

CITY OF ELSMERE, KENTUCKY

ORDINANCE NO.1781-2019

**AN ORDINANCE OF THE CITY OF ELSMERE, KENTUCKY AMENDING TITLE VII:  
TRAFFIC CODE CHAPTER 71 "TRAFFIC RULES" OF THE ELSMERE, KENTUCKY  
CODE OF ORDINANCES**

*WHEREAS*, Chapter 71 "TRAFFIC RULES" 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 71 "Traffic Rules" of the Elsmere, Kentucky Code of Ordinances shall be amended as follows:

**SECTION I**

Section 71.01 "OBSTRUCTING TRAFFIC" of the City of Elsmere Code of Ordinances is hereby amended as follows:

A) It shall be unlawful to operate any vehicle or permit it to remain standing in any street in such manner as to create an obstruction thereof.

(B) It shall be unlawful for the operator of any vehicle to enter any intersection or crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle without obstructing the passage of other vehicles or pedestrians, notwithstanding the indication of any traffic-control signal which may be located at the intersection or crosswalk.

~~[(C) Any intersection deemed by the city to be of special or critical importance to the movement of traffic shall be marked in such distinctive manner as to indicate such importance. Should the operator of any vehicle enter any intersection so marked when there is insufficient room on the other side of the intersection to accommodate the vehicle, the indication of any traffic control signal notwithstanding, he shall be deemed to have violated this division rather than division (B) above. Penalty, see § 71.99]~~

**71.05 SPEED LIMITS**

(A) All vehicles operated within the city shall not exceed the speed of 20 miles per hour on all streets, alleys, and public highways ~~[except as set forth in Chapter 75, Schedule II of this code and]~~ except on those streets or highways on which the State Highway Department of the Police Chief declares and determines upon the basis of an engineering and traffic investigation that the speed of 20 miles per hour on certain streets and highways is less than is necessary for the safe operation of vehicles thereon. In such an event, it shall be unlawful for any person to drive a vehicle at a speed in excess of the posted speed when signs are erected giving notice thereof ('76 Code, § 60.06 (F)) (Ord. 874-1967, passed - - -; Am. Ord. 917-1970, passed - -; AM. Ord. 1259-1986, passed 4-22-86)

(B) All vehicles operated within the city shall not exceed 15 miles per hour when passing a school building, or the grounds thereof, during recess and while children are going to or

leaving school, during the opening or closing hours, and when appropriate signs giving notice of the existence of the school are erected, except that on controlled-access highways, expressways, and freeways if the right-of-way line fence has been erected without pedestrian opening, the school speed limit shall not apply.

(C[B]) Whoever violates the speed limits set forth in this section shall be subject to the fine schedule provisions set forth in KRS 189.394.

[Cross-reference: for speed limits on specific streets, see Chapter 75, Schedule II]

#### 71.27 SMOKE EMISSION OR OTHER NUISANCE

Every vehicle when on a highway shall be so equipped as to make a minimum of noise, smoke, or other nuisance, to protect the rights of other traffic, and to promote the public safety.

Section 71.28 "JUMPING ONTO VEHICLES" of the City of Elsmere Code of Ordinances is hereby amended as follows:

#### 71.28 JUMPING ONTO VEHICLES

No person shall jump or ride upon ~~[the rear of]~~ any vehicle with or without the permission of the driver thereof, ~~[and no person shall ride on a vehicle with his body protruding beyond the limit of the vehicle.]~~ ('76 Code, § 60.13) (Ord. 685-1952, passed-- ) Penalty, see § 71.99

Section 71.30 "MOVING HOUSE TRAILERS" of the City of Elsmere Code of Ordinances is hereby amended as follows:

#### 71.30 MOVING HOUSE TRAILERS

It shall be unlawful for any person to move, or cause to be moved, any house trailer or mobile home of a greater length than 30 feet on Autumn Road in the city. No building, structure, or improvement shall be moved or set from or upon land located in any area or transported on any public street, until and unless both: 1) a building permit to move and set; and 2) a transport permit have been obtained through the Planning and Development Services of Kenton County (PDS).

#### 71.50 PUBLIC CONDUCT DURING PARADES; RIGHT-OF-WAY OF PARADES

(A) Interference. No person shall unreasonably hamper, obstruct, impede, or interfere with any parade or parade assembly or with any person, vehicle, or animal participating or used in a parade.

(B) Driving through parades. No driver of a vehicle except a police car or other emergency vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

(C) Parking on parade route. The Chief of Police or other authorized city official shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or other public thoroughfare or part thereof constituting a part of the route of a parade. Signs shall be posted to such effect a minimum of 24 hours in advance, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street or other public thoroughfare unless signs have been posted in accordance with this division. Penalty, see § 71.99

#### 71.99 PENALTY

~~[(A) Whoever violates any provision of this chapter for which no other penalty is specifically provided shall be guilty of a violation and shall be fined not less than twenty dollars (\$20) nor more than two hundred fifty dollars (\$250).] Any person violating any provision of this chapter for which a specific penalty is not otherwise provided shall be fined not less than twenty dollars (\$20.00) nor more than one hundred dollars (\$100). The fine will double if not paid within 7 days. [\$100.00] '76 Code, §00.18) Ord-1108-1981 passed 2-25-81]~~

(B) Any person who violates §71.26 shall be guilty of a misdemeanor and shall be fined not less than sixty dollars (\$60) nor more than five hundred dollars (\$500), or be imprisoned in the county jail for not more than thirty (30) days, or both. (KRS 189.993(8))

(C) Any person who violates §71.35 shall be guilty of a misdemeanor and shall be fined not more than two hundred fifty dollars (\$250) or imprisoned for not more than ninety (90) days, or both. (KRS 189.378).

#### 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.

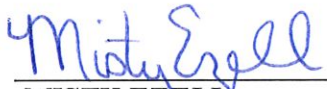
**PASSED AND APPROVED ON FIRST READING this the 5<sup>th</sup> day of November, 2019.**

PASSED AND APPROVED ON SECOND READING this the 14<sup>th</sup> day of  
January 2020.

APPROVED:

  
HON. MARTY LENHOF, MAYOR

ATTEST:

  
MISTY EZELL  
CITY CLERK