

1 (Published in the Topeka Metro News _____)
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3 ORDINANCE NO. _____
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5 AN ORDINANCE introduced by Council Member Brendan Jensen, creating Chapter
6 10.80 in Title 10 of the Topeka Municipal Code concerning
7 Pedestrian and Traffic Safety.
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9 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

10 Section 1. That The Code of the City of Topeka, Kansas, is hereby amended
11 by adding a section, to be numbered 10.80.010, which said section reads as follows:

12 **Findings.**

13 The governing body makes the following findings:

14 (a) The high volume of motor vehicles travelling on congested roadways in
15 the city makes mixing pedestrian and the moving, slowing or temporarily stopping of
16 motor vehicles in the same space, at the same time, inherently dangerous.

17 (b) Pedestrians distracting drivers from the task of driving by approaching a
18 stopped vehicle, attracting and/or attempting to attract the attention of the driver of a
19 motor vehicle for the purpose of inducing that driver to slow or stop the vehicle to
20 facilitate the transfer of anything by the pedestrian to the driver or passenger is
21 hazardous to public safety, both for occupants of motor vehicles and for pedestrians.

22 (c) The prohibitions set forth in this chapter are narrowly tailored to serve the
23 significant interest of promoting and protecting the public health, safety and welfare and
24 that these prohibitions leave open ample alternative channels of communication
25 throughout the city.
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28 (d) It is the intent of this chapter to protect the health, safety and general
29 welfare of the citizens of the city, to assure the free, orderly, undisrupted movement of
30 motor vehicles on designated highways within city limits, and to provide for the safety
31 and interests of pedestrians and of occupants of motor vehicles located on designated
32 roadways within the city and to reduce the number of pedestrian and motor vehicles
33 occurring within the city.

34 (e) Pedestrians are increasingly using highways and roadways in ways for
35 which the roads were not designed or intended. These uses include approaching
36 vehicles when stopped or in use or staying upon medians and in the public right of way
37 for purposes other than crossing the highway. These activities create safety hazards for
38 pedestrians and distract drivers, making automobile accidents more likely. This chapter
39 is designed to decrease the safety hazards by restricting such activity. These safety
40 concerns are most acute in the busiest streets within the city identified as arterial streets
41 and those within a congested area.

42 Section 2. That The Code of the City of Topeka, Kansas, is hereby amended
43 by adding a section, to be numbered 10.80.020, which said section reads as follows:

44 **Designated Intersections.**

45 Due to the high number of reported crashes and the prevalence of distracted
46 driving as a contributing factor in these crashes, the following intersections are hereby
47 designated as having restricted pedestrian activity as specified in section 10.80.030:

48 S 5th Street and SW Topeka Boulevard

49 SW 12th Street and SW Jackson Street

50 SW 6th Avenue and Orchard Street

- 51 SW 8th Avenue and SW Topeka Boulevard
- 52 SW 10th Avenue and SW Topeka Boulevard
- 53 SW Huntoon Street and SW Gage Boulevard
- 54 SW 21st Street and SW Fairlawn Road
- 55 SW 6th Avenue and SW Topeka Boulevard
- 56 SW 10th Avenue and SW Lane Street
- 57 SE 21st Street and SE Adams Street
- 58 SW 29th Street and SW Fairlawn Road
- 59 SW 21st Street and SW Gage Boulevard
- 60 SW 6th Avenue and SW Gage Boulevard
- 61 SW 21st Street and SW Wanamaker Road
- 62 SW 17th Street and SW Wanamaker Road
- 63 SW Huntoon Street and SW Fairlawn Road
- 64 SE 15th Street and SE Adams
- 65 SW 29th Street and SW Gage Boulevard
- 66 SW 29th Street and SW Topeka Boulevard
- 67 SW 21st Street and SW Washburn Avenue
- 68 SW 29th Street and SW Wanamaker Road
- 69 SW 21st Street and SW Topeka Boulevard
- 70 SW 17th Street and SW Westover Road and SW Oakley Street
- 71
- 72
- 73

74 Section 3. That The Code of the City of Topeka, Kansas, is hereby amended
75 by adding a section, to be numbered 10.80.030, which said section reads as follows:

76 **Prohibition: Pedestrians Entering or Staying Upon Roadways at Certain**
77 **Intersections.**

78 (a) It shall be unlawful for any person to go upon any roadway or remain
79 alongside any roadway at any of the intersections designated in subsection 10.80.020
80 and approach a vehicle stopped on the roadway or attempt to attract the attention of the
81 driver or occupant of a motor vehicle for the purpose of inducing the driver of the motor
82 vehicle to remain stopped, slow or stop the vehicle to facilitate a transfer of anything
83 from the driver or occupant of the vehicle to the pedestrian or the transfer of anything by
84 the pedestrian to the driver or occupant.

85 (b) No person shall be upon the median of a roadway at any of the
86 intersections designated in subsection 10.80.020 unless that person is in the process of
87 crossing the roadway.

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

90 (d) It is prima facie evidence of a violation of subsection (b) and (c) if the
91 person stays on the median or at the intersection through two consecutive opportunities
92 to legally cross the roadway. This may include a change in the traffic control signal or
93 lack of traffic. After two such consecutive opportunities, such person shall not be
94 considered to be using the crosswalk for purposes of the exception in subsection (f)(1).

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

101 (f) Exceptions. This chapter does not apply to:

102 (1) Persons using a crosswalk to cross the roadway.

103 (2) Persons engaged in law enforcement, emergency, or rescue
104 activities, including providing assistance to an injured or disabled vehicle or
105 person.

106 (3) Persons engaged in repair or maintenance activities of highways
107 under the direction of the city or state.

108 (4) Streets or portions thereof that have been closed pursuant to
109 authorization from the City, including but not limited to special events permitted
110 pursuant to Chapter 12.70.

111 Section 4. That The Code of the City of Topeka, Kansas, is hereby amended
112 by adding a section, to be numbered 10.80.040, which said section reads as follows:

113 **Penalty.**

114 Any person who violates the provisions of TMC 10.80.030 is guilty of a
115 misdemeanor. Upon conviction, a person shall be sentenced to a fine not to exceed
116 four hundred and ninety-nine dollars (\$499) and/or imprisonment not to exceed thirty
117 (30) days.

