

## CHAPTER 71: TRAFFIC RULES

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### ***OPERATION GENERALLY***

#### **§ 71.01 OBSTRUCTING TRAFFIC.**

(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 a distinctive manner in order to indicate its 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

#### **§ 71.02 REVERSE OR U TURNS.**

The operator of any vehicle shall not turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety without interfering with other traffic.

(KRS 189.330(8)) Penalty, see § 71.99

#### **§ 71.03 BACKING VEHICLES.**

It shall be unlawful for the operator of any vehicle to back the vehicle at any intersection for the purpose of executing a turning movement. A vehicle from any parking position shall be backed by the operator in such manner as to proceed on the same side of the roadway in the lawful direction of travel.

Penalty, see § 71.99

**§ 71.04 VEHICLES CROSSING SIDEWALKS.**

(A) It shall be unlawful for the operator of any vehicle to drive within any sidewalk space except at a permanent or temporary driveway or by special permit from the Chief of Police or other authorized city official.

(B) It shall be unlawful for the operator of any vehicle to drive the vehicle out of any alley, driveway, building, or lot and across a sidewalk, or its extension across the alley, unless the vehicle has been brought to a complete stop immediately prior to crossing the sidewalk or its extension. On entering the roadway from the alley, driveway, or building the operator shall yield the right-of-way to all vehicles approaching on the roadway. The operator of any vehicle intending to cross a sidewalk and turn into an alley from the roadway may do so at low speed and with caution.

Penalty, see § 71.99

**§ 71.05 CROSSWALKS; YIELD TO PEDESTRIANS.**

Crosswalks shall be installed and marked at the intersection of 11th Street and Olive Street and at 10th Street and Olive Street to permit pedestrians crossing the streets to the Benton Elementary School to cross at a crosswalk and avoid crossing within those area not so identified and marked.

(Ord. passed 5-17-93)

**§ 71.06 DESIGNATION OF BOULEVARDS.**

(A) The following streets and portions thereof are hereby designated as equal in importance to a boulevard:

(1) Main Cross Street, throughout the entire length of the city and traffic thereon shall have the right-of-way and shall not be required to yield the right-of-way to vehicles approaching from the right as is required by the Kentucky Revised Statues. Traffic on Main Cross Street shall come to a full stop at all intersections where a stop sign has been placed by the Mayor or Chief of Police and shall obey all stop and go signs and signals erected and maintained at any intersection by virtue of the order of the Mayor or Chief of Police.

(2) Main Street, throughout the entire length of the city and all traffic thereon is given the right-of-way as is indicated above over and along the street.

(3) Bearden Street from its southern limits to Seminary Street and from Seminary Street to its northern limits, all traffic before entering or crossing Seminary Street along Bearden Street shall come to a full stop.

(4) Clayton Street from its intersection with South Second Street to its intersection with Depot Street and all traffic thereon is given right-of-way as is indicated above.

(B) All vehicles entering any and all of the boulevards set out above at the points designated by appropriate signals, shall, before doing so, come to a complete stop, and the operators of the vehicles shall heed all traffic signals erected under the terms of this traffic code.

(Ord. passed 3-1-38; Am. Ord. passed 9-6-38) Penalty, see § 71.99

#### **§ 71.07 SPEED LIMITS.**

(A) Any person operating a vehicle of any description on all streets within the corporate limits of the city other than those set forth in Chapter 74, Schedule III, shall operate the vehicles at a speed not to exceed 25 miles per hour. This provision shall not be applicable to any roads or streets within the city limits that are designated as a federal, state, or county road.

(B) Whoever violates any provision of this section shall be subject to the fine schedule set forth in KRS 189.394.

(Ord. passed 8-3-53; Am. Ord. 04-06-03, passed 6-21-04)

### **ACCIDENTS**

#### **§ 71.15 DUTY OF OPERATOR.**

It shall be the duty of the owner of, operator of, or passenger in any motor vehicle which is involved in an accident in which any person is injured or property damaged to stop immediately and ascertain the extent of the injury or damage and render such assistance as may be needed.

Penalty, see § 71.99

*Statutory reference:*

*Duty in case of accident, see KRS 189.580*

#### **§ 71.16 ACCIDENT REPORT.**

The operator, owner, or passenger involved in an accident resulting in the injury or death of any person, or an accident in which property is damaged, shall immediately report the accident or property damage to the Police Department.

Penalty, see § 71.99

**PROHIBITIONS****§ 71.25 OPERATOR OF VEHICLE TO DRIVE CAREFULLY.**

(A) The operator of any vehicle upon a highway shall operate the vehicle in a careful manner, with regard for the safety and convenience of pedestrians and other vehicles upon the highway.

(B) No person shall willfully operate any vehicle on any highway in such a manner as to injure the highway.

(KRS 189.290) Penalty, see § 71.99

**§ 71.26 RIGHT-OF-WAY OF EMERGENCY VEHICLES; FOLLOWING EMERGENCY VEHICLES; DRIVING OVER FIRE HOSE.**

(A) Upon the approach of an emergency vehicle equipped with, and operating, one or more flashing, rotating, or oscillating red or blue lights visible under normal conditions from a distance of 500 feet to the front of such vehicle; or when the driver is giving audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right-of-way, immediately drive to a position parallel to, and as close as possible to, the edge or curb of the highway clear of any intersection, and stop and remain in such position until the emergency vehicle has passed, except when otherwise directed by a police officer or firefighter.

(B) Upon the approach of any emergency vehicle operated in conformity with the provisions of division (A) above, the operator of every vehicle shall immediately stop clear of any intersection and shall keep such position until the emergency vehicle has passed, unless directed otherwise by a police officer or firefighter.

(C) No operator of any vehicle, unless he is on official business, shall follow any emergency vehicle being operated in conformity with the provisions of division (A) above closer than 500 feet, nor shall he drive into, park the vehicle into, or park the vehicle within the block where the vehicle has stopped in answer to an emergency call or alarm, unless he is directed otherwise by a police officer or firefighter.

(D) No vehicle, train, or other equipment shall be driven over any unprotected hose of a fire department when the hose is laid down on any street, private driveway, or track for use at any fire alarm unless the fire department official in command consents that the hose be driven over.

(E) Upon approaching a stationary emergency vehicle or public safety vehicle, when the emergency vehicle or public safety vehicle is giving a signal by displaying alternately flashing yellow, red, red and white, red and blue, or blue lights, a person who drives an approaching vehicle shall, while proceeding with due caution:

(1) Yield the right-of-way by moving to a lane not adjacent to that of the authorized emergency vehicle, if;

(a) The person is driving on a highway having at least four lanes with not fewer than two lanes proceeding in the same direction as the approaching vehicle; and

(b) If it is possible to make the lane change with due regard to safety and traffic conditions; or

(2) Reduce the speed of the vehicle, maintaining a safe speed to road conditions, if changing lanes would be impossible or unsafe.

(F) This section does not operate to relieve the person who drives an emergency vehicle from the duty to operate the vehicle with due regard for the safety of all persons using the highway.  
(KRS 189.930) Penalty, see § 71.99

#### **§ 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.  
(KRS 189.020) Penalty, see § 71.99

#### **§ 71.28 SOLICITATIONS FROM OCCUPANTS OF MOTOR VEHICLES PROHIBITED.**

It shall be unlawful for any person, whether acting individually or in a group, and whether acting for themselves or for any organization, association or corporation, to block any road or street in the city, or to do any act designed to stop, slow or impede the movement of vehicular traffic for the purpose of soliciting money or to solicit money from the occupant of any vehicle in a line of traffic.  
(Ord. 07-06-04, passed 6-18-07) Penalty, see § 71.99

**PARADES**

**§ 71.40 DEFINITIONS.**

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

**PARADE.** Any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display in or on any street, sidewalk, park, or other public place in the city.

**PARADE PERMIT.** A permit required by this subchapter.

**§ 71.41 PERMIT REQUIRED.**

(A) No person or persons shall engage in, participate in, aid, form, or start any parade unless a parade permit has been obtained from the Chief of Police or other authorized city official.

(B) This subchapter shall not apply to:

(1) Funeral processions; or

(2) A governmental agency acting within the scope of its functions.

Penalty, see § 71.99

**§ 71.42 APPLICATION FOR PERMIT.**

A person seeking issuance of a parade permit shall file an application with the Chief of Police or other authorized city official on forms provided by such officer.

(A) Filing period. The application for a parade permit shall be filed not less than five days or not more than 60 days before the date on which it is proposed to conduct the parade.





(B) The application for a parade permit shall set forth the following information:

- (1) The name, address, and telephone number of the person seeking to conduct the parade;
- (2) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address, and telephone number of the headquarters of the organization and of the authorized and responsible heads of the organization;
- (3) The name, address, and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;
- (4) The date when the parade is to be conducted;
- (5) The route to be traveled, the starting point, and the termination point;
- (6) The approximate number of persons, animals, and vehicles which will constitute the parade, the type of animals, if any, and the description of the vehicles;
- (7) The hours when the parade will start and terminate;
- (8) A statement as to whether the parade will occupy all or only a portion of the width of the streets, sidewalk, park, or other public place proposed to be traversed;
- (9) The location by street of any assembly area for the parade;
- (10) The time at which units of the parade will begin to assemble at any such assembly area or areas;
- (11) The interval of space to be maintained between units of the parade;
- (12) If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for the permit shall file a communication in writing from the person authorizing the applicant to apply for the permit on his behalf;
- (13) Any additional information reasonably necessary to a fair determination as to whether a permit should issue.

(C) There shall be paid at the time of filing an application for a parade permit a fee in an amount as established by the City Council.  
Penalty, see § 71.99

### § 71.43 STANDARDS FOR ISSUANCE OF PERMIT.

The Chief of Police or other authorized city official shall issue a permit when, from a consideration of the application and from other information obtained, he finds that:

(A) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

(B) The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;

(C) The conduct of the parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto;

(D) The concentration of persons, animals, and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to the assembly areas;

(E) The conduct of the parade will not interfere with the movement of fire fighting equipment enroute to a fire;

(F) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays enroute.

Penalty, see § 71.99

#### **§ 71.44 NOTICE OF REJECTION OF PERMIT.**

The Chief of Police or other authorized city official shall act on the application for a parade permit within three days, Saturdays, Sundays, and holidays excepted, after filing thereof. If he disapproves the application, he shall mail to the applicant within the three days, Saturdays, Sundays, and holidays excepted, after the date on which the application was filed, a notice of his action stating the reasons for his denial of the permit.

#### **§ 71.45 APPEAL PROCEDURE WHEN PERMIT DENIED.**

Any person aggrieved shall have the right to appeal the denial of a parade permit to the City Council. The appeal shall be taken within 30 days after notice of denial. The City Council shall act on the appeal within 30 days after its receipt.

#### **§ 71.46 ALTERNATIVE PERMIT.**

The Chief of Police or other authorized city official, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different than that named by the applicant. An applicant desiring to accept an alternate permit shall file a written notice of his acceptance. An alternate parade permit shall conform to the requirements of, and shall have the effect of, a parade permit under this subchapter.

**§ 71.47 NOTICE TO CITY AND OTHER OFFICIALS WHEN PERMIT ISSUED.**

Immediately on the issuance of a parade permit, a copy thereof shall be sent to the following persons:

(A) The Mayor;

(B) The City Attorney;

(C) The Fire Chief;

(D) The general manager or responsible head of each public utility, the regular routes of whose vehicles will be affected by the route of the proposed parade.

**§ 71.48 CONTENTS OF PERMIT.**

Each parade permit shall state the following information:

(A) Starting time;

(B) Minimum speed;

(C) Maximum speed;

(D) Maximum interval of space to be maintained between the units of the parade;

(E) The portions of the street, sidewalk, park, or other public place to be traversed that may be occupied by the parade;

(F) The maximum length of the parade in miles or fractions thereof;

(G) Such other information as is reasonably necessary to the enforcement of this subchapter.  
Penalty, see § 71.99

**§ 71.49 DUTIES OF PERMITEE.**

A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances. The parade chairman or other person heading or leading the activity shall carry the parade permit on his person during the conduct of the parade.

Penalty, see § 71.99

**§ 71.50 PUBLIC CONDUCT DURING 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.* 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.

***Cross-reference:***

*Parking on parade routes, see § 72.07*

**§ 71.51 REVOCATION OF PERMIT.**

The city shall have the authority to revoke a parade permit issued hereunder on application of the standards for issuance as herein set forth.

**§ 71.99 PENALTY.**

(A) Whoever violates any provision of this chapter and Chapter 74 of this traffic code for which 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) Any person who violates § 71.26 shall be guilty of a misdemeanor and shall be fined not less than \$60 nor more than \$500, or be imprisoned in the county jail for not more than 30 days, or both. (KRS 189.993(8))

(C) Any person who violates § 71.28 shall, upon conviction, be subject to a fine of not more than \$500 or imprisonment for not more than 30 days, or both. (Ord. 07-06-04, passed 6-18-07)