

(First Published in the Lincoln Sentinel-Republican, January 6, 2005).

ORDINANCE 2005-1-3

An ordinance to regulate the operation and parking of

certain vehicles upon streets and allies and within residential areas of the City of Beverly, Kansas, to provide penalties for violations, and to repeal ordinance 200412-6.

It is hereby ordained by motion duly made, seconded and adopted by the governing body of the City of Beverly, Kansas, on this 3rd day of January, 2005 that:

Section 1. ENGINE BRAKES

It shall be unlawful for the driver of any vehicle to use or operate or cause to be operated within the City any mechanical exhaust device designed to aid in the stopping or braking of that vehicle in a manner that creates excessive loud or unusual explosive noise from that vehicle, including but not limited to "jake braking" and compression braking".

SECTION 2. PARKING RESTRICTIONS

It shall be unlawful to park or store any commercial or private transport, truck, truck-trailer, semitrailer or similar vehicle with a rated capacity of over 1.5 tons, or being in the aggregate of all connected units over twenty (20) feet long, on any City street, alley or residential area in the City of Beverly, Kansas.

It shall be unlawful to park any operable commercial or private vehicle with its motor running, and/or which has an engine or motor driven refrigeration unit running which is attached to it or

built into it, within 250 feet of any customarily occupied City residence.

SECTION 3. EXCEPTIONS TO PARKING RESTRICTIONS

A vehicle subject to the above Parking Restrictions may park without a permit in otherwise restricted areas for up to one hour for the purpose of delivering or pickup cargo or to provide a rest period for its driver, provided it is parked in a location that does not obstruct traffic, block any public or private drive, alley or street, or endanger public safety.

A vehicle subject to the above Parking Restrictions may park with a permit in otherwise restricted areas for longer than one hour. Permits are issued by the governing body of the City.

revocation by the governing body. A complaint of excessive noise generated between 10:00 p.m. and 6:00a.m. is adequate cause to revoke a parking permit.

SECTION 4. PENALTIES FOR VIOLATIONS

The owner and the operator of any vehicle violating any part of this ordinance shall upon conviction be each punished by a fine of \$25.00 for a first offense, \$50.00 for a second offense, and \$100.00 for a third or subsequent offense. If the owner is the operator, the fines shall be \$50.00 for a first offense, \$100.00

for a second offense, and \$200.00 for a third or subsequent offense. If the violation is of a continuing nature, each consecutive 24 hours that it continues shall constitute a separate offense. Fines shall be remitted to the general fund of the City.

If a vehicle is found in violation of this ordinance, and in addition it is found that said vehicle's owner or operator has been convicted of violating this ordinance (whether of not with the same vehicle) on more than three prior occasions and is delinquent more than \$100.00 in the payment of the fines assessed for said prior convictions, the vehicle shall be impounded until all fines and costs of towing and impoundment are paid in full.

SECTION 5. EFFECTIVE DATE; REPEAL OF PROIR ORDINANCE

This ordinance shall take effect and be in force from and after publication in the Lincoln Sentinel Republican in Lincoln, Kansas. Upon taking effect, City Ordinance 2004-12-6 shall at once be repealed.

Clayton Dewhirst, /s/
Mayor

Attested: Mindy Lewick, /s/
City Clerk

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