

ORDINANCE NO. 23-03

AN ORDINANCE PERTAINING TO COMMERCIAL VEHICLES; AMENDING OLATHE MUNICIPAL CODE SECTION 6.06.030 AND REPEALING THE EXISTING SECTION.

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

SECTION ONE: Section 6.06.030 of the Olathe Municipal Code is hereby amended to read as follows:

“6.06.030 Definitions.

For the purposes of this chapter, the following definitions apply:

“City” means the City of Olathe, Kansas;

“Code” means the Olathe Municipal Code;

“Commercial or Industrial” means areas which are used or intended to be used primarily for other than residential or agricultural purposes;

“Commercial Vehicle” means a vehicle with or without its own motive power, with a chassis rated at one (1) ton or more, that meets a minimum of one of the following dimension or use criteria:

(1) ~~dimensions exceeding~~ The length of the vehicle exceeds twenty (20) feet ~~in total length;~~

(2) The width of the vehicle exceeds eight (8) feet ~~in total width;~~

(3) ~~or~~ The height of the vehicle exceeds seven (7) feet ~~in total height; and~~

(4) The vehicle is used primarily for the carrying of equipment, livestock, minerals, liquids or other commodities; or

(5) The vehicle is used primarily for the carrying of persons in the performance of a transportation service.

Commercial vehicles also include hauling and advertising trailers if used for commercial (e.g., non-recreational) purposes;

“Compost Pile” means a mixture consisting of leaves, stems, grasses, dirt and other organic matter which shall be stored in an enclosure and used for garden soil conditioning purposes. Said enclosure shall be screened or placed in a manner which is not offensive to neighboring residents or the general public;

“Garbage” means without limitation, any accumulation of animal, fruit or vegetable waste matter which normally is the by-product of handling, preparation, cooking, serving, delivering, storage or any other use of foodstuffs;

“Graffiti” means any drawing, painting, writing, inscription, figure or mark, regardless of its content, of the type which is commonly known and referred to as “graffiti,” which is written, drawn, painted, sprayed, scratched or otherwise placed or affixed, regardless of the nature of the material used, on any wall, window, rock, building or portion thereof, fence, gate, sign, other structure, tree or other real or personal property, either publicly or privately owned, and that is visible from any adjacent public or private property or public or private right of way. “Graffiti” shall not include any permitted sign allowed to be erected in Section 18.50.190 of the Unified Development Ordinance;

“Immediate Vehicle Hazard” means any unattended vehicle which has been placed on jacks, blocks or a stand unless such vehicle is placed in a garage or other building;

“Inoperable Vehicle” means a vehicle or component parts thereof which cannot function properly or be used for its original purpose, including, without limitation, a condition of being junked, parted out, used for salvage, or any part thereof discarded or stored, or use of any part for artful or decorative purposes. Also, included would be any vehicle which is

not currently registered or licensed or parked in any manner which would be a violation of other City ordinances or incapable of moving under its own power or would be unlawful to operate upon any street, road or highway. A vehicle which is temporarily inoperative but is in the process of being repaired shall be repaired within thirty (30) consecutive days or it shall be deemed an inoperable vehicle as defined in this section;

“Nuisance” means, without limitation, any accumulation or collection of filth, human or animal excrement, tree limbs, lumber, wood, glass, rocks, concrete, dirt, grass clippings, leaves, cans, containers, paper, trash, plastic, petroleum products, Styrofoam, rubber, metal, discarded appliances or other household items, abandoned or inoperable vehicles or parts thereof, or any other material or item which is thrown, left, deposited or stored upon any public or private property, except that compost piles as defined by Section 6.06.030 shall not constitute a nuisance;

The above also includes any place, operation, materials or substance offensive in appearance or which emits or causes any nauseous odors. Any dilapidated fence, wall, building or other structure in disrepair, open pits, pools or ponds of water or fluids, trenches or wells and/or any other condition which is offensive to or a threat to the environmental quality, health, safety or welfare of the City as determined by any Public Officer shall also constitute a nuisance;

“Passenger Vehicle” means a vehicle which is:

- (1) licensed for use on public streets;
- (2) designed primarily for the transportation of people as opposed to equipment, freight or other vehicles, and
- (3) sold primarily to individuals for personal use.

This definition includes, but is not limited to, motorcycles, mopeds, motorscooters, automobiles commonly referred to as coupes, sedans, hatchbacks, station wagons, convertibles, minivans, passenger vans, cargo vans, and pickup trucks, any of which would not otherwise meet

the definition of commercial vehicle or recreational vehicle as set forth herein;

“Person” means any individual, individuals, corporation, partnership, unincorporated association, other business organization, committee, board, trustee, receiver, agent or any representative who has charge, care, control or responsibility for maintenance of any premises regardless of status as owner, renter, tenant or lessee, whether or not in possession;

“Premises” means any lot, parcel or tract of land, including any structures, and/or excavations located thereon;

“Public Officer” means any City representative charged by the City Manager or designee with the administration and enforcement of this chapter;

“Recreational Vehicle” means a vehicular-type unit which is:

- (1) Built on a chassis or for use on a chassis,
- (2) designed primarily as temporary living quarters for recreational, camping, vacation or travel use, and
- (3) has its own motive power or is mounted on or drawn by another vehicle.

This definition includes, but is not limited to, motor homes (Class A, B, or C), travel trailers, folding camping trailers, 5th wheel trailers, truck campers (each as shown in Illustration A), passenger vehicles or buses specifically modified to meet the three conditions above, and boats, any of which would not otherwise meet the definition of commercial vehicle or passenger vehicle as set forth herein;

“Residential District” refers to any place or area where the property is zoned for residential occupancy including single-family, two-family and multifamily lots;

“Unimproved Premises” means any lot parcel or tract of land without any structures or any other type of improvement or development thereon;

“Vehicle” means any automobile, van, truck, all-terrain vehicle, motorcycle, moped, motorscooter, recreational vehicle, farm machinery, construction equipment, boat, boat trailer, airplane, bicycle, trailer, wagon or other device mounted on wheels and designed to carry any cargo, operator or passenger and may be powered by an engine or pulled or pushed by any device or person;

“Yard” means the area of the premises not occupied by a structure.

ILLUSTRATION A

RECREATIONAL VEHICLES

Class A Motor Home



Class B Motor Home



Class C Motor Home



Travel Trailer



Folding Camper
Trailer



Fifth-Wheel Trailer



Truck Camper




SECTION TWO: Existing Section 6.06.030 is hereby repealed.

SECTION THREE: This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

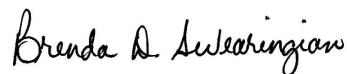
PASSED by the Governing Body this 17th day of January, 2023.

SIGNED by the Mayor this 18th day of January, 2023.


John W. Bacon (Jan 18, 2023 10:25 CST)

Mayor


ATTEST:



City Clerk



APPROVED AS TO FORM:


Ron Shaver (Jan 18, 2023 14:41 CST)

City Attorney

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.

The Legal Record

1701 E. Cedar St., Ste. 111
Olathe, KS 66062-1775
(913) 780-5790

ATTN: CITY CLERK
CITY OF OLATHE
100 E SANTA FE ST
OLATHE KS 66061-3409

First published in The Legal Record, Tuesday, January 24, 2023.
PUBLICATION SUMMARY OF ORDINANCE NO. 23-03, PASSED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS ON THE 17th DAY OF JANUARY 2023.

SUMMARY

On January 17, 2023, the Governing Body of the City of Olathe, Kansas passed Ordinance No. 23-03 amending Section 6.06.030 of the Olathe Municipal Code pertaining to the definition of Commercial Vehicle.

The complete text of this ordinance may be obtained or viewed free of charge at the office of the Olathe City Clerk, Olathe City Hall, 100 East Santa Fe Street, Olathe, Kansas, or on the City's official website address <http://www.olatheks.org/government/city-clerk/public-notice>, where a reproduction of the original ordinance will be available for a minimum of one week following this summary publication.

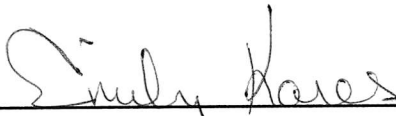
This summary is certified this 18th day of January 2023.

/s/ Robert G. Gallimore
Robert G. Gallimore
Assistant City Attorney
1/24

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Emily Kares, of lawful age, being first duly sworn, deposes and says that she is Editorial Manager for The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than one year prior to the first publication of the notice attached, and has been entered at the post office as Periodicals Class mail matter. That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

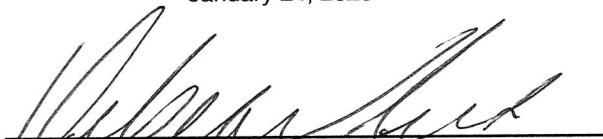
ORDINANCE NO. 23-03
1/24/23



Emily Kares, Editorial Manager

Subscribed and sworn to before me on this date:

January 24, 2023



Notary Public

DEBRA VALENTI
Notary Public-State of Kansas
My Appt. Expires Aug. 21, 2023

L10850
Publication Fees: \$18.59