



# Louisville Metro Government

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**Title:** AN ORDINANCE AMENDING SEVERAL SECTIONS OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES (“LMCO”) CHAPTERS 72 AND 74 REGARDING THE REGULATION OF PARKING AND BIKEWAYS.

**Sponsors:** Cassie Chambers Armstrong (D-8)

**Indexes:**

**Code sections:**

**Attachments:** 1. O-515-21 V.1 101421 Amending Several Sections of LMCO Chapters 72 and 74 Regarding the Regulation of Parking and Bikeways.pdf, 2. LMCO Ch 7274 Update\_MC\_101921.pdf, 3. ORD 157 2021.pdf

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10/19/2021	1	Public Works Committee	recommended for approval	Pass
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**ORDINANCE NO. \_\_\_\_\_, SERIES 2021**

**AN ORDINANCE AMENDING SEVERAL SECTIONS OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES (“LMCO”) CHAPTERS 72 AND 74 REGARDING THE REGULATION OF PARKING AND BIKEWAYS.**

**SPONSORED BY: COUNCIL MEMBER CASSIE CHAMBERS ARMSTRONG**

**WHEREAS**, the Legislative Council of the Louisville/Jefferson County Metro Government (the “Council”) in Ordinance No. 128, Series 2019 (the “Complete Streets Policy”), directs all transportation facilities be designated as Complete Streets that “facilitate the development of a safe, reliable, efficient, integrated and connected multimodal transportation system that promotes access, mobility, and health for all users;” and

**WHEREAS**, new transportation technologies have emerged and use of alternative modes of transportation has increased, including, but not limited to bicycles, electric bicycles, and electric scooters; and

**WHEREAS**, the current Louisville Metro Dockless Vehicle Policy directs dockless vehicles, including dockless electric scooters, to be operated on streets and in bikeways, and prohibits operation on sidewalks; and

**WHEREAS**, the LMCO currently prohibits operation of all motorized vehicles, including electric bicycles, powered bicycles and powered micro-mobility vehicles (including electric scooters) in bikeways; and

**WHEREAS**, the LMCO currently does not conform to national best practice standards for transportation infrastructure; and

**WHEREAS**, the Louisville Metro Bike Master Plan recommends the institution of “policies and practices to ensure that every street in Louisville meets the needs for bicyclists of all abilities;” and

**WHEREAS**, Council desires to update its regulation of parking and bikeways to conform to best practices, the goals of the Louisville Metro Bike Master Plan and the Complete Streets Policy.

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

**SECTION I:** LMCO 72.034 is amended as follows:

**§72.034 MANNER OF PARKING.**

(A) It shall be a parking violation for the operator of any vehicle to stop or park the vehicle in a manner other than with its right-hand side toward and parallel with the curb, except that where parking is permitted on the left side of a one-way street, the left-hand side shall be so parked, and except for commercial loading and unloading on one-way streets.

(B) No vehicle shall be parked or left standing on any street unless its two right wheels are within six (6) inches of and parallel with the curb, with the following exceptions: ~~except that on one-way streets where parking is permitted on the left side the two left wheels are to be within six inches of and parallel with the curb.~~

(1) On one-way streets where parking is permitted on the left side, the two left wheels are to be within six (6) inches of and parallel with the curb.

(2) When there is an on-street bikeway on the pavement adjacent to the right-hand curb of a one-way or two-way street, no vehicle shall be parked or left standing upon the right-hand side of the one-way or two-way street unless its two right wheels are within six (6) inches of and parallel with the outside line of the buffer area between the bikeway and the parking zone.

(3) When there is an on-street bikeway on the pavement adjacent to the left-hand curb of a one-way or two-way street where parking is permitted, no vehicle shall be parked or left standing upon the left-hand side of the one-way or two-way street unless its two left wheels are within six (6) inches of and parallel with the outside line of the buffer area between the bikeway and parking zone.

(C) No vehicle shall be backed to the curb on any street, except that trucks may do so when loading and unloading provided that such loading, unloading, and delivery of property and material shall not consume more than thirty (30) minutes, or unless express permitted to do so by duly authorized pavement markings and signage. Such backing of trucks is prohibited at all times and on all streets in Metro Government where any truck so backed interferes with the use of the roadway of moving vehicles or buses or occupies road space within ten (10) feet of the center line of the street.

(D) The Director of Public Works may establish diagonal parking at certain places, requiring the parking of vehicles at a certain angle to the curb and within a certain portion of the roadway adjacent thereto. However, diagonal parking shall not be established where the roadway space required therefore would be within ten (10) feet of the centerline of any street. The Director of Public Works shall designate such places by suitable signs, and shall indicate by markings on the pavement

the required angle and the width of the roadway space within which such vehicle shall park.

(E) It shall be a parking violation for the operator of any vehicle to so park such vehicle that any part thereof shall extend beyond the lines marking the side or the rear of the space assigned for one vehicle.

**SECTION II:** LMCO 72.035 is amended to read as follows:

**§ 72.035 LIMITATIONS OF STOPPING AND PARKING.**

It shall be a parking violation for the operator of any vehicle to stop or park such vehicle except in a case of real emergency or in compliance with the provisions of this traffic code or when directed by a police officer or traffic sign or signal at any time in the following places:

(A) On the mainly-traveled portion of any roadway or on any other place in the roadway where vehicles stand in any manner other than as specified in § 72.034.

(B) Within an intersection.

(C) On a sidewalk.

(D) Within four (4) feet of a public or private driveway.

(E) Within ten (10) feet of a fire hydrant.

(F) Within a crosswalk.

(G) Alongside or opposite any street excavation or obstruction when stopping or parking would obstruct traffic.

(H) Close enough to any railroad track so as to obstruct the movement of locomotives or cars.

(I) Within any part of an alley within the central traffic district.

(J) On that portion of public property located between the sidewalk and the curb-line of the street or, where there are no sidewalks, off of any paved area.

(K) Within any area marked as a TARC zone.

(L) Within any area where official signs prohibit parking and stopping.

(M) In front of sidewalk ramps provided for persons with disabilities.

(N) On each corner and all eight sides of an intersection, within thirty (30) feet from the beginning and/or ending of any intersection, flashing beacon, stop sign, or traffic control signal located at the side of a roadway.

(O) Within a designated bikeway.

**SECTION III:** LMCO Chapter 74 is amended to read as follows:

**§ 74.01 DEFINITIONS**

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

**BICYCLE.** A vehicle with one, two, or three wheels, solely human-powered, propelled by operable pedals (or a hand-driven equivalent) affixed to a mechanical propulsion system transmitted to one or more wheels, and has handlebars for steering and a saddle-like seat.

**BIKEWAY.** Any facility that designates space for bicycles, electric bicycles, and powered micro-mobility vehicles, separate from motor vehicle traffic. This may include, but is not limited to, trails, paths, parts of a roadway, or a surface or smoothed shoulder.

**ELECTRIC BICYCLE (E-BIKE).** A two- or three-wheeled vehicle with fully operable pedals and an electric motor of less than 1,000 watts (1.5 h.p.), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weighs 170 pounds, is less than 20 mph.

**MOTOR VEHICLE.** Any machine which is capable of the transportation of persons or property and which is powered by an internal combustion, diesel, or electric engine and/or motor. This category shall include, but not be limited to, automobiles, semitrucks, mopeds, and motorcycles.

**POWERED BICYCLE.** A wheeled vehicle that: 1) Has operable pedals; 2) Is steered by the operator using handlebars; 3) Has a seat for the operator (and passenger); and 4) Is powered partially or fully by an internal combustion engine.

**POWERED MICRO-MOBILITY VEHICLE.** A vehicle that has a curb weight of less than or equal to 500 pounds (227 kg), a top speed of 20 mph or less, and is powered by an electric motor. This category shall include, but not be limited to, mobility scooters, stand-up scooters, and segways.

**PROTECTIVE HELMET.** A piece of headgear which meets or exceeds the impact standards for protective bicycle helmets set by the U.S Consumer Product Safety Commission (CPSC), the American Society for Testing and Materials (ASTM) or the Snell Memorial Foundations (SNELL).

**ROLLER SKATES.** Any self-propelled footwear or device which may be attached to the foot or footwear to which wheels are attached and such wheels may be used by the wearer in moving, including in-line skates known as "roller blades".

**SKATEBOARD.** Any board or platform with attached small wheels that is completely self-propelled and used for individual transportation. A nonmotorized scooter (a board with a handle) is considered a skateboard.

## **§ 74.042 OPERATION OF BICYCLES AND ELECTRIC BICYCLES**

(A) No person 11 years of age or older shall operate a bicycle or an electric bicycle on the sidewalks located within the geographical boundary limits of Louisville/Jefferson County Metro Government ("Louisville Metro"). Provided, however, no person, regardless of age, shall operate a bicycle or an electric bicycle on the sidewalks of Louisville Metro within the Downtown Form District, as defined in the Land Development Code for all of Louisville/Jefferson County, Kentucky, as amended.

(B) No operator of any bicycle or electric bicycle shall carry another person on such bicycle or electric bicycle, except as provided herein.

(1) A bicycle or an electric bicycle shall not be used to carry more persons at one time than the number for which it is designed and equipped. Riders of "tandem bicycles" all must be able to comfortably reach the pedals of the bicycle or electric bicycle.

(2) A passenger shall ride only upon a permanent and regular seat attached to the bicycle or the electric bicycle, or to a trailer towed by the bicycle or the electric bicycle.

(3) An adult may carry a child as a passenger, provided that the child meets all of the following conditions:

(a) Is over the age of one;

(b) Weighs less than 40 pounds or is less than 40 inches in height;

(c) Is properly seated in a permanent and attached child seat or in a trailer attached to the bicycle or the electric bicycle, provided that the seat/trailer is equipped with a harness to hold the child securely to the seat, and protection is provided against the child's feet or hands hitting the spokes of the wheels;

(d) Is able to maintain an erect, seated position on the bicycle or the electric bicycle;

(e) Is wearing an appropriately-sized helmet that is secured to the head by straps while the bicycle or the electric bicycle is being operated, or is in an enclosed bicycle trailer that protects the passenger's head from impact in an accident; and

(f) Does not remain in the child seat or trailer when the bicycle operator is not in immediate control of the bicycle or the electric bicycle.

(C) So long as they are acting within the scope of their official duties, subsection (A) shall not apply to officers with Louisville Metro Police Department, nor to employees of Louisville Metro Emergency Medical Services, Louisville Fire and Rescue, the suburban fire protection districts, Louisville and Jefferson County Emergency Management Agency, nor to Downtown Management

District Clean and Safety Team personnel, nor to private security personnel employed by hospitals located within the Downtown Form District.

**§ 74.023 OPERATION OF MOTORCYCLES, MOTORSCOOTERS AND SEGWAYS POWERED BICYCLES, AND POWERED MICRO-MOBILITY VEHICLES.**

(A) No operator of any motorcycle, ~~motorscooter~~, ~~power-driven bicycle~~, or ~~segway powered bicycle~~, or ~~powered micro-mobility vehicle~~ shall carry another person except on a seat attached thereto or in a side car attached to the vehicle.

(B) No operator of a motorcycle, ~~motorscooter~~, ~~segway~~, or ~~power-driven bicycle~~ or ~~powered bicycle~~ shall operate such vehicle in any public park, except on a roadway or in a parking area or area designated therein for said use.

(C) No operator of a motorcycle, ~~motorscooter~~, ~~segway~~, or ~~power-driven bicycle~~~~powered bicycle~~, or ~~powered micro-mobility vehicle~~ shall operate such vehicle in any play lot or ~~tot lot~~ ~~public playground~~, except to access said facilities.

(D) All dockless powered micro-mobility vehicles must adhere to the regulations and standards in Louisville Metro's Dockless Vehicle Policy.

**~~§ 74.025 SEGWAYS.~~**

(A) ~~Segways are permitted on the sidewalks of the Louisville/Jefferson County Metro Government that are six feet in width or wider.~~

(B) ~~No operator of a segway shall operate said device before sunrise or after sunset, as published daily in The Courier-Journal, without a head light or red tail light which conforms with the laws of the Commonwealth of Kentucky and/or Louisville/Jefferson County Metro Government.~~

(C) ~~No person under the age of 16 years shall operate a segway.~~

**§ 74.034 DESIGNATION OF BIKEWAYS.**

(A) The Director of Public Works is authorized to designate bikeways for the sole use of nonmotorized bicycles, electric bicycles, roller skates, skateboards and powered micro-mobility



vehicles, except where otherwise prohibited. Immediately after such designation, ~~he or she~~ the Director of Public Works shall cause to be posted on the bikeways signs indicating that the bikeways are for the sole use of ~~nonmotorized bicycles, electric bicycles, roller skates, skateboards and powered micro-mobility vehicles~~, except where otherwise prohibited. These bikeways may be either a lane separate from the paved portion of a motorized vehicle right-of-way or a separate, designated lane in a paved motorized vehicle right-of-way. The Director of Public Works shall utilize signs appropriate to each type of bikeway. The Director of Public Works shall publish guidelines for the manner of use of allowed vehicles in bikeways.

(B) No person shall operate a ~~motorized vehicle~~vehicle other than those authorized pursuant to paragraph (B) of this section, including, but not limited to, motor vehicles, powered bicycles, any vehicles with a combustion engine or any electric vehicles that do not meet the definitions of a powered micro-mobility vehicle or electric bicycle, on bikeways designated by a ~~Metro Government engineer~~the Director of Public Works and posted as herein set out. However, motorized maintenance vehicles of any kind that are owned and operated by Metro Government or contracted through Metro Government are excepted from this provision. The drivers of such Metro Government vehicles shall act in good faith to preserve the integrity of the bikeways and reduce harm to infrastructure related to the bikeways.

#### **~~§ 74.04 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 in Metro Louisville except at a crosswalk.~~

#### **§ 74.05 CLINGING TO VEHICLES.**

(A) No person while riding on a bicycle, electric bicycle, ~~coaster sled~~, roller skates, skateboard or powered micro-mobility vehicle ~~any toy vehicle~~ shall cling to any moving vehicle on any street, or fasten or attach the vehicle on which ~~he or she is~~they are riding thereto.

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

(C) This subsection shall not apply to employees who are authorized by the policies of the Department of Solid Waste Management Services, or a private contractor that handles garbage pickup within Louisville Metro, subject to the restrictions set forth in said policies.

#### § 74.06 OPERATION OF SKATEBOARDS.

(A) No person shall ride upon any type of skateboard ~~on any public way, or in any publicly-owned parking lot or parking structure located within the Downtown Form District.~~

(B) No person shall ride upon any type of skateboard where expressly prohibited, including but not limited to in any area of Waterfront Park which has been designated and posted by the Waterfront Development Corporation as a skateboard prohibited area.

(C) The prohibition in subsection (A) shall ~~not apply to the portions of the Riverwalk located in the Downtown Form District and the prohibitions in subsections (A) and (B)~~ shall not apply to such activities undertaken during a special event or festival for which an Event Permit has been obtained from the Metro Government.

#### § 74.07 PROTECTIVE HELMET REQUIRED.

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

***BICYCLE.*** A device upon which any person may ride, propelled exclusively by human power through a belt, chain or gears, and having one or more wheels.

***NON-MOTORIZED SCOOTER.*** Any personal transportation device not otherwise regulated hereunder and the regulation of which has not been undertaken by Commonwealth of Kentucky.

***PROTECTIVE HELMET.*** A piece of headgear which meets or exceeds the impact standards for protective bicycle helmets set by the U.S. Consumer Product Safety Commission (CPSC), the American Society for Testing and Materials (ASTM) or the Snell Memorial Foundations (SNELL).

***ROLLER SKATES.*** Any footwear or device including in-line skates known as roller blades which may be attached to the foot or footwear to which wheels are attached and such wheels may be used by the wearer in moving. The definition of these terms shall include a single roller skate or parts thereof, used by wearer in moving.

***SKATEBOARD.*** Any board of any material which has wheels attached to it where such wheels may be used for movement or propulsion.

~~(B)~~(A) *Prohibitions.*

(1) No person while on the premises of the Louisville Extreme Park shall ride, propel or in any manner operate roller skates, in-line roller blades, a skateboard, non-motorized scooter or bicycle unless he or she is/they are wearing a protective helmet at all times when the roller skates, in-line roller blades, skateboard, non-motorized scooter or bicycle is in motion.

(2) No person under the age of 18 years shall ride, propel or in any manner operate roller skates, in-line roller blades, or a skateboard or non-motorized scooter on public rights-of-way, streets, public roadways, public parks and other public recreational facilities in Louisville Metro, unless he or she is/they are wearing a protective helmet at all times when the roller skates, in-line roller blades, or skateboard, or non-motorized scooter is in motion;.

(3) No person under the age of 18 years shall ride, propel or in any manner operate a bicycle or electric bicycle on any park roads to include contiguous roads or in public parks in Louisville Metro, unless he or she is/they are wearing a protective helmet.

(C) *Civil enforcement.*

(1) Any person who violates the provisions of subsection (B) shall be subject to a civil penalty to be recovered by the Metro Government in a civil action in the nature of a debt if the person does not pay the penalty or request a hearing within seven days after being cited for the violation. Any person who fails to pay the penalty or request a hearing within the seven days shall be deemed

to have refused to contest the penalty levied by the citation.

(2) The civil penalty for each violation of the provisions of subsection (B) shall be \$20 and each violation shall constitute a separate offense, except that for the first violation the penalty shall be a warning citation. If the civil penalty is paid within seven days of the date of the violation, the penalty shall be discounted by \$5. Payment of the civil penalty within seven days of the date of the violation shall constitute full payment of the penalty. Payments received by the Metro Government on or after the eighth day must be for the full penalty amount, plus any applicable fees or penalties.

(3) Any person cited for a violation of the provisions of subsection (B) may contest the determination that a violation occurred by requesting in writing a hearing before the Cabinet Secretary for Public Protection ("Secretary"), or designee. Such hearing shall be held no later than 14 days from the date of receipt of the request, unless prior to the hearing, the person requesting the hearing requests an extension of time not to exceed 14 days. No less than seven days prior to the date set for the hearing, the Secretary shall notify the person of the date, time and place of the hearing. Any person requesting a hearing who fails to appear at the time and place set for the hearing shall be deemed to have refused to contest the penalty levied by the citation.

(4) At the hearing, the Secretary or designee may consider the citation notice and any other written report made under oath by the officer who issued the citation in lieu of the officer's personal appearance at the hearing.

(5) At the hearing after considering the evidence, the Secretary or designee shall determine whether a violation was committed. Where it has not been established that a violation was committed, an order dismissing the citation shall be entered. Where it has been established that a violation was committed, the Secretary or designee shall uphold the citation and order the person to pay the citation within seven days. A copy of the order shall be furnished to the person. Any person ordered to pay the penalty who fails to do so within seven days shall be deemed to have refused to

pay the penalty levied by the citation.

(6) An appeal from the determination of the Secretary or designee may be made to the Civil Division of Jefferson District Court within seven days of the Secretary's determination. The appeal shall be initiated by the filing of complaint and a copy of the Secretary's order in the same manner as any civil action under the Rules of Civil Procedure. The action shall be tried de novo and the burden shall be on the Metro Government to establish that a violation occurred. If the Court finds that a violation occurred, the person shall be ordered to pay to the Metro Government all fines, fees and penalties occurring as of the date of the judgment. If the Court finds that a violation did not occur, the Metro Government shall be ordered to dismiss the citation and the person shall be authorized to recover his or her costs. The judgment of the Jefferson District Court may be appealed to the Jefferson Circuit Court, in accordance with the Rules of Civil Procedure.

(D) *Proceeds from civil penalties.* The Director of Finance is directed to establish a special account for the proceeds from the collection of civil penalties for the violation of this chapter, and said proceeds are to be used exclusively for the education and promotion of the wearing of protective helmets when skating, skateboarding and bicycling.

#### **§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.*** Any vehicle used for recreational off-road use.

***PUBLIC HIGHWAY.*** 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 Sheriffs 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:

- 1. The operator of the ATV shall possess a valid operator's license;
- 2. The operator of the ATV shall comply with all applicable traffic regulations;
- 3. The ATV shall have at least one headlight and two taillights illuminated at

all times the vehicle is in operation;

4. 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.

## **§ 74.09 OPERATION OF MOPEDS; RULES AND REGULATIONS.**

(A) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**MOPED.** A motorized bicycle whose frame design may include one 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 brake horsepower, a cylinder capacity not exceeding 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 30 miles per hour.

(B) Every person shall, before operating a moped upon a street located within the geographical boundaries of Jefferson County, be 16 years of age or older and must secure and have in his or her possession a valid operator's license or instruction permit as provided in KRS Chapter 186.

(C) Parents or legal guardians of any minor under the age of 18 years shall not authorize or permit such minor to violate any provision of this chapter under circumstance where the parent or guardian knew or should have known of such violation.

(D) No person shall operate or ride as a passenger on a moped unless that person wears approved protective headgear and an approved eye protective device required for motorcycle operators and passengers, which protective headgear meets the minimum requirements prescribed by the Secretary of the Kentucky Transportation Cabinet under 601 KAR 14:010.

(E) No person shall operate or ride as a passenger on a moped except on a seat permanently attached to that moped and specifically designed to carry the operator or passenger in a safe manner and except when using a foot rest permanently attached to that moped and specifically designed to carry that person in a safe manner.

(F) No operator of any moped on a Jefferson County street shall drive the moped abreast of any operator of any other vehicle while in the same lane as that vehicle.

(G) No operator of any moped shall drive the vehicle upon or within any public park or public school real property within the geographical boundaries of Jefferson County unless a designated path or roadway exists therein as determined and posted by the appropriate authority or public body entitled under law to exercise control in such area, or unless general vehicular operation is otherwise permitted.

(H) No operator of any moped shall drive the vehicle upon any sidewalk within the

geographical boundaries of Jefferson County.

(I) All operators of mopeds on Jefferson County streets shall use the appropriate light signals when stopping or turning.

(J) No moped shall be operated on Jefferson County streets unless it is equipped with:

(1) At least one and not more than two headlamps which shall comply with the requirements and limitations of KRS 189.040.

(2) One red light, which when lighted or a red reflector, which upon illumination, is visible for at least 500 feet.

(3) At least one white reflector on each side of both the front and rear wheel and which, upon illumination, are visible by approaching vehicles from a distance of at least 100 feet.

(4) A horn or other device capable of making an abrupt sound sufficiently loud to be heard under all ordinary traffic conditions.

(5) An exhaust system where applicable, incorporating a muffler or other mechanical device for the purpose of reducing engine noise. The system shall be securely attached and located so as not to interfere with the operation of the moped. Shielding shall be provided to prevent inadvertent bodily contact with the exhaust system during normal operation. No modification of said system shall be made which would effectively defeat the purposes of this provision.

(6) A flag attached to a vertical pole of not less than four feet in length.

(7) A rear view mirror.

(K) The operator of a moped upon any Jefferson County street shall operate the vehicle in a careful manner, with regard for the safety and convenience of pedestrians and other vehicles upon the street.

(L) No person shall authorize or knowingly permit a moped owned or controlled by him or her to be driven by any person who has no legal right to drive it.



(M) All retail moped dealers shall display at all times in a prominent place a printed card at least 8 inches by 11 inches in size which shall display, in 30 point or larger type, the following:

(1) Persons under the age of 16 may not operate a moped on a public highway, road, street or avenue.

(2) Persons operating a moped on a public highway, road, street or avenue must have in their possession a valid motor vehicle operator's license as required by KRS 186.410.

#### **§ 74.10 OPERATION OF MOPED BY MINOR; IMPOUNDMENT.**

Whenever any moped is operated by a minor, in violation of the provisions of this chapter, such moped may be seized by any peace officer and impounded. The moped so impounded shall be surrendered to the parent or legal guardian after payment of any assessed fines and towing charges, if applicable. The remedy of impoundment shall be in addition to the penalties provided in § 74.99 <<https://codelibrary.amlegal.com/codes/louisvillemetro/latest/loukymetro/0-0-0-6964>>.

#### **§ 74.98 SEVERABILITY.**

If any provision of this chapter as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

#### **§ 74.99 PENALTY.**

(A) Any violation of §§ 74.02, 74.03(A), (B), (C) or (D), 74.04, 74.05, 74.06 74.07(A), 74.09, or 74.10 shall be classified as a civil offense and shall be enforced through the Code Enforcement Board as provided in 32.275 et seq. or as it may be amended. The civil penalties for violations of these subchapters are set forth below.

~~(B) Any person who~~ Whoever violates any provision of §§ 74.02, 74.03(A), (B), (C) or (D), 74.04, 74.05, 74.06 74.09, or 74.10 ~~§ 74.04~~ <<https://codelibrary.amlegal.com/codes/louisvillemetro/latest/loukymetro/0-0-0-6889>> shall be fined not less than ~~\$256~~ nor more than ~~\$10050~~.

~~(B)(C)~~ (C) The civil penalty for each violation of the provisions of 74.07(A) shall be \$25 and each violation shall constitute a separate offense, except that for the first violation the penalty shall be a warning citation. If the civil penalty is paid within seven days of the date of the violation, the penalty shall be discounted by \$5. Payment of the civil penalty within seven days of the date of the violation shall constitute full payment of the penalty. Payments received by the Metro Government on or after the eighth day must be for the full penalty amount, plus any applicable fees or penalties. ~~Whoever violates § 74.02~~ <<https://codelibrary.amlegal.com/codes/louisvillemetro/latest/loukymetro/0-0-0-6894>> ~~(A) shall be fined not less than \$25 nor more than \$100.~~

(C) ~~Whoever violates §§ 74.02~~  
<<https://codelibrary.amlegal.com/codes/louisvillemetro/latest/loukymetro/0-0-0-6894>> (B) or (C), 74.09  
<<https://codelibrary.amlegal.com/codes/louisvillemetro/latest/loukymetro/0-0-0-67498>> or 74.10 shall  
be fined not less than \$20 nor more than \$100.

(D) ~~Whoever violates § 74.03~~  
<<https://codelibrary.amlegal.com/codes/louisvillemetro/latest/loukymetro/0-0-0-6899>> shall be fined  
not less than \$10 nor more than \$100, or imprisoned for ten days, or both.

(E) ~~Whoever violates any of the provisions of §§ 74.04~~  
<<https://codelibrary.amlegal.com/codes/louisvillemetro/latest/loukymetro/0-0-0-6903>> or 74.05  
<<https://codelibrary.amlegal.com/codes/louisvillemetro/latest/loukymetro/0-0-0-6906>> shall be fined  
not less than \$25 nor more than \$100.

(F) ~~Whoever violates provisions of § 74.06~~  
<<https://codelibrary.amlegal.com/codes/louisvillemetro/latest/loukymetro/0-0-0-6910>> of this chapter  
shall be fined not less than \$20 nor more than \$100.

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

\_\_\_\_\_  
Sonya Harward  
Metro Council Clerk

\_\_\_\_\_  
David James  
President of the Council

\_\_\_\_\_  
Greg Fischer  
Mayor

\_\_\_\_\_  
Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

By: \_\_\_\_\_