

ORDINANCE NO. 108, SERIES 2017

**AN ORDINANCE CREATING A NEW SECTION OF CHAPTER 74 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES PERMITTING THE OPERATION OF ALL-TERRAIN VEHICLES BY LOUISVILLE METRO POLICE DEPARTMENT AND THE JEFFERSON COUNTY SHERIFF'S OFFICE**

**SPONSORED BY: COUNCIL MEMBER BARBARA SEXTON SMITH**

**WHEREAS**, the operation of all-terrain vehicles ("ATVs") is generally prohibited on public highways and roadways; and

**WHEREAS**, KRS § 189.515(6)(c) expressly grants a local government the authority to permit the operation of ATVs on designated public highways; and

**WHEREAS**, there is a legitimate public interest in permitting law enforcement officers with Louisville Metro Police Department ("LMPD") and Jefferson County Sheriff's Office ("JCSO") to operate ATVs on all public highways in Louisville Metro; and

**WHEREAS**, pursuant to KRS § 189.515(6)(c), Louisville Metro Council does hereby permit the operation of ATVs on all public highways in Louisville Metro; and

**WHEREAS**, the operation of ATVs on public highways in Louisville Metro shall be limited to operation by law enforcement officers with LMPD and JCSO.

**NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:**

**SECTION I:** The title of Chapter 74 of the Louisville Metro Code of Ordinances ("LMCO") shall be amended to read Bicycles, and Motorcycles, and All-Terrain Vehicles.

**SECTION II:** A new section of Chapter 74 of the LMCO is hereby created as follows:

**§ 74.08:** Operation of All-Terrain Vehicles

(A) DEFINITIONS

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

**All-Terrain Vehicle** means any vehicle used for recreational off-road use.

**Public Highway** means any public road, street, avenue, alley or boulevard, bridge, viaduct or trestle and the approaches to them and includes private residential roads and parking lots (covered by agreement), and off-street parking facilities offered for public use.

**(B) OPERATION OF ALL-TERRAIN VEHICLES**

(1) The operation of all-terrain vehicles (ATVs) in Louisville Metro is prohibited on public highways, pursuant to KRS § 189.515, by any person who is not a law enforcement officer with Louisville Metro Police Department ("LMPD") or Jefferson County Sheriff's Office ("JCSO").

(2) LMPD and JCSO officers are permitted to operate ATVs on all public highways in Louisville Metro under the following conditions:

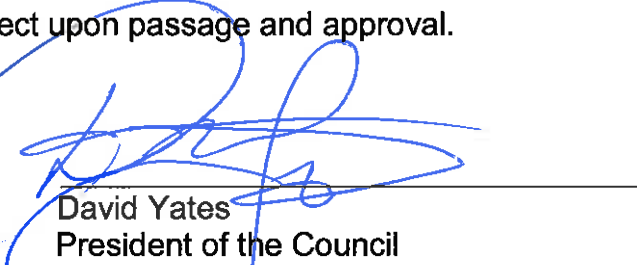
- (a) Operation of the ATV must be limited to carrying out official police business;
- (b) Operator of the ATV shall be easily identified as a law enforcement officer;
- (c) Operation of the ATV must be in accordance with KRS § 189.515 including the following requirements:
  - i. The operator of the ATV shall possess a valid operator's license;

- ii. The operator of the ATV shall comply with all applicable traffic regulations;
- iii. The ATV shall have at least one headlight and two taillights illuminated at all times the vehicle is in operation;
- iv. The ATV may only operate during daylight hours, except when engaged in snow removal or emergency road maintenance;

(d) Any ATV operated on public highway must maintain insurance as required by law pursuant to KRS Chapter 304.39.

**SECTION III:** This Ordinance shall take effect upon passage and approval.

  
 H. Stephen Ott  
 Metro Council Clerk

  
 David Yates  
 President of the Council

  
 Greg Fischer  
 Mayor

Approval Date 6/28/17

**APPROVED AS TO FORM AND LEGALITY:**

MICHAEL J. O'CONNELL  
 Jefferson County Attorney

By: 

**LOUISVILLE METRO COUNCIL  
 READ AND PASSED**  
*June 22, 2017*