

COMMISSIONERS' ORDINANCE NO. Δ-32-18

AN ORDINANCE AMENDING CHAPTER 74 OF THE COVINGTON CODE OF ORDINANCES TO ALLOW THE OPERATION OF CERTAIN LOW-SPEED VEHICLES.

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WHEREAS, Chapter 74 of the Covington Code of Ordinances regulates Bicycles Motorcycles, Motorized Scooters, mopeds, golf carts and low speed vehicles; and

WHEREAS, KRS § 189.282 allows for the operation of low speed vehicles on highways within the Commonwealth; and

WHEREAS, KRS § 189.282 also sets forth low speed vehicle requirements for lawful operation on highways; and

WHEREAS, the City of Covington previously amended its code of ordinances to prohibit the operation of all low-speed vehicles, golf carts and utility vehicles on City streets (O-25-17) in response to notification that commercial parcel delivery companies intended to use golf carts or low speed vehicles to deliver parcels within the City;

WHEREAS, the City of Covington effectively prohibited all operation of commercial parcel delivery services using low-speed vehicles, golf carts, or utility vehicles due to the absence of detailed information about how the vehicles would be operated within the City; and

WHEREAS, certain companies have approached City staff requesting the ability to operate low-speed vehicles within the City for the purpose of transporting passengers in and around the City; and

WHEREAS, at least one company is already doing business in Cincinnati and it is anticipated that one or more companies providing the requested service via low-speed vehicles will begin operations in Newport in the near future; and

WHEREAS, the City of Covington is desirous of allowing certain low-speed vehicles to operate on certain City roadways for the limited purpose of passenger transportation within a limited portion of the City.

NOW THEREFORE,  
BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF  
COVINGTON, KENTON COUNTY, KENTUCKY:

Section 1

That section 74.01, Definitions, of the Covington Code of Ordinances is hereby amended to read as follows:

## § 74.01 DEFINITIONS.

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

**BICYCLE.** A vehicle with two wheels tandem, handlebars, a saddle seat, and pedals by which it is propelled by the operator.

**FOOT SCOOTER.** A vehicle with two wheels that are no more than 10 inches in diameter, has handlebars, and is propelled solely by the operator of the vehicle.

**GOLF CART.** Any self-propelled vehicle that:

1. Is designed for the transportation of players or maintaining equipment on a golf course, while engaged in the playing of golf, supervising the play of golf, or maintaining the condition of the grounds on a golf course;
2. Has a minimum of four (4) wheels;
3. Is designed to operate at a speed of not more than thirty-five (35) miles per hour;
4. Is designed to carry not more than six (6) persons, including the driver;
5. Has a maximum gross vehicle weight of two thousand five hundred (2,500) pounds;
6. Has a maximum rated payload capacity of one thousand two hundred (1,200) pounds; and
7. Meets the federal motor vehicle safety standards for low-speed vehicles set forth in 49 C.F.R. sec. 571.500.

**LOW-SPEED VEHICLE.** A motor vehicle that:

1. Is self-propelled using an electric motor, combustion-driven motor, or a combination thereof;
2. Is four (4) wheeled; and
3. Is designed to operate at a speed not to exceed twenty-five (25) miles per hour as certified by the manufacture[.];**and**
- 4. The vehicle meets the federal motor vehicle safety standards for low-speed vehicles set forth in 49 C.F.R. 565; and**
- 5. The vehicle displays a seventeen (17) character vehicle identification number that meets the requirements set forth in 49 C.F.R. 565; and**

**6. The low-speed vehicle has not been modified to increase its speed above its original standard manufactured limit.**

**MOPED.** Either 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 rate 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.

**MOTORCYCLE.** Any motor driven vehicle having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, but excluding tractors and vehicles on which the operator and passengers ride in an enclosed cab. Motorized scooters with a cylinder capacity exceeding 50 cubic centimeters or that are capable of operating a maximum speed of more than 30 miles per hour are classified as motorcycles for purposes of this chapter.

**MOTORIZED SCOOTER.** A vehicle with two wheels that are no more than 10 inches in diameter, has handlebars, is propelled by a gas or electric motor, and is designed to be stood or sat upon by the operator.

**OPERATOR.** Any person in actual control of a bicycle, foot scooter, moped, motorized scooter, or motorcycle upon a highway.

**UTILITY VEHICLE. A vehicle designed and manufactured for general maintenance, security, and landscaping purposes, but does not include any vehicle designed or used primarily for the transportation of persons or property on a street or highway, a golf cart, or an all-terrain vehicle as defined in KRS 189.010.**

Section 2

That section 74.30, Low-Speed Vehicles, Golf Carts, and Utility Vehicles on Public Roadways, of the Covington Code of Ordinances is hereby amended to read as follows:

§ 74.30 Operation of Low-Speed Vehicles, Golf Carts, and Utility Vehicles on Public Roadways.

~~[No low-speed vehicle, golf cart, or utility vehicle may be operated or driven on any public roadway, street or highway within the City.]~~

**(A) No low-speed vehicle, unless operated pursuant to Subsection (B) herein, golf cart, or utility vehicle may be operated or driven on any public roadway, street or highway within the City.**

**(B) Low Speed Vehicles, as defined in § 74.01, may be operated on City roadways between the borders of the Ohio River, Licking River, up to an including 12<sup>th</sup> Street/MLK Boulevard and Philadelphia Street, provided the following conditions are met:**

**(1) The posted speed limit of the City roadway is thirty-five (35) miles per hour or less; and**

**(2) The operator of the low-speed vehicle does not cross a roadway at an at-grade intersection where the roadway being crossed has a posted speed limit of more than thirty-five (35) miles per hour unless the intersection is equipped with an electronic traffic signal; and**

**(3) The operator has a valid operator's license in his or her possession; and**

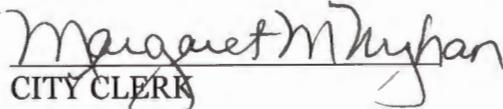
**(4) The operator and vehicle being operated comply with all other applicable provisions of Covington, Kentucky, and United States laws.**

Section 3

This ordinance shall take effect and be in full force when passed and recorded according to law.

  
MAYOR

ATTEST:

  
CITY CLERK

Passed: 8-28-18 (Second Reading)

8-14-18 (First Reading)