

CITY OF FORT MITCHELL, KENTUCKY

ORDINANCE 2024-01

AN ORDINANCE REPLACING CHAPTER 73 OF THE FORT MITCHELL CODE OF ORDINANCES RELATING TO MOTOR ASSISTED VEHICLES, BICYCLES, AND MOTORCYCLES

WHEREAS, the Fort Mitchell City Council has heretofore adopted an official ordinance related to the operation of motor assisted vehicles, bicycles, and motorcycles within the City;

WHEREAS, these ordinances are periodically reviewed and updated as needed.

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF FORT MITCHELL, COUNTY OF KENTON, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:

SECTION I

The current version of Chapter 73 of the Fort Mitchell Code of Ordinances is hereby repealed, revoked, and stricken in its entirety, and a new Chapter 73 is created to read as follows:

CHAPTER 73: MOTOR ASSISTED VEHICLES, BICYCLES, AND MOTORCYCLES

Section

73.01 Definitions

73.02 Operation of Motor Assisted Vehicles and Bicycles

73.03 Operation of Motorcycles, Mopeds, and All-Terrain Vehicles

73.04 Skating and Coasting

73.05 Clinging to Vehicles

73.06 Equipment

73.07 Administration; Enforcement

73.99 Penalties

73.01 Definitions

“Bicycle” means a human-powered vehicle with two wheels that are in tandem propelled by pedaling.

“Motor Assisted Vehicle” means any device powered by an electric motor, such as electric scooters, electric bicycles, and similar devices designed primarily for the transportation of persons or property for short-distance urban travel and/or pedestrian pathways.

“Motorcycle” means a motor vehicle with two or three wheels designed primarily for use on roadways, powered by an internal combustion engine, and typically larger and faster than motor assisted vehicles.

“Moped” means a motorized bicycle whose frame design may include one (1) or more horizontal crossbars supporting a fuel tank so long as it also has pedals, or a motorized bicycle with a step-through type frame which may or may not have pedals rated no more than two (2) brake horsepower, a cylinder capacity not exceeding fifty (50) cubic centimeters, an automatic transmission not requiring clutching or shifting by the operator after the drive system is engaged, and capable of a maximum speed of not more than thirty (30) miles per hour.

“All-Terrain Vehicle” or “ATV” means any motor vehicle used for recreational off-road use.

73.02 Operation of Motor Assisted Vehicles and Bicycles

A. Any person riding a motorized assisted vehicle or bicycle on a sidewalk shall yield the right-of-way to any pedestrian and shall give audible signal before passing the pedestrian.

B. Motor assisted vehicles and bicycles shall not exceed a maximum speed of 15 miles per hour when operated on sidewalks.

C. No motor assisted vehicle or bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

D. No person riding on any motor assisted vehicle or bicycle shall attach the vehicle or bicycle or himself to any vehicle on a roadway.

73.03 Operation of Motorcycles, Mopeds, and All-Terrain Vehicles

A. No person shall operate a motorcycle, moped, or all-terrain vehicle on the sidewalks of the City.

B. No operator of any motorcycle, moped, or all-terrain vehicle shall carry another person except on a seat attached thereto or in a side car attached to the vehicle.

C. No operator of a motorcycle, moped, or all-terrain vehicle shall operate the vehicle in any public park, except on a roadway or in a parking area.

D. No operator of a motorcycle, moped, or all-terrain vehicle shall operate the vehicle in any play lot or tot lot.

73.04 Skating and Coasting

It shall be unlawful for any person on skates, or riding on a coaster sled or toy vehicle of any kind, to go on any roadway except at a crosswalk.

73.05 Clinging to Vehicles

A. No person while riding on a bicycle, coaster sled, roller skates or any toy vehicle shall cling to any moving vehicle on any street, or fasten or attach the vehicle on which he is riding thereto.

B. No person shall ride on the projection, running board, or fenders of any vehicle.

73.06 Equipment

A. Every motor assisted vehicle and bicycle shall be equipped with at least one (1) and not more than two (2) headlamps on the forward-facing side of the vehicle while operated on a City sidewalk, and said headlamp(s) must be illuminated:

1. During the period from one-half ($\frac{1}{2}$) hour after sunset to one-half ($\frac{1}{2}$) hour before sunrise; and
2. At such other times as atmospheric conditions render visibility as low as or lower than is ordinarily the case during that period

B. Any headlamp equipped on a motor assisted vehicle or bicycle pursuant to this section shall meet United States Department of Transportation regulations, and shall not emit or appear to emit a solid color of light other than white in compliance with the provisions of KRS 189.040.

C. Any motor assisted vehicle and bicycle, when in use on a City sidewalk, shall be equipped with a horn, bell, or other device capable of making an abrupt sound sufficiently loud to be heard from a distance of at least two hundred (200) feet under all ordinary traffic conditions. Every person operating a motor assisted vehicle or bicycle as defined by this Chapter shall sound the horn or sound device whenever necessary as a warning of the approach of such vehicle to pedestrians or other vehicles, but shall not sound the horn or sound device unnecessarily.

73.07 Administration; Enforcement

A. The City Administrator, or his or her designee, is the principal City official responsible for the administration of this Chapter, and he or she may delegate any or all of the duties hereunder, including to the City Police Department.

B. The Police Department and any other department as designated by the City Administrator shall be responsible for the issuance of any fine levied under this Chapter. Any fine issued pursuant to this Chapter shall be collected by the City Clerk's Office.

C. Any City divisions and departments tasked with administration and enforcement of this Chapter may adopt procedures and regulations consistent with this Chapter.

73.99 Penalties

A. Whoever violates any provision of this chapter shall be deemed to have committed a violation and shall be fined not more than \$25 for each offense. ('88 Code, § 73.99)

B. Any violation of this chapter is hereby classified as a civil offense, pursuant to Chapter 41 and KRS 65.8808, and such classification is intended, and shall be construed, to provide an additional or supplemental means of obtaining compliance with the applicable code sections, and nothing contained herein or in Chapter 41 shall prohibit the enforcement of this chapter by any other means authorized by law.

C. Each section of the ordinance violated shall be considered a separate fineable offense. If two or more sections of the ordinance are violated, the fines shall be cumulative and be enforced under the same citation. Each day a violation exists shall be considered a separate offense upon issuance of a separate citation.

(Ord. 1999-13, passed 8-17-99)

Cross-reference:

Code Enforcement Board, see Chapter 41

SECTION II


All Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, if any, hereby repealed.

SECTION III

The Provisions of this Ordinance are severable and 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 IV

This Ordinance shall be in full force and effect from and after its passage and publication according to law, and said publication may be in summary form.



Jude Hehman
Mayor

ATTEST:



Amy Guenther
City Clerk

FIRST READING: 1/8/2024

SECOND READING: 2/5/2024

PUBLISHED: _____