OF THE PARKING OF MOTOR VEHICLES OR PARTS OF SUCH VEHICLES WITHIN THE CITY LIMITS.**

- a. Motor vehicles prohibited within certain streets and residential zones. Except in an improved parking space, no motor vehicle or part of such vehicle shall be parked or stored in the front or side set-back area in an R-1 or R-2 residential area as defined by City of Herington Zoning Ordinance, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading property or passengers. "Front or side set-back" is as defined in the City's Zoning Ordinance then in effect. An "improved parking space" is an area covered with a non-vegetation/non-grass hard surface such as brick, gravel, rock, asphalt, concrete or equivalent material, constructed in a manner consistent with City of Herington Ordinances and Codes. A "motor vehicle" is as defined in the City's Standard Traffic Ordinances for Kansas Cities published by the Kansas League of Municipalities then in effect. This section shall not apply to the temporary parking of emergency motor vehicles, delivery vehicles and motor vehicles of public and private utilities, while engaged in such use.
- b. The City Governing Body, City Manager, or the properly designated agent of the City of Herington assigned by the City Manager may determine that the provisions of this section may be waived and are not to be enforced, for a specific location or locations, for a period not to exceed six (6) months. The noted waiver shall be granted upon individual application by a resident and based upon confirmation of a good and valid medical necessity provided by a currently practicing medical professional. A certificate of waiver may be issued upon such proof shown and shall be displayed as specified in the vehicle parked pursuant to the waiver. Such waiver may be renewed for an additional six months for good cause shown meeting the medical criteria of necessity noted herein.
- c. The provisions regarding, Citation on Illegally Parked Vehicles, Failure to Comply with Traffic Citation Attached to Parked Vehicles, and the Presumption in


Reference to Illegal parking as set forth in the City's Standard Traffic Ordinances for Kansas Cities published by the Kansas League of Municipalities then in effect shall apply.

- d. Violation of any part of this Article shall be an ordinance traffic infraction. Upon entry of a plea of guilty or no contest or upon being convicted or such violation, the penalty imposed on a first offense shall be a fine of Twenty-five Dollars (\$25); on a second offense within six (6) months a fine of Fifty Dollars (\$50); and on a third or subsequent offense within six (6) months fine of One Hundred Dollars (\$100).

**SECTION 2.** Other ordinances or portions thereof, not expressly identified herein, which are in conflict herewith are hereby repealed.

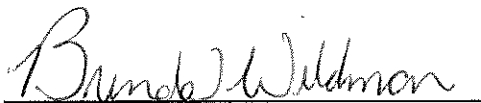
**SECTION 3.** This ordinance shall take effect and be in force after its publication once in the *Herington Times*, the official City newspaper.

**PASSED AND ADOPTED BY THE GOVERNING BODY**, this 2nd day of January, 2018, for the City of Herington, Kansas.



Kat Souza, Mayor

ATTEST:



Brenda Wildman, City Clerk