

CITY OF ELSMERE, KENTUCKY
ORDINANCE NO. 1780 - 2019

**AN ORDINANCE OF THE CITY OF ELSMERE, KENTUCKY AMENDING TITLE VII:
TRAFFIC CODE CHAPTER 70 "GENERAL PROVISIONS" OF THE ELSMERE,
KENTUCKY CODE OF ORDINANCES**

WHEREAS, Chapter 70 "GENERAL PROVISIONS" sets forth requirements for parking in the City of Elsmere, Kentucky; and

WHEREAS, the City of Elsmere, Kentucky has determined that the current Ordinance needs to be amended;

BE IT ORDAINED BY THE CITY OF ELSMERE, KENTUCKY AS FOLLOWS:

That Chapter 70 "General Provisions" of the Elsmere, Kentucky Code of Ordinances shall be amended as follows:

SECTION I

Section 70.02 "Definitions" of the City of Elsmere Code of Ordinances Is hereby amended as follows:

70.02 DEFINITIONS

For the purpose of this title the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"AUTHORIZED EMERGENCY VEHICLES" Vehicles of the Fire Department or Police Department, vehicles of the Commonwealth Attorney's office when on official business, and ambulances on an authorized emergency run.

"BOULEVARD" Any legally designated street at which cross traffic is required to stop before entering or crossing such boulevard.

"BUSINESS DISTRICT" Any portion of any street between two consecutive intersections in which 50% or more of the frontage on either side of the street is used for business purposes.

"CROSSWALK" That portion of the roadway included within the extension of the sidewalk across any intersection, and such other portions of the roadway between two intersections, as may be legally designated as crossing places and marked by stanchions, paint lines, or otherwise.

"CURB" The boundary of that portion of the street used for vehicles whether marked by curbstones or not.

"FUNERAL PROCESSION" Two (2) or more vehicles accompanying the body of a deceased person when each vehicle has its headlights on or is displaying a pennant attached in such a manner as to be clearly visible to approaching traffic. (KRS 189.378(1))

"INTERSECTION" That part of the public way embraced within the extensions of the street lines of two or more streets which join at an angle whether or not one such street crosses the other.

"OFFICIAL TRAFFIC-CONTROL DEVICES" All signs, signals, warnings, directions, markings, and devices placed or erected or maintained by authority of the city.

"ONE-WAY STREET" A street on which vehicles are permitted to move in one direction only.

"OPERATOR" Every person who is in actual physical control of the guidance, starting, and stopping of a vehicle.

"PARK" When applied to vehicles, to leave a vehicle standing, whether occupied or not, for a period of time longer than is necessary to receive or discharge passengers or property.

"PEDESTRIAN" Any person afoot.

"POLICE DEPARTMENT" The Police Department or other persons or agency authorized to perform the duties of § 70.04 or any other acts necessary to implement and enforce this traffic code.

~~["PLAY STREET" Any street or portion thereof so designated by the city and reserved as a play area for children, from, which all traffic is barred, except vehicles to and from abutting properties.]~~

"PUBLIC WAY" The entire width between property lines of every way, dedicated passway, or street set aside for public travel, except bridle paths and foot paths.

"REVERSE TURN" To turn a vehicle on any street in such a manner as to proceed in the opposite direction.

"RIGHT-OF-WAY" The privilege of the immediate and preferential use of the street.

"ROADWAY" That portion of any street, improved, designated, or ordinarily used for vehicular travel.

"SIDEWALK" That portion of the street between the curb and the property line intended for the use of pedestrians.

"STOPPING" As applied to vehicles, to stop a vehicle longer than is actually necessary to receive or discharge passengers.

"STREET" Every public way, including alleys.

"TRAFFIC" Pedestrians, ridden or herded animals, vehicles, buses, and other conveyances, individually or collectively, while using any street for the purpose of travel.

"TRAFFIC COMMITTEE" Committee made up of the Mayor, City Administrator, Police Chief, and Public Works.

~~["VEHICLE" includes all agencies for the transportation of persons or property over or upon the public highways of the Commonwealth and all vehicles passing over or upon the highways-~~

~~"MOTOR VEHICLE" includes all vehicles, as defined above except, road rollers, road graders; farm tractors; vehicles on which power shovels are mounted; construction equipment customarily used only on the site of construction and which is not practical for~~

~~the transportation of persons or property upon the highways; vehicles that travel exclusively upon rails; vehicles propelled by electric power obtained from overhead wires while being operated within any municipality or where the vehicles do not travel more than five (5) miles beyond the city limits of any municipality; and vehicles propelled by muscular power. (KRS 189.010 (19)).~~ Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including boats, personal watercraft, and trailers or similar devices used to transport such property, except devices moved by human power or used exclusively upon stationary rails or tracks.

70.03 REQUIRED OBEDIENCE TO TRAFFIC DIRECTIONS

(A) It shall be unlawful for any person to fail or refuse to comply with any lawful order, signal, or direction given by a uniformed police officer, or to fail or refuse to comply with any of the traffic regulations of this traffic code.

(B) The provisions of this traffic code shall apply to the driver of any vehicle owned or used in the service of the United States government, this state, county, or city, and it shall be unlawful for any such driver to violate any of the provisions of this traffic code, except as otherwise permitted in this traffic code or by state statute.

(C) Every person propelling any pushcart or riding a bicycle, ~~[or an animal on any roadway, and every person driving any animal on any roadway]~~ and every person driving any animal-drawn vehicle shall be subject to the provisions of this traffic code applicable to the driver of any vehicle, except those provisions of this traffic code which by their very nature can have no application. Penalty, see § 70.99

[70.15 SIGNAL LEGENDS]

~~{ ——— Whenever traffic is regulated or controlled exclusively by a traffic control sign or signs exhibiting the words "Go", "Caution", or "Stop", or exhibiting different colored lights for purposes of traffic control, the following colors only shall be used, and these terms and lights shall indicate and be eyed as follows: }~~

~~{ ——— (A) Green alone or "Go": Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. However, vehicular traffic shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection at the time such signal is exhibited. }~~

~~{ ——— (B) Steady yellow alone or "Caution" when shown following the green or "Go" signal: Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection. Vehicular traffic facing a steady yellow signal may enter and clear the intersection. }~~

~~[(C) Red alone or double red or "Stop": Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at an intersection or at such other point as may be indicated by a clearly visible line, and shall remain standing until green or "Go" is shown alone.]~~

~~[(D) Flashing red alone: Vehicular traffic facing the signal shall stop before entering the nearest cross walk at an intersection or at such other point as may be indicated by a clearly visible line, and shall not again proceed until it can do so without danger;~~

~~[(E) Flashing yellow alone: Vehicular traffic facing the signal shall reduce its speed and proceed cautiously across the intersection controlled by such signal.]~~

~~[(F) "Yield Right of Way": Vehicular traffic facing the "Yield Right of Way" sign shall bear the primary responsibility of safely entering the primary intersecting or merging right of way. All traffic facing the sign shall yield the right of way to all vehicles and pedestrians within such primary intersecting or merging right of way, No vehicle facing a "Yield Right Way" sign shall enter the merging or intersecting right of way at a speed in excess of 15 miles per hour; except that this speed limit shall not apply to vehicles entering an expressway.]~~

~~[(G) Lane Lights: When lane lights are installed over any street for the purpose of controlling the direction flow of traffic, vehicular traffic shall move only in traffic lanes over which green arrows appear. however, when flashing yellow lights appear above a lane all left turns shall be made from that lane. Where red arrows appear above such lanes, vehicles shall not move against them. If flashing yellow lights show above a lane, that lane shall be used only for passing and for left turns unless a sign at such place prohibits such turn. Penalty, see §70.99- Statutory reference: Traffic control signals, KRS 189.338]~~

[70.16 ESTABLISHMENT AND MAINTENANCE OF TRAFFIC]

~~[]—— The city shall establish and maintain all official traffic control devices necessary within the city. All traffic control devices, including signs, shall be employed to indicate one particular warning or regulation, shall be uniform, and as far as possible shall be placed uniformly. All traffic control devises and signs shall conform to required state specifications.]~~

SECTION TWO

This Ordinance shall take effect and shall be in full force after its enactment and publication as required by law.

SECTION THREE

All ordinances or parts of any ordinances in conflict herewith, to the extent of the conflict, if any, are hereby repealed.

SECTION FOUR

If any sentence, clause, section or part of this ordinance or the application thereof to any particular situation is, for any reason, found to be unconstitutional, illegal or invalid, the invalidity of any provision of this Ordinance shall not affect the validity of any other provisions

hereof, and such other provisions shall remain in full force and effect as long as they remain valid in the absence of that provision determined to be invalid.

SECTION FIVE

Publication of this Ordinance is hereby authorized to be by summary publication in accordance with Kentucky Law.


PASSED AND APPROVED ON FIRST READING this the 5th day of November, 2019.

PASSED AND APPROVED ON SECOND READING this the 14th day of January, 2020

APPROVED:


HON. MARTY LENHOF, MAYOR

ATTEST:


MISTY EZELL
CITY CLERK