

ORDINANCE NO. 2014-1629

AN ORDINANCE AMENDING CHAPTER 70 OF THE CODE OF ORDINANCES OF THE CITY OF MURRAY, IN ORDER TO UPDATE THE TRAFFIC CONTROL ISSUES WITHIN THE CITY OF MURRAY AND RESOLVE CONFLICTS WITHIN THE CITY'S TRAFFIC ORDINANCE AND TO FURTHER ESTABLISH A CIVIL REMEDY FOR CERTAIN PARKING VIOLATIONS PURSUANT TO KRS 82.600 ET SEQ. AND TO PROVIDE FOR CIVIL PENALTIES FOR PUBLIC VIOLATION.

WHEREAS, the Safety Committee has reviewed the traffic control ordinance of the City of Murray as stated in Chapter 70 of its Code of Ordinances.

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WHEREAS, the Safety Committee desires to propose the following changes to Chapter 70 of the City of Murray Code of Ordinances so as to promote traffic safety, enhance the smooth follow of traffic in areas of high demand, to fairly allocate parking spaces among the public, and to protect the health, safety and welfare of both drivers and pedestrians using public right-of-way.

WHEREAS, the Safety Committee has determined that since the adoption of Chapter 70 of the City of Murray Ordinance, that traffic problems have changed, the population of the City has increased, the business environment has changed to the point that a revision of the current Chapter 70 is necessary to resolve potential conflict and safety issues for traffic control.

BE IT ORDAINED by the Murray City Council that the following represents changes to Chapter 70 which shall be amended as follows:

CHAPTER 70: GENERAL PROVISIONS

§ 70.01 DEFINITIONS

"Abandoned Vehicle" means a vehicle that has been parked or remains standing the public right-of-way in excess of seventy-two (72) hours.

"Alley" means a street intended to provide access to the rear or side of lots or buildings in urban areas and not intended for the purpose of through vehicular traffic.

"Authorized Emergency Vehicle" means any official law enforcement vehicle, ambulance, or fire suppression vehicle when operated in connection with an emergency.

"Automobile" means any self-propelled vehicle which is capable of transporting ten (10) or fewer passengers, but shall not include motorcycles, motor driven cycles or farm trucks registered for agricultural use only and having a gross weight of one (1) ton or more.

"Child Booster Seat" means a child passenger restraint system that meets the standards set forth in 49 C.F.R. Part 571 that is designed to elevate a child to properly sit in a federally approved lap-and-shoulder belt system.

"Child Restraint System" means any device manufactured to transport children in an automobile which conforms to all applicable Federal Motor Vehicle Safety Standards.

"Crosswalk" means (a) that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street measured from the curbs or in the absence of curbs, from the edges of the traversable roadway, and in the absence of a sidewalk on one side of the roadway, the part of a roadway included within the extension of the lateral lines of the sidewalk at right angles to the center line; (b) any portion of a roadway at an intersection or elsewhere distinctly indicated as a pedestrian crossing by pavement marking lines on the surface, which might be supplemented by contrasting pavement texture, style, or color. (References: Manual on Uniform Traffic Control Devices, 2009 edition and KRS 189.010)

“Highway” means any public way for the purposes of vehicular travel, including the entire area within the right-of-way. (References: Manual on Uniform Traffic Control Devices and KRS 189.010)

“Impoundment” means the removal of a vehicle to a storage facility either by an officer or other persons authorized by the Chief of Police in response to a request from an officer or other persons authorized by the Chief of Police.

“Junked Vehicle” means any inoperative motor vehicle which is wrecked, dismantled, partially dismantled or discarded.

“Public Safety Vehicle” means public utility repair vehicle; wreckers; state, county, or municipal service vehicles and equipment; highway equipment which performs work that requires stopping and standing or moving at slow speeds within the traveled portions of highways; and vehicles which are escorting wide-load or slow-moving trailers or trucks.

“Roadway” means that portion of a street or highway improved, designed or ordinarily used for vehicular travel and parking lanes, but exclusive of the sidewalk, berm, or shoulder. If a street includes two or more separate roadways, the term “roadway” as used herein shall refer to any roadway separately but not to all such roadways collectively. (References: Manual on Uniform Traffic Control Devices, 2009 Edition and KRS 189.010)

“Street” see Highway.

“Traffic” means pedestrians, bicyclists, ridden or herded animals, vehicles, or other conveyances either singularly or together while using for purposes of travel any street or highway.

“Traffic Control Device” means a sign, signal, marking, or other device used to regulate, warn, or guide traffic, placed on, over or adjacent to a street or highway by the authority of a public body, agency, or official having jurisdiction.

“Traffic Management Manual” means a set of guidelines, consisting of the Traffic Control Request Policy and the On-Street Parking Guide and other policies as amended, used by the Traffic Safety Committee to provide for consistent treatment of traffic management and control issues within the City of Murray, as adopted by the City of Murray.

“Right-of-Way” means; (a) an easement, an area of land transformed or dedicated and accepted by the City or State for public use over which people or goods have the right to pass or travel. (b) an assignment, the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other

“Vehicle” means every device in, upon, or by which any person or property can be transported or drawn upon a street or highway.

§ 70.02 AUTHORIZATION

The provisions of Title VII are enacted pursuant to the statutory power of the City to establish and enforce safety and traffic regulations necessary for the protection of the public under State law and for City-controlled property.

§ 70.03 EFFECT OF CODE ON EXISTING REGULATIONS

All traffic regulations within the City existing at the time of the adoption of this Code, that are evidenced by traffic control devices that were placed or erected prior to the adoption of this, provided that such traffic control devices are not inconsistent with the provisions of this Traffic Code or State law, are hereby ratified, validated and adopted as part of Title VII and the same shall remain in force and effect until changed in a manner as provided in this Chapter and a violation of any such regulations shall be deemed a violation of this Chapter.

§ 70.04 TRAFFIC SAFETY COMMITTEE

- 1) There is hereby established a Traffic Safety Committee (hereinafter referred to as “TSC”) to serve without compensation, consisting of the Chief of Police, the Chief of Fire, the Director of Planning and Engineering, and the Superintendent of Streets or their designated representative.
- 2) It shall be the duty of the TSC, and to this end, the TSC shall have the authority within the guidelines of the Traffic Management Manual, to coordinate traffic activities, to receive complaints having to do with traffic matters, and to recommend to the City

ways and means for improving traffic conditions and the administration and enforcement of traffic regulations.

§ 70.05 AUTHORITY TO ORDER THE INSTALLATION OF TRAFFIC DEVICES; DUTY TO INSTALL, MAINTAIN AND CONFORM.

- 1) The Street Department shall order the installation of Official Traffic Control Devices, when and as required under the traffic ordinances and regulations of the City to make effective the provisions of said ordinances and regulations, and may order the installation of such additional official traffic control devices and markings as deemed necessary to regulate, warn or guide traffic under the traffic ordinances of the City, State Vehicle Code or State Law.
- 2) The Street Department shall install and maintain all traffic control devices and such devices shall conform to the standards prescribed under State law. (Reference KRS 189.337 and 630 KAR 5:050, Uniform Traffic Control Devices)

§ 70.06 OBEDIENCE TO TRAFFIC CONTROL DEVICES; EXCEPTIONS

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this article and State law, unless otherwise directed by a law enforcement officer, subject to the exceptions specifically granted to the driver of an authorized emergency vehicle or public safety vehicle under State Law. (Reference KRS 189.910 - 189.950)

§ 70.07 REBUTTABLE PRESUMPTION THAT TRAFFIC CONTROL DEVICES ARE LEGALLY PLACED.

- 1) Whenever official traffic control devices are placed in a position approximately conforming to the requirements of this article, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.
- 2) Any official traffic control device placed pursuant to the provisions of this article, or any State law, and purporting to conform to the lawful requirements pertaining to such devices, it shall be presumed to comply with the requirements of this Traffic Code, unless the contrary shall be established by competent evidence.

§ 70.08 TRAFFIC CONTROL DEVICES REQUIRED FOR ENFORCEMENT PURPOSES; EXCEPTIONS.

- 1) No provision of this Chapter for which an official traffic control device is required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person.
- 2) Whenever a particular Section does not state that official traffic control devices are required, such Section shall be effective even though no devices are erected or in place.

§ 70.09 DRIVING TO AVOID TRAFFIC CONTROL DEVICES PROHIBITED

It shall be unlawful for the operator of any vehicle to undertake to avoid the effect of a traffic signal light or other traffic control device by leaving the street or passing through any business establishment, lot or other vacant space or corner.

§ 70.10 OFFICERS CHARGED WITH ENFORCEMENT; AUTHORITY OF OFFICERS TO DIRECT TRAFFIC.

- 1) It shall be the duty of all officers of the Police Department, or such officers as are assigned by the Chief of Police, to enforce all State and City traffic laws and regulations at all places throughout the City limits of the City of Murray, including, but not limited to, all highways, streets, alleys, roadways and all off street parking facilities offered for public use, whether publicly or privately owned. (Reference KRS 189.396)
- 2) Officers of the Police Department, or such officers as are assigned by the Chief of Police, are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws; provided, however, that in the event of a fire or other emergency, or to expedite traffic or to safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

- 3) Officers of the Fire Department, when at the scene of a fire or other emergency, may direct or assist the police in the directing of traffic in the immediate vicinity.

§ 70.11 OBEDIENCE TO POLICE, FIRE OFFICIALS REQUIRED.

No person shall willfully fail or refuse to comply with any lawful order or direction of a Police Officer or a Fire Department official.

§ 70.12 UNIFORM SPEED LIMIT FOR CITY BUSINESS AND RESIDENTIAL STREETS, AUTHORITY TO DESIGNATE.

- 1) An operator of a vehicle upon a street shall not drive at a greater speed than is reasonable and prudent, having regard for the traffic and for the condition and use of the street.
- 2) No operator of a vehicle within the corporate limits of the City shall exceed the speed of thirty-five (35) miles per hour permitted by KRS 189.390 (3)(c), unless conditions exist that require lower speed for compliance with subsection (1) of this section or the street or highway is signed for a different speed.
- 3) In accordance with KRS 189.390 (5)(a), the Traffic Safety Committee shall have the authority to designate the maximum speed limit and order the installation of appropriate signs, when upon the basis of an engineering and traffic study, it is determined that the speed of thirty-five (35) miles per hour is greater than is necessary for safe operation of vehicles on streets within the City's jurisdiction, unless such streets are maintained by the Commonwealth of Kentucky.

§ 70.13 RIGHT-OF-WAY AT INTERSECTIONS, AUTHORITY TO DESIGNATE.

- 1) When two (2) vehicles approach or enter an intersection from different streets at approximately the same time, the operator of the vehicle on the left shall yield the right-of-way to the vehicle on the right.
- 2) The right-of-way rule declared in subsection 1 is modified at highways and through intersections as pursuant to KRS 189.330 (3) - (5); and,
- 3) The Traffic Safety Committee shall have the authority to designate and order the installation of the appropriate signs assigning Preferential Right-of-Way through the use of stop or yield signs, at any intersection within the City's jurisdiction, unless such intersection is maintained by the state, at one (1) or more entrances to such intersections.
- 4) The use of Stop and Yield signs shall substantially conform to the standards and guidance set forth in the Manual of Uniform Traffic Control Devices.

§ 70.14 AUTHORITY TO DESIGNATE ONE-WAY STREETS.

- 1) The Traffic Safety Committee shall have the authority to designate one-way streets or alleys and no such designation shall become effective until signs giving notice thereof are in place.
- 2) Upon those streets and parts of streets and in those alleys designated as one way, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

§ 70.15 AUTHORITY TO DESIGNATE TURNS AT INTERSECTIONS.

- 1) The Traffic Safety Committee shall have the authority to designate at which intersections vehicle operators shall not make a right or left turn. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, or completely prohibited, or they may be removed when such turns are permitted.
- 2) When authorized signs are erected indicating that no right or left turn is permitted, no operator of a vehicle shall disobey the directions of any such sign.

§ 70.16 U-TURNS PROHIBITED.

It shall be unlawful for the operator of any vehicle to perform a U-turn on any street within the City's jurisdiction.

§ 70.17 AUTHORITY TO DESIGNATE SELECTIVE EXCLUSION OF TRAFFIC ON CERTAIN STREETS.

- 1) The Traffic Safety Committee shall have the authority to designate certain streets that shall selectively exclude specific types of traffic within the City's jurisdictions, unless such street is maintained by the State.
- 2) The specific types of traffic that may be considered for selective exclusion are:
 - a. Trucks;
 - b. Motor Vehicles;
 - c. Commercial Vehicles;
 - d. Vehicles by weight limit;
 - e. The transportation of hazardous materials, or
 - f. Use by authorized vehicles only.
- 3) When authorized signs are erected indicating the type of traffic excluded, no operator of a vehicle shall disobey the exclusions of such sign.

§ 70.18 ELECTION TO ENFORCE PARKING VIOLATIONS AS A CIVIL OFFENSE.

Pursuant to KRS 82.605, the City of Murray hereby elects to enforce parking ordinances as a civil violation pursuant to the procedures set forth in KRS 82.600 to 82.640.

§ 70.99 Fines and penalties for moving violations shall be assessed pursuant to the laws of the Commonwealth of Kentucky.

This is an edited version of the Official Ordinance. This version has removed the stricken portions contained in the Official version to aid readability. To view the official version [please click here](#).