

**CITY OF HURSTBOURNE**  
**ORDINANCE #21-03**  
**AN ORDINANCE ADOPTING A POLICY FOR PEDESTRIAN AND TRAFFIC SAFETY**  
**FOR THE CITY OF HURSTBOURNE**

WHEREAS, at least 5977 pedestrians were killed in motor vehicle collisions nationally in 2017, a 45% increase since the lowest point in Insurance Institute for Highway Safety;

WHEREAS, according to the crash data from the Fatality Analysis Reporting System (FARS) for the year 2017, there were a total number of 37,133 fatal crashes in the United States and distracted driving claimed 3,166 from that total;

WHEREAS, in the past decade, the number of people struck and killed while walking increased by 35%;

WHEREAS, although fatalities decreased slightly in 2017, the last two years on record (2016 and 2017) were the deadliest years for people killed by drivers while walking since 1990, according to Smart Growth America;

WHEREAS, in Louisville Metro in 2018, there were 457 pedestrian-involved collisions which resulted in 21 fatalities according to LMPD;

WHEREAS, as of April 20<sup>th</sup>, 2019, there were 6 pedestrian fatalities, compared to 5 on the same date the previous year;

WHEREAS, Louisville Metro's pedestrian fatalities in 2016 and 2017 matched the national trend with increases to 25 and 30 pedestrian fatalities, respectively;

WHEREAS, pedestrian fatalities account for 25% of all roadway fatalities in Jefferson Co., Kentucky according to Metro Public Works;

WHEREAS, the American Journal of Public Health advises that separation of pedestrians from vehicles by time and space reduces the exposure of pedestrians to potential harms; and preventing pedestrians and motor vehicles from being in proximity to each other is a common-sense approach to improving the safety of all involved;

WHEREAS, Lexington-Fayette County passed an ordinance with similar pedestrian prohibitions in June 2017; in December 2018, Lexington Police Department reported a 15% decrease in pedestrian involved collisions from the previous year;

WHEREAS, the City of Hurstbourne seeks to promote the safe and expeditious flow of traffic at city intersections and decrease traffic hazards, accidents, and injuries related to pedestrians interacting with vehicles on high traffic public roadways;

WHEREAS, the City of Hurstbourne identified the most trafficked roadways in the city and have designated them as Heavily Traveled Roadways for the purpose of the new pedestrian and traffic safety chapter of Ordinances;

WHEREAS, persons approaching vehicles at intersections and standing on Heavily Traveled Roadways create traffic distractions and hazards to pedestrians and vehicles; and

WHEREAS, the Sixth Circuit of the U.S. Court of Appeals previously upheld KRS 189.570(21) as a content neutral law “[b]ecause the statute prohibits all parties from distributing literature in the roadways, and because it permits all parties to solicit contributions in the roadways if the precautions prescribed by subsection 21 are undertaken, the statute applies evenhandedly to all those who wish to distribute written materials or solicit funds” Ater v. Armstrong, 961 F.2d 1224 (6<sup>th</sup> Cir. 1992);

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF HURSTBOURNE, KENTUCKY,

**Section 1: There is hereby established the following Pedestrian and Traffic Safety Policy in the City of Hurstbourne:**

1. **DEFINITIONS.** For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
  - a. **HEAVILY TRAVELED ROADWAY.** The class of roads in the City of Hurstbourne that serve major traffic movements (high-speed, high volume) for travel between major points, which include any roadway listed in subsection F of this section. The City of Hurstbourne has inspected the heavily traveled and congested areas in the city and designated in this ordinance rights-of-way that are heavily traveled and are congested in Hurstbourne.
  - b. **GORE.** A longitudinal point where a physical barrier or the lack of a paved surface inhibits road users from crossing from a ramp or channelized turn lane or channelized entering lane to the adjacent through lane(s) or vice versa.
  - c. **MEDIAN.** The area between two roadways of a divided highway measured from the edge of traveled way to edge of traveled way, which includes median refuge island. The median excludes turn lanes and that portion of a median that contains a sidewalk beyond the marked crosswalk or other legal pedestrian crossing, and which is not a part of a median refuge island. The median width might be different between intersections, interchanges and at opposite approaches of the same intersection.
  - d. **MEDIAN REFUGE ISLAND.** Protected spaces placed in the center of a Heavily Traveled roadway to facilitate pedestrian crossings which may include a portion for walking or standing on such island while awaiting safe and legal crossing of such roadway.
2. **PROHIBITED PEDESTRIAN ACTIVITIES ON HEAVILY TRAVELED ROADWAYS, MEDIANS AND GORES**



- a. Pedestrians are prohibited from crossing a Heavily Traveled Roadway at any place except a crosswalk. If there is no crosswalk on a Heavily Traveled Roadway, a pedestrian may cross a Heavily Traveled Roadway only at an intersection in which a traffic control signal or other device is in place. If neither is present, a person may cross a Heavily Traveled Roadway only at an intersection.
- b. No person shall sleep, lay, or camp on any alley, street, sidewalk, median, or city right-of-way.
- c. Pedestrians are prohibited from standing or being on a median or gore of a Heavily Traveled Roadway unless he or she is in the process of legally crossing a Heavily Traveled Roadway.
- d. No person, other than the occupant of a vehicle shall be on a Heavily Traveled Roadway, unless otherwise provided by law. Pedestrians while upon a Heavily Traveled Roadway, are prohibited from approaching a vehicle operating on such Heavily Traveled Roadway except for the actions contained in subsection e.
- e. Subsections c and d do not apply to:
  - 1. Any person in a legally parked vehicle at the curb or shoulder;
  - 2. Any person engaged in law enforcement or rescue activities or with an emergency repair or maintenance of a vehicle;
  - 3. Any person entering a stopped vehicle as an invited passenger where it is lawful to do so, including accessing taxicabs or public transportation;
  - 4. Any person working on a Heavily Traveled Roadway with a valid permit; or
  - 5. Any person in compliance with the provisions of KRS 189.570(21) and the following pedestrian safety measures:
    - (1) Be at least 18 years of age;
    - (2) Persons must wear vests as described by the Manual on Uniform Traffic Devices;
    - (3) Persons must place at least four orange cones per lane utilized with a minimum height of at least 28 inches and be placed at a minimum of 15 feet apart from the closest orange cone;
    - (4) Persons must withdraw from an intersection to a place of safety on a median or on the side of a Heavily Traveled Roadway before the light turns green or as soon as safely possible;
    - (5) Persons must limit solicitation activity to one person for each lane of traffic;
    - (6) Persons must refrain from yelling at or otherwise distracting motorists, and from touching any vehicle; and
    - (7) Persons shall not conduct any solicitation activity before sunrise or after sunset, as published daily by the National Weather Service, or in inclement weather during which wipers or lights are necessary for safe vehicular travel, or in the judgment of any law enforcement officer conducting solicitation activity would constitute a hazard to individuals conducting solicitation activity or to motorists.
- f. The following streets are designated Heavily Traveled Roadways for the purposes of this section:
  - 1. Blairwood Road.

2. Blairwood Access Way.
3. Linn Station Rd.
4. Liberty Bank Lane
5. Nottingham Parkway
6. Shelbyville Rd.
7. S. Hurstbourne Parkway
8. Oxmoor Woods Parkway
9. S. Lyndon Lane
10. Whittington Parkway
11. Seaton Springs Parkway
12. Colonel Anderson Parkway

- g. This section also applies to the first two hundred (200) feet of any roadway that intersects with a Heavily Traveled Roadway, as measured from the point where the roadway and the Heavily Traveled Roadway intersect.

**3. SEVERABILITY.**

Each section and provision of this chapter is hereby declared to be independent sections and provisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of said chapter, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or provisions and the application of such sections or provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so known to be invalid.

**4. PENALTIES**

- (A) Any violation of this chapter shall subject the offender to a civil penalty in an amount not less than \$20 nor more than \$100, each day of violation being considered a separate violation. Such civil penalty may be recovered by the city in a civil action as a debt if the offender has been cited for the ordinance violation. The civil penalty may be used as an alternative to or in conjunction with the criminal penalties authorized in Section (B).
- (B) Any person receiving a citation for violation of this chapter shall be deemed to have committed a violation and shall be fined in an amount not less than \$20 nor more than \$100, each day of violation being considered a separate violation.

**Section 2:**

**Effective date**

This ordinance shall take effect upon is reading, adoption and publication according to law.

Adopted this 23<sup>rd</sup> day of FEBRUARY, 2021.

Introduction and First Reading: 2/09/21

Second Reading and Passage: 2/23/21

Mary Masick  
Mary Masick, Mayor

ATTEST:

[Signature]  
City Clerk

Aye votes: 5

Nay votes: 0