

(Published at www.belaireks.gov on _____, April, 2025.)

ORDINANCE NO. _____

AN ORDINANCE CREATING ARTICLE 4, SECTIONS 12.04, 12.04.01, 12.04.02, 12.04.03, 12.04.04, 12.04.05, OF CHAPTER 12 OF THE CODE OF THE CITY OF BEL AIRE, KANSAS, PERTAINING TO PEDESTRIANS IMPEDING THE FLOW OF TRAFFIC.

WHEREAS, the City of Bel Aire, Kansas (hereinafter the “City”) has previously adopted Chapter 12, of the Code of the City of Bel Aire, Kansas (hereinafter the “Code”), which contains provisions regulating traffic;

WHEREAS, the governing body of the City finds it necessary and advisable to create Article 4 of Chapter 12 of the Code, pertaining to pedestrians impeding the flow of traffic.

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

SECTION 1. Article 4 of Chapter 12 is Section 12.04 of the Code of the City of Bel Aire and is hereby created to read as follows: **Pedestrians**.

SECTION 2. Article 4 of Chapter 12 is Section 12.04.01 of the Code of the City of Bel Aire and is hereby created to read as follows: **Preamble**.

WHEREAS, Pedestrians are increasingly using roadways in ways for which roadways were not designed or intended. These uses include pedestrians distracting drivers from the task of driving by approaching a stopped vehicle, attracting and/or attempting to attract the attention of the driver of a motor vehicle for the purpose of inducing that driver to slow or stop the vehicle to facilitate the transfer of anything of value from the driver or occupant of the vehicle to the pedestrian or the transfer of anything of value by the pedestrian to the driver or passenger, and

30 staying upon medians and/or in the public right of way for purposes other than crossing the road.
31 These activities are hazardous to public safety, both for occupants of motor vehicles and for
32 pedestrians. This ordinance is narrowly tailored to decrease the safety hazards by restricting such
33 activities.

34 WHEREAS, the City enacts this ordinance to assure the free, orderly, uninterrupted
35 movement of motor vehicles on roadways, provide for the safety and interests of pedestrians and
36 of occupants of motor vehicles located on roadways, reduce the number of pedestrian and motor
37 vehicle collisions occurring within the City, and serve the significant interest of promoting and
38 protecting the public health, safety, and general welfare of the citizens of the City of Bel Aire.

39 SECTION 3. Section 12.04.02 of the Code of the City of Bel Aire is hereby created to read
40 as follows: **Entering or staying upon a designated roadway or impeding the flow of traffic is**
41 **prohibited.**

42 (a) It shall be unlawful for any person to go upon any designated roadway and enter onto such
43 roadway or approach a vehicle stopped on the roadway or at an intersection for the purpose
44 of inducing the driver of the motor vehicle to remain stopped, slow or stop the vehicle to
45 facilitate a transfer of anything from the driver or occupant of the vehicle to the pedestrian
46 or the transfer of anything by the pedestrian to the driver or occupant.

47 (b) Except in an emergency, it shall be unlawful for any person to be upon a public roadway
48 to impede or disrupt the flow of traffic, or act in any manner that tends to impede or disrupt
49 the flow of traffic, whether or not such traffic is actually present.

- 50 1. For purposes of this Ordinance, an act “tends to impede or disrupt the flow of
51 traffic” if a pedestrian’s presence or action creates a dangerous condition upon

the roadway or otherwise interrupts the free flow of vehicles and/or pedestrians,
except as already permitted upon areas designated for pedestrian crossing.

(c) No person, parent or legal guardian shall knowingly allow or permit an individual under the age of eighteen years of age to violate the provisions of Subsections (a) or (b).

(d) No person shall activate a pedestrian crosswalk signal for any purpose other than to stop traffic to allow such person and other persons to cross the roadway.

(e) It is *prima facie* evidence of a violation of Subsection (d) if the person stays at the intersection through two consecutive opportunities to legally cross the roadway. This may include a change in the traffic control signal or lack of traffic. After two such consecutive opportunities, such person shall not be considered to be “using the crosswalk” for purposes of the exceptions set forth below.

(f) No driver or operator of a motor vehicle shall park, stop or leave standing a vehicle on a designated roadway or suddenly decrease the speed of such vehicle or deviate from a traffic lane for the purpose of responding to persons violating Subsections (a) or (b).

SECTION 4. Section 12.04.03 of the Code of the City of Bel Aire is hereby created to read as follows: **Exceptions.**

(a) The provisions of this Ordinance shall not apply to the following:

1. Persons in or upon public or private parking lots, alleys or private roads;
2. Persons using a crosswalk to cross the roadway;
3. Persons engaged in law enforcement, emergency or rescue activities, including providing assistance to an injured or disabled vehicle or person;
4. Persons entering a vehicle as an invited passenger where it is lawful to do so;

- 74 5. Persons engaged in the repair or maintenance activities of the highway under
75 the direction of the City of Bel Aire or State of Kansas;
- 76 6. Streets or portions thereof that have been closed pursuant to express
77 authorization from the City to include but not limited to: events and special
78 events pursuant to Chapter 4 of the Code of the City of Bel Aire; and
- 79 7. Persons entering the roadway for the purpose of conducting business with an
80 ice cream vendor properly licensed pursuant to Chapter 3 of the Code of the
81 City of Bel Aire.

82 SECTION 5. Section 12.04.04 of the Code of the City of Bel Aire is hereby created to read
83 as follows: **Penalty.**

- 84 (a) A violation of this Ordinance is a traffic infraction. Individuals who are fourteen years or
85 older may be charged with violation of this Ordinance.
- 86 (b) This Ordinance shall be supplemental to the then effective edition of the Standard Traffic
87 Ordinance, as the same shall from time to time be incorporated into the Code by reference.

88 SECTION 6. Section 12.04.05 of the Code of the City of Bel Aire is hereby created to read
89 as follows: **Severability.**

- 90 (a) If any Section, Subsection or Clause of this Ordinance shall be deemed unconstitutional or
91 otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be
92 affected.

93 SECTION 7. Effective Date. This Ordinance shall be included in the Code of the City of
94 Bel Aire, Kansas. It shall take effect and be in full force from and after its adoption by the
95 governing body of the City, approval by the Mayor and publication once in the official city
96 newspaper.

PASSED by the Governing Body of the City of Bel Aire, Kansas, on the _____ day of April, 2025.

APPROVED by the Mayor on the _____ day of April, 2025.

CITY OF BEL AIRE, KANSAS

Jim Benage, Mayor

ATTEST:

Melissa Krehbiel, City Clerk

APPROVED AS TO FORM ONLY:

Maria A. Schrock, City Attorney