

ORDINANCE NO. 2386

**AN ORDINANCE RELATING TO THE OPERATION OF OTHER POWER-DRIVEN MOBILITY DEVICES ON SIDEWALKS WITHIN THE CITY OF DERBY, KANSAS; AMENDING AND REPEALING SECTION 10.04.116 AND PROVIDING A SUBSTITUTE PROVISION THEREFOR.**

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

**Section 1.** Section 10.04.116 of the Derby Municipal Code is hereby amended to read as follows:

**“10.04.116 – Driving upon sidewalk.**

No person shall drive any vehicle upon a sidewalk or sidewalk area except:

1. Upon a permanent or duly authorized temporary driveway; or
2. In the lawful operation of an Other Power-Driven Mobility Device (OPDMD) in compliance with the City’s OPDMD Guidelines as approved and promulgated by the City Manager.

**Section 2.** Repeal

Original section 10.04.116 of the Derby Municipal Code is hereby repealed. All other provisions of the Municipal Code of the City of Derby, Kansas shall remain in full force and effect except as specifically amended herein. All other ordinances or parts of other ordinances in conflict herewith are repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

**Section 3.** Severability

Should any section, clause, sentence, or phrase of this ordinance be found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any remaining provisions herein.

**Section 4.** Effective Date

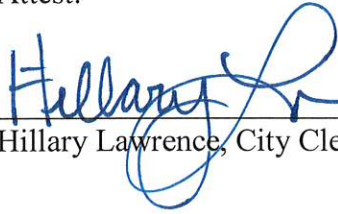
This Ordinance shall take effect and be in force from and after its passage and publication of the ordinance or a summary thereof once in the City’s official newspaper as provided by State law.

**PASSED by the City Council** this 25th day of June, 2019 and **SIGNED** by the Mayor.

  
\_\_\_\_\_  
Randy White, Mayor

Seal

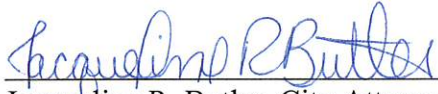
Attest:



Hillary Lawrence, City Clerk



Approved as to form:



Jacqueline R. Butler, City Attorney