

CHAPTER 70: GENERAL PROVISIONS

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§ 70.01 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.

HOLIDAY. Those days designated by Act of Congress or the Kentucky General Assembly or by the City Council as holidays. (Ord. passed 2-6-84)

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 Chief of Police.

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.

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

POLICE DEPARTMENT. The Police Department or other persons or agency authorized to perform the duties of § 70.03 or any other acts necessary to implement and enforce this traffic code.

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.

VEHICLE. Every device in, on, or by which any person or property is or may be transported or drawn on any street except devices moved by human power or used exclusively on stationary rails or tracks.

§ 70.02 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

§ 70.03 POWERS AND DUTIES OF POLICE DEPARTMENT.

It shall be the duty of the Police Department to direct all traffic in conformance with this traffic code and to enforce the traffic regulations as set forth in this traffic code, to make arrest for traffic violations, to investigate accidents, and to cooperate with other officers of the city in the administration of the traffic laws, and in developing ways and means to improve traffic conditions.

§ 70.04 AUTHORITY FOR ENFORCEMENT.

Authority to direct and enforce all traffic regulations of this city in accordance with the provisions of this traffic code and to make arrests for traffic violations is given to the Police Department, and, except in case of emergency, it shall be unlawful for any other person to direct or attempt to direct traffic by voice, hand, whistle, or any other signal.

Penalty, see § 70.99

§ 70.05 TEMPORARY REGULATIONS.

When required for the convenience and safety of the public and to alleviate unusual traffic problems, the Chief of Police or other authorized city official shall, at his discretion, have authority to impose such traffic regulations as he may deem necessary for temporary periods not to exceed two weeks. If these temporary regulations are necessary for a period longer than two weeks, the City Clerk shall be notified in writing of the extended order.

§ 70.06 UNLAWFUL USE OF ENGINE AND/OR COMPRESSION BRAKES PROHIBITED.

(A) *Purpose.* The purpose of this section is to prohibit the excessive, loud, and unusual or explosive use of engine, compressed air-braking devices, and dynamic breaking systems within designated areas in the city.

(B) *Definition.* For the purposes of this section, **ENGINE-RETARDING BRAKE** means a "Dynamic Brake," "Jacobs Brake," "C-Brake," "Paccar Brake," transmission brake or any other engine-retarding brake system that alters the normal compression of the engine and subsequently releases that compression. These phrases are used for illustration and reference purposes and are not intended to be exclusive; nor is this section intended to be applicable to any specific brand of engine-retarding brake, compressed air-braking devices, or dynamic breaking systems.

(C) *Prohibitions.* It shall be unlawful for the driver of any vehicle to use or operate, or cause to be used or operated within designated areas in the incorporated areas of the city, any engine brake, compression brake, or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual or explosive noise from that vehicle, unless its use is necessary to avoid imminent danger. This prohibition shall be applicable only to those public roads, streets or highways or portions specifically identified in this section.

(D) *Areas of prohibition.* The prohibition set forth herein shall apply to roads, streets or highways traveling through or within 200 yards of a residential zone, as those zones are designated by the Planning and Zoning Commission and/or the City Council, on U.S. Highway 641 Bypass and on the Mayfield Highway.

(E) *Signage.* Signs stating “VEHICLE NOISE LAWS ENFORCED” or “ENGINE BRAKE ORDINANCE ENFORCED” may be installed at locations deemed appropriate by the City Council to advise motorists of the prohibitions contained in this section, except that no sign stating “VEHICLE NOISE LAWS ENFORCED” or “ENGINE BRAKE ORDINANCE ENFORCED” shall be installed on a state highway without approval from the Commonwealth of Kentucky Department of Transportation. The provisions of this section shall be in full force and effect even if no signs are installed.

(F) *Exceptions.* Emergency vehicles shall be exempt from the application of this section. (Ord. 19-02-02, passed 2-18-19) Penalty, see § 70.99

TRAFFIC-CONTROL DEVICES

§ 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 obeyed 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.

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(D) *Flashing red alone*: 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 not again proceed until it can do so without danger.

(E) *Flashing amber 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-of-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 of flow of traffic, vehicular traffic shall move only in traffic lanes over which green arrows appear. However, when flashing amber 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 amber 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, see KRS 189.338

§ 70.16 ESTABLISHMENT AND MAINTENANCE OF TRAFFIC-CONTROL DEVICES.

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 devices and signs shall conform to required state specifications.

§ 70.17 OBEDIENCE TO SIGNALS.

(A) It shall be unlawful for the driver of any vehicle to disobey the signal of any official traffic-control device placed in accordance with the provisions of this traffic code or of a traffic barrier or sign erected by any of the public departments or public utilities of the city, or any electric signal, gate, or watchman at railroad crossings, unless otherwise directed by a police officer. However, the type and the right to or necessity for such barrier or sign must be approved by the city.

(B) Such sign, signal, marking, or barrier shall have the same authority as the personal direction of a police officer.

Penalty, see § 70.99

§ 70.18 INTERFERENCE WITH SIGNALS.

No person shall without authority attempt to or in fact alter, deface, injure, knock down, or remove any official control device or any railroad sign or signal, or any inscription, shield, or insignia thereon, or any part thereof.

Penalty see § 70.99

§ 70.19 UNAUTHORIZED SIGNALS OR MARKINGS.

(A) It shall be unlawful for any person to place, maintain, or display on or in view of any street any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic device or railroad sign or signal which attempts or purports to direct the movement of traffic, or which conceals or hides from view or interferes with the effectiveness of any official control device or any railroad sign or signal. No person shall place or maintain, nor shall any public authority permit on any street, any traffic sign or signal any commercial advertising. Nothing in this section shall be construed as restricting any public department or public utility of the city in any emergency or temporarily from marking or erecting any traffic barrier or sign whose placing has been approved by the city.

(B) Every such prohibited sign, signal, or marking is declared to be a public nuisance and the city is empowered forthwith to remove it or cause it to be removed.

Penalty, see § 70.99

§ 70.20 DEVICE TO BE LEGIBLE AND IN PROPER POSITION.

No provision of this traffic code for which signs or any other traffic-control device is required shall be enforceable against an alleged violator if at the time and place of the alleged violation the required device was not in proper position and sufficiently legible to be seen by an ordinarily observant person.

§ 70.21 TEMPORARY DISREGARD OF DEVICES BY POLICE OFFICERS.

In an emergency any police officer may at his discretion disregard traffic-control lights or signals or established regulations in order to facilitate the movement of traffic.

MOTOR VEHICLE LICENSING

§ 70.35 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

MOTOR VEHICLE. Automobiles, trucks, motorcycles and any other vehicles propelled otherwise than by muscular power and which are referenced by the laws of this Commonwealth to be licensed in order to be operated upon the public rights-of-way.
(Ord. passed 12-18-89)

§ 70.36 IMPOSITION OF FEE; ON WHOM IMPOSED.

(A) Every owner or operator of a motor vehicle who resides within the city shall pay each year by January 30 a tax or license fee for the use of each motor vehicle used upon the public streets within the city as hereafter provided.

(B) All persons, individuals, corporations or companies residing outside of the city who own and operate or cause to be operated any motor vehicle upon or over any public streets within this city in connection or regular occupation followed within the city or as means of conveyance to and from a position from which remuneration is received shall pay each year by January 30 a tax or license fee for the use of each motor vehicle used upon the public streets within the city.
(Ord. passed 12-18-89) Penalty, see § 70.99

§ 70.37 AMOUNT OF FEE.

The annual fee to be paid for motor vehicles licensed shall be \$10 for each motor vehicle if purchased by January 30 of each year and \$15 if purchased after January 30 of any year; provided, however, if the purchase of the vehicle is made six months after the start of the license year, thereupon application to the City Clerk. A license shall be issued for the remainder of the year upon payment of \$7.50.
(Ord. passed 12-18-89) Penalty, see § 70.99

§ 70.38 APPLICATION FOR LICENSE, ISSUANCE.

Every owner or operator of a motor vehicle required to be licensed pursuant to the provision of this subchapter shall obtain a license from the City Clerk by filing an application with the Clerk setting forth the vehicle to be licensed. Upon payment of the fee provided for herein, the Clerk shall issue

the license authorizing the use of the vehicle within the corporate limits of the city until the expiration of the license.

(Ord. passed 12-18-89)

§ 70.39 DISPLAY OF LICENSE STICKER.

Each applicant upon payment of the fee shall be given a windshield sticker of a design and material as may be approved by the City Council which shall be affixed to the windshield of the motor vehicle and be displayed in a prominent and visible manner at all times the motor vehicle shall be operated in the city.

(Ord. passed 12-18-89) Penalty, see § 70.99

§ 70.40 TRANSFER OF LICENSE.

A city vehicle license may be transferred to another vehicle owned by the person to whom the license was issued, without any extra charge being made, but the applicant must file an application for the transfer and the application must include the make and type of the replacement vehicle and the disposition of the previously licensed vehicle.

(Ord. passed 12-18-89) Penalty, see § 70.99

§ 70.99 GENERAL PENALTY.

(A) Any person who violates any provision of this traffic code where no other penalty is specifically provided shall be guilty of a misdemeanor and shall be fined not less than \$20 nor more than \$500.

(B) Violations of § 70.06 shall constitute a violation, and the penalty shall be a fine of not less than \$20 nor more than \$100 for each violation.

(C) (1) Any person, firm or corporation violating any provision of §§ 70.35 through 70.40 shall be guilty of a violation and shall be fined not less than \$10 nor more than \$25 for each violation.

(2) For any violation of §§ 70.35 through 70.41, a police officer may issue a citation notifying the offender to appear in court at a time designated for hearing the cases. The officer shall sign a complaint for the issuance of a warrant of arrest if the offender does not appear at the time and place so specified.

(Ord. passed 12-18-89; Am. Ord. 19-02-02, passed 2-18-19)