

ORDINANCE NO. 408

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 284 WHICH DESIGNATES CERTAIN STREETS IN THE CITY OF SUBLETTE AS EMERGENCY STREET ROUTES, AND SETTING FORTH THE PROCEDURE FOR REMOVAL AND IMPOUNDMENT OF VEHICLES DURING EMERGENCIES, AND PROVIDING FOR PENALTIES THEREFORE.

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

Section 1. EMERGENCY STREET ROUTES. The following streets in Sublette, Kansas, are designated as emergency street routes:

- a) Inman Street, South from Highway 56, four full blocks;
- b) Chouteau Avenue, running East and West, from the East city boundary to the West city boundary;
- c) Ellis Street;
- d) Lark Avenue;
- e) Wooten Street; and
- f) Fern Avenue.

Section 2. UNAUTHORIZED VEHICLES. The emergency street routes, as identified herein, shall be kept clear of any parked traffic obstructions, trailers, and vehicles during the following times:

- a) During those times designated by the City Superintendent, whether emergency or non-emergency, for the preservation of public safety and general welfare of the citizens of Sublette.
- b) During those times of disaster or emergency created by nature.
- c) During those periods of time necessary for snow removal until the City of Sublette has completed its snow removal on said emergency street routes.

Section 3. VIOLATION OF ORDINANCE. It shall be unlawful and a violation of this ordinance to leave a vehicle, trailer, or other obstruction parked or unattended on said emergency street routes during the periods of time designated by this ordinance.

Section 4. IMPOUNDMENT OF PROPERTY. Any law enforcement officer of this city, acting in his/her official capacity, is authorized to order the towing or removal of any unoccupied vehicle, trailer, or traffic obstruction from the emergency street routes during those periods of time identified in this ordinance, without notice to or permission of the owner or user of said property, to a public or private garage or yard for storage of the impounded property.

Section 5. NOTICE TO OWNER. When a vehicle, trailer, or traffic obstruction is impounded by the Police Department, the Police Department shall mail a notice by certified mail to the registered owner thereof, addressed to the address as shown on the certificate of registration, and to the lienholder, if any, stating the reason for the impoundment, the rights of the owner or lienholder as set forth in this ordinance as to the recovery of the item, and a statement that unless the owner or lienholder exercises its rights within thirty days, action as enumerated in this ordinance will occur. If the Police Department is unsuccessful in determining the name and address of the owner or any lienholder of said property the Police Department shall publish a notice once each week for two consecutive weeks in the official city newspaper, describing the

property by name of make, model, color, and serial number, and shall also state the reason for impoundment, information regarding the right of the owner or lienholder in the recovery of said property and a statement that unless the owner or lienholder takes action within thirty days of the date of the second publication, the property will be sold at public auction to cover any towing or storage cost, as well as any fines accrued.

Section 6. RELEASE. The owner or lienholder of impounded property may obtain the release of said property by:

- a.) Presentation of proof of ownership in the form of motor vehicle title, certificate of registration, and personal identification; and
- b.) Payment of all fines, storage fees, towing fees, court costs, and all related expenses incurred in the towing and storage of said vehicle.

Section 7. PENALTIES. Persons violating this ordinance shall be subject to a fine of a minimum of \$100 and a maximum of less than \$500, or a jail sentence of not to exceed thirty days, or both; plus mandatory payment of all towing fees, storage fees, court costs and other related charges or expenses pertaining to the towing and storage of said property.

Section 8. CONFLICTING ORDINANCES; REPEAL. All ordinances or parts of ordinances of the City of Sublette in conflict herewith are hereby repealed. Ordinance No. 284 is repealed in its entirety. This ordinance is adopted in addition to the Standard Traffic Ordinance previously adopted by the city.

Section 9. PUBLICATION. This ordinance shall become effective upon publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Sublette, Kansas, this 4th day of November, 2013.

Jery Bailey
Mayor

ATTEST:

Jeannie Trigg
City Clerk