

ORDINANCE NO. _____, SERIES 2021

AN ORDINANCE CREATING A NEW SECTION OF LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES (“LMCO”) CHAPTER 76 TO REGULATE TEMPORARY CLOSURES OF METRO PARK ROADS TO VEHICULAR TRAFFIC (AMENDMENT BY SUBSTITUTION).

SPONSORED BY: COUNCIL PRESIDENT JAMES AND COUNCIL MEMBER PIAGENTINI

WHEREAS, since April 2020, vehicular access to Metro Park’s scenic loops, and on certain other interior park roads, which either connect traffic to the scenic loops or serve other roads and streets, have been prohibited due to public health concerns in connection with COVID-19. These closures have the effect of limiting park access to elderly and disabled citizens of Metro Louisville; and

WHEREAS, the number of cases associated with COVID-19 and the positivity rate have continued to decline in Metro Louisville, with the Governor lifting many of the restrictions on outdoor events imposed in connection with COVID-19; and

WHEREAS, Chickasaw Park, which was also closed to vehicular traffic in April 2020, is currently re-opened to vehicular traffic; and

WHEREAS, the Council wishes to set forth guidelines regarding the vehicular use of the roads within Metro Parks to (i) restore the pre-pandemic levels of vehicular access to the citizens of Louisville Metro, (ii) provide guidelines regarding any future temporary closures of the roads within Metro Parks to vehicular traffic, and (iii) allow Metro Parks to retain flexibility in its management of the day-to-day operations of Cherokee Park.

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

SECTION I: Creates a new section of LMCO 76 as follows:

§ 76.10 METRO PARK ROAD SYSTEM, TEMPORARY CLOSURES.

(A) The roads within Metro Parks shall be open to vehicular traffic consistent with Louisville Metro Code of Ordinances Title III: Administration; Chapter 42: Closing Hours For Parks and Playgrounds, Section 42.32, unless otherwise specifically addressed in subsection (C) of this Ordinance;

(B) The roads described in subsection (A) shall remain open to vehicular traffic as described in subsection (A) above, unless:

(1) Metro Parks deems it necessary to temporarily close all or a portion of any road to vehicular traffic for maintenance and/or repairs, the public's health and safety, or a Metro Parks permitted event;

(2) Temporary closures shall mean closures lasting no longer than sixty (60) days;

(3) Metro Parks shall obtain Council approval to extend a temporary closure of any park road, for reasons other than repairs or maintenance, for an additional sixty (60) day period, and at the end of any such additional sixty (60) day period, shall obtain Council approval for any further extensions, each such further extension not to exceed sixty (60) days. Metro Parks shall provide an explanation to Council as to the reasons that necessitate the extension of temporary closure;

(4) If the total duration of the closure, including extensions periodically approved by Council pursuant to LMCO 76.10(B)(3), will exceed 240 days, Metro Parks, prior to requesting a fourth extension from Council of the temporary closure, shall hold a public meeting to discuss the continued closure of the road(s) to vehicular traffic. Notice of the public meeting must satisfy the requirements in KRS 61.823. After the public meeting Metro Parks must file documentation regarding the public meeting and a budget report

reflecting the fiscal impact of the temporary closure, if any, with Council prior to Council considering Metro Park's request for a fourth extension.

(5) For any closure related to the public health concern caused by Covid-19 that is in effect as of the effective date of this Ordinance, Metro Parks shall re-open the road(s) to vehicular traffic upon the effective date of this Ordinance. Metro Parks may submit a written request to Metro Council to approve future temporary re-closure of such road(s) pursuant to LMCO 76.10(B)(3).

(C) The following modifications to subsection (A) are specifically authorized by Council:

(1) In Cherokee Park, Metro Parks shall have the discretion to temporarily close the roads in the park until September 1, 2021, except that Metro Parks shall not close the portions of the scenic loop from Eastern Parkway to Barret Hill and Cochran Hill Road to Ledge Road. These two sections of the scenic loop must have one lane open to vehicle traffic until September 1, 2021. By September 1, 2021, Metro Parks shall have conducted a public meeting and shall have reported the results of that meeting to Metro Council as described in subsection (D). Any long-term closure of a road must be approved by Metro Council as described herein. If Metro Council has not approved a long-term closure of any roads in Cherokee Park prior to September 1, 2021, the roads in the park shall reopen to vehicle traffic as described in subsection (A) of this ordinance.

(2) In Iroquois Park, the portion of Rundill Road from the intersection of Rundill Road with Sanders Gate Road, and running counterclockwise from that intersection to the intersection of Rundill Road with Frisbee Way, shall be closed to vehicular traffic, unless

Metro Parks deems it necessary to open that portion of Rundill Road to vehicular traffic in connection with a Metro Parks event;

(3) In Iroquois Park, Uppill and Toppill Road shall be open to vehicular traffic based on the condition of the road and in a manner consistent with a schedule published by Metro Parks.

(D) If Metro Parks wishes to close any of the road(s) described in subsection (A), above, to vehicular traffic for a period of more than one (1) year (“long-term closure”), Metro Parks shall hold a public meeting to discuss the proposed closure of the road(s) to vehicular traffic. Notice of the public meeting must satisfy the requirements in KRS 61.823. After the public meeting, Metro Parks must file documentation regarding the public meeting, the reasons for the proposed long-term closure, and a budget report reflecting the fiscal impact of the proposed closure, if any, with Council prior to Council considering the request for a long-term closure. The request for the long-term closure must be approved by a vote of Council.

SECTION II: This Ordinance shall be effective upon its passage and approval.

Sonya Harward
Metro Council Clerk

David James
President of the Council

Greg Fisher
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____

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