

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.

"CHIEF OF POLICE." The Chief of Police or other person or persons authorized by the legislative body to direct the implementation and enforcement of the provisions of this traffic code.

"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 line, 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 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. The definition for "vehicle" offered herein shall not serve to alter or abridge the designation of a bicycle as a vehicle in accordance with KRS 189.010 or other provisions of the KRS that may apply.

§ 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, construction, or repairs 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 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 AUTHORITY TO ERECT SIGNS.

(A) The Chief of Police is authorized and required to mark with proper signs and signals such major and through streets as have been or may hereafter be so designated by ordinances enacted by the legislative body.

(B) The Chief of Police is authorized and required to erect and maintain suitable signs for the designation of one-way streets.

§ 70.07 TRAFFIC-CONTROL OFFICER.

(A) The Chief of Police of the city is designated as Traffic-Control Officer and is directed to make a study of parking and traffic within the city and to designate in writing those places where parking creates a danger to the traveling public. He shall periodically designate those areas where no parking shall be permitted. On receipt of such report by the City Clerk-Treasurer, the City Public Works Superintendent shall cause appropriate signs to be erected and the curbs or edges of the road appropriately painted. Thereafter it shall be unlawful for any person, firm, or corporation to park or stand any motor vehicle or to permit any motor vehicle belonging to him or under his control within the area so designated to be parked or stood.

(B) The Chief of Police, as Traffic-Control Officer, is further directed to make a study of the normal and safe speed of vehicles on the various streets of the city. He shall periodically designate speed limits on the various streets excluding those streets subject to the exclusive authority of the Department of Highways, Commonwealth of Kentucky, and designate in writing the speed limits fixed by him for such streets. On receipt of such report by the City Clerk-Treasurer, the City Public Works Superintendent shall cause appropriate signs to be erected fixing the speed limits so determined on the appropriate streets. Thereafter it shall be unlawful for any person to operate any motor vehicle, or for any person owning or having the control of a motor vehicle to permit such motor vehicle to be operated, on such designated streets at a speed in excess of the speed limit so fixed. (Ord. 137, passed 9-7-71)

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.

(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 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-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 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, see KRS 189.338

§ 70.16 ESTABLISHMENT AND MAINTENANCE OF TRAFFIC-CONTROL DEVICES.

The Chief of Police shall determine the character of all official traffic-control devices and shall have the exclusive right to establish and maintain all official traffic-control devices in the city, when and as required under this traffic code, and may place and maintain such additional traffic-control devices as he may deem necessary. All traffic-control devices shall be the same general type and all such traffic devices employed to indicate one particular warning or regulation shall be uniform and as far as possible shall be placed uniformly. All signs shall conform to those recommended by the National Conference on Street and Highway Safety.

§ 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 shall be approved by the Chief of Police.

(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 bearing 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 Chief of Police.

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

Penalty, see § 70.99

§ 70.20 DEFECTIVE DEVICES.

No provision of this traffic code for which signs are required shall be enforceable against an alleged violator if at the time and place of the alleged violation the sign herein required is not in proper position and sufficiently legible to be seen by an ordinarily observant person. However, when any particular section of this traffic code does not state that signs are required, such section shall be effective without signs being placed to give notice thereof.

§ 70.21 TEMPORARY CONTROL OF DEVICES.

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.

§ 70.99 GENERAL PENALTY.

(A) Whoever violates any provision of this traffic code where no other penalty is specifically provided shall be guilty of a violation and shall be fined no more than \$250.

(B) The city may collect any and all civil damages resulting from violation of any provision of this traffic code, including, without limitation, expenses incurred by the city to tow and impound a vehicle, regardless of any criminal penalty imposed therefor.

(Am. Ord. 1998-31, passed 11-19-98)

(C) Any person who violates § 71.30 shall be guilty of a misdemeanor and shall be fined not more than \$250 or imprisoned for not more than ninety (90) days, or both. (KRS 189.378)