

**CITY OF ELSMERE, KENTUCKY
ORDINANCE NO. 1784-2019**

**AN ORDINANCE OF THE CITY OF ELSMERE, KENTUCKY AMENDING TITLE VII:
TRAFFIC CODE CHAPTER 74 "EQUIPMENT AND LOADS" OF THE ELSMERE,
KENTUCKY CODE OF ORDINANCES**

WHEREAS, Chapter 74 "EQUIPMENT AND LOADS" sets forth requirements for bicycles and skateboards 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 74 "EQUIPMENT AND LOADS" of the Elsmere, Kentucky Code of Ordinances shall be amended as follows:

SECTION I

~~[74.02 CITY POLICE VEHICLES TO BE EQUIPPED WITH RED AND BLUE LIGHTS]~~

~~— Pursuant to authority granted in KRS 189.920, it is hereby directed that all police vehicles owned by the city shall be equipped with a combination of red and blue flashing, rotating, or oscillating lights. (Ord. 1249-1985, passed 7-9-85)~~

74.02[3] STUDDERED SNOW TIRES

No person shall operate any motor vehicle within the city from April 15 to October 15 of any year when the vehicle has studded snow tires. (Ord. 1119-1978, passed 4-12-78) Penalty, see § 74.99

74.03 SPECIAL PERMIT REQUIRED FOR OVERSIZED VEHICLES

(A) No person shall operate any vehicle in excess of the maximum weight, height, or width as specified in Chapter 74 without securing a special permit from the City.

(B) The Traffic Committee, may, in their discretion, upon application in writing and good cause being shown therefor, issue a temporary special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight, width, length or height exceeding the maximum provided for in this chapter.

(C) Application for such permit shall state the proposed maximum wheel loads, maximum axle loads and minimum axle spacing of each such vehicle. Vehicles or combination thereof the height, length and width of such vehicle with its loads. the specific

streets or public ways over which permit for such operation is requested and the time of such operations and whether the permit is requested for a single trip or for continued operation.

(D) The Traffic Committee is authorized to issue or withhold such permit in their discretion, or to limit the number of trips or to establish seasonable or other time limitations and routes within which and over which the vehicles described may operate on the public ways indicated or may otherwise limit the prescribed conditions of operation of such vehicles when necessary to assure against undue damage to the street foundation by such vehicle if in its opinion it may damage the public ways. The Traffic Committee may require the applicant to give bond with sufficient surety to be approved by it to indemnify the city against any damage which may occur to person or property by reason of the operation under such special permit.

(E) Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any peace officer.

(F) No person shall violate any of the terms or conditions of such special permit.

74.04 TRUCK WEIGHT LIMITS

No person shall operate any truck upon any street in the city except on [the] Dixie Highway, Foundation Drive, Power Line Drive, New Buffington, Main Street, Lytle Avenue, and Garvey Avenue, when the total gross weight of such truck, with load, exceeds 36,000 pounds; provided, however, that trucks having a greater gross weight, including load, may be permitted to make delivery of cargo on such other streets. ('76 Code, §60 .19) (Ord. 1075-1975, passed)
Penalty, see §74.99

Cross-reference:

No through trucks, see Chapter 75, Schedule IV

Statutory reference:

Authority to impose less stringent weight limits than those imposed by state, see KRS 189.280 (2)

74.05 MAXIMUM WIDTH

No person shall operate on any street or public way of the city any motor truck or semi-trailer truck whose width, including any part of body or load, shall exceed eight feet.

74.06 MAXIMUM HEIGHT

No person shall operate on any street or public way of the city any motor truck or semi-trailer truck whose height including any part of body or load shall exceed 12 feet. Nothing herein contained shall to construe to require the public authorities of the city to provide sufficient vertical clearance to permit the operation of vehicles with a height of 12 feet.

74.99 PENALTY

(A) 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) nor more than one hundred dollars. The fine will double if not paid within 7 days. ~~[((\$100.00) "7-6 Code § 60.18)Oro 1168 1981 passed 2-25-81]~~

~~[(B) Any person violating § 74.03 shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100). (Ord. 1119-1978, passed 4-12-78)]~~

~~[(C) As provided in KRS 189.990(2) (b), any person violating 74.04 shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100). (76 Code, §50.19 (B)) (Oro. 1075-1975 passed)]~~

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