

ORDINANCE NO. 03-2021

AN ORDINANCE OF THE CITY OF FORT WRIGHT IN KENTON COUNTY KENTUCKY, AMENDING CHAPTER 71, ENTITLED TRAFFIC CODES, IN THE FORT WRIGHT CODE OF ORDINANCES, ADDING A NEW SECTION 71.06 PROHIBITING THE OPERATION OF COMMERCIAL TRUCKS ON EAST HENRY CLAY AND WEST HENRY CLAY IN THE CITY OF FORT WRIGHT, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the City has suffered and is currently suffering from a serious risk of significant injury to both persons and property from larger commercial trucks driving on certain city streets that are not designed for them, nor capable of handling the trucks' size and weight; the property damage is both to the city streets, to the yards and improvements of property owners on said streets, and to other vehicles on said streets;

BE IT ORDAINED BY THE CITY OF FORT WRIGHT, IN KENTON COUNTY, KENTUCKY, AS FOLLOWS:

SECTION 1

Chapter 71, entitled "Traffic Rules" in the Fort Wright Code of Ordinances, is hereby amended to add a new section 71.06 entitled "Trucks Prohibited on Certain Streets", as follows:

71.06 Trucks Prohibited on Certain Streets

(A) Definitions: As used herein, the following words and phrases have the meanings indicated for them:

(1) The word "anybody" means any human being, or any organization or combination thereof, in the form of a corporation, partnership, joint venture, unincorporated association or otherwise.

(2) The words "commercial truck" mean any motor vehicle with a gross vehicle weight rating (GVWR) of more than 33,000 pounds.

(3) The words "motor vehicle" mean any wheeled vehicle propelled by any means other than gravity or muscular power.

(4) The word "nobody" means no human being, or any organizations or combination thereof, in the form of a corporation, partnership, joint venture, unincorporated association or otherwise.

(5) The word "sign" means a sign designed, made, installed, and maintained according to the specifications of the Bureau of Highways of the Transportation Cabinet of the Commonwealth of Kentucky.

(B) Sign Location: The Public Works Department of the City of Fort Wright shall cause signs prohibiting commercial trucks to be installed, located and maintained at the following locations:

(1) Within the southern side of the right of way of the street identified and known as East Henry Clay in the vicinity thereof in the right of way near 200 Kyles Lane so that the sign is facing motor vehicle traffic proceeding in an easterly direction on East Henry Clay.

(2) Within the northern side of the right of way of the street identified and known as East Henry Clay in the vicinity thereof in the right of way near 1206 East Henry Clay so that the sign is facing motor vehicle traffic proceeding in a westerly direction on East Henry Clay.

(3) Within the northern side of the right of way of the street identified and known as West Henry Clay in the vicinity thereof in the right of way near 117 Kyles so that the sign is facing motor vehicle traffic proceeding in a westerly direction on West Henry Clay.

(C) Prohibition: Nobody shall cause, promote, aid, assist, encourage, allow, or engage in the operation of any commercial truck with a gross vehicle weight rating of more than 33,000 pounds (including the load) to travel on or use any portion of the following city streets as a thoroughfare, except in connection with and in the ordinary course of business such as loading and/or unloading for the purpose of the delivery of goods and services from a seller to a buyer who is either a resident or owner of real estate which is contiguous to any portion of the street on either:

(1) Any portion of the street identified and known as East Henry Clay Drive;

(2) Any portion of the street identified and known as West Henry Clay Drive.

(D) Penalties: Each violation and every other failure to comply with the provisions of this ordinance shall be a violation; and each day of the continuation thereof shall be a separate and distinct offense for which everybody convicted thereof in a court of competent jurisdiction shall be sentenced to pay a criminal fine not to exceed the maximum amount of \$250.00 as set forth in K.R.S. 534.040(2)(c).

SECTION 2

Any and all Ordinances in conflict with this Ordinance shall be, and hereby are, repealed to the extent of said conflict.

SECTION 3

If any part of this ordinance or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this ordinance are severable.

SECTION 4

That this ordinance shall become effective upon its passage and shall be published under KRS 83A.060(9) and other applicable law. This ordinance may be published by summary.

Passed by City Council on May 5, 2021

CITY OF FORT WRIGHT, KENTUCKY

By: _____

David Hatter, Mayor

ATTEST:

Maura Russell

Maura Russell, City Clerk

FIRST READING:

April 7, 2021

SECOND READING:

May 5, 2021

PUBLICATION:

May 10th, 2021

NOTICE OF ADOPTION, TITLE AND SUMMARY OF
CITY OF FORT WRIGHT, KENTUCKY
ORDINANCE NO. 03-2021

I certify that the following is the Title and Summary of Ordinance No. 03-2021 of the City of Fort Wright, in Kenton County, Kentucky, which was adopted on the 5th day of May, 2021:

Title of the Ordinance

ORDINANCE NO. 03-2021: AN ORDINANCE OF THE CITY OF FORT WRIGHT, IN KENTON COUNTY, KENTUCKY, AMENDING CHAPTER 71, ENTITLED TRAFFIC CODES, IN THE FORT WRIGHT CODE OF ORDINANCES, ADDING A NEW SECTION 71.06 PROHIBITING THE OPERATION OF COMMERCIAL TRUCKS ON EAST HENRY CLAY AND WEST HENRY CLAY IN THE CITY OF FORT WRIGHT, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

Summary of the Ordinance

Ordinance 03-2021 provides as follows: SECTION I – Chapter 71, entitled “Traffic Rules” in the Fort Wright Code of Ordinances, is hereby amended to add a new section 71.06 entitled “Trucks Prohibited on Certain Streets”, as follows:

71.06 Trucks Prohibited on Certain Streets

(A) Definitions: As used herein, the following words and phrases have the meanings indicated for them:

- (1) The word “anybody” means any human being, or any organization or combination thereof, in the form of a corporation, partnership, joint venture, unincorporated association or otherwise.
- (2) The words “commercial truck” means any motor vehicle with a gross vehicle weight rating (GVWR) of more than 33,000 pounds.
- (3) The words “motor vehicle” mean any wheeled vehicle propelled by any means other than gravity or muscular power.
- (4) The word “nobody” means no human being, or any organizations or combination thereof, in the form of a corporation, partnership, joint venture, unincorporated association or otherwise.
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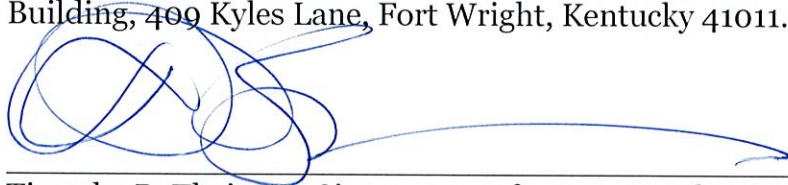
(C) Prohibition: Nobody shall cause, promote, aid, assist, encourage, allow, or engage in the operation of any commercial truck with a gross vehicle weight rating of more than 36,000 pounds (including the load) to travel on our use any portion of the following city streets as a thoroughfare, except in connection with and in the ordinary course of business such as loading and/or unloading for the purpose of the delivery of goods and services from a seller to a buyer who is either a resident or owner of real estate which is contiguous to any portion of the street on either:

(1) Any portion of the street identified and known as East Henry Clay Drive;

(2) Any portion of the street identified and known as West Henry Clay Drive.

(D) Penalties: Each violation and every other failure to comply with the provisions of this ordinance shall be a violation; and each day of the continuation thereof shall be a separate and distinct offense for which everybody convicted thereof in a court of competent jurisdiction shall be sentenced to pay a criminal fine not to exceed the maximum amount of \$250.00 as set forth in K.R.S. 534.040(2)(c).

I, Timothy B. Theissen, an attorney licensed to practice law in the Commonwealth of Kentucky, for Strauss Troy, L.P.A., City Attorney for the City of Fort Wright, in Kenton County, Kentucky, do hereby certify that this Notice of Adoption, Title and Summary of **Ordinance No. 03-2021** was prepared by me, and that it represents an accurate description of the summary of the contents of the Ordinance. The full text of the Ordinance, its Exhibits, and other information relative to the Ordinance, are on file at the office of the City Clerk of the City of Fort Wright, Kentucky, in the Fort Wright Municipal Building, 409 Kyles Lane, Fort Wright, Kentucky 41011.



Timothy B. Theissen, City Attorney for Fort Wright, Kentucky
Strauss Troy, L.P.A.

City Clerk Certification of Ordinance

The Undersigned, Maura Russell, City Clerk of the City of Fort Wright, in Kenton County, Kentucky, hereby certifies as follows:

1. The foregoing Ordinance No. 03-2021 was introduced in writing and read to the City Council of the City of Fort Wright at a regular or special meetings thereof on April 7, 2021 and on May 5, 2021 at which quorums were present; said Ordinance was enacted by the City Council of the City of Fort Wright upon affirmative vote of at least a majority of a quorum thereof at the meeting on May 5, 2021, with the vote of each member of the City Council entered in the official record of such meeting; and
2. After passage and adoption of the foregoing Ordinance by the City Council of the City of Fort Wright, it was submitted to the Mayor of the City of Fort Wright who approved said Ordinance by affixing his signature thereto within ten (10) days after the submission thereof to him; and
3. The foregoing Ordinance was published on May 10, 2021 in the Kentucky Enquirer, a newspaper qualified therefore, pursuant to the provisions of KRS 424.



Maura Russell, City Clerk
City of Fort Wright

ENQUIRER MEDIA

PART OF THE USA TODAY NETWORK

Advertiser:

CITY OF FORT WRIGHT
409 KYLES LN

COVINGTON KY 41011

AFFIDAVIT OF PUBLICATION

Newspaper: CIN-EN Kentucky Enquirer

LEGAL NOTICE

State of Wisconsin

ATTACHED

RE: Order # 0004725048

Account #: CIN-383530
Total Cost of the Ad: \$436.60

Last Run Date: 05/10/2021

I, Kathleen Allen
of the The Enquirer, a newspaper printed in Cincinnati, Ohio and published in Cincinnati, in said County
and State, and of general circulation in said county, and as to the Kentucky Enquirer published in Ft. Mitchell,
Kenton County, Kentucky, who being duly sworn, depose and saith that the advertisement of which the
annexed is a true copy, has been published in the said newspaper times, once in each issue as follows:

05/10/2021

Kathleen Allen

Subscribed and sworn to before me this 1st day of June, 2021

Shelly Hora
Notary Public

8-23
Commission expires

SHELLY HORA
Notary Public
State of Wisconsin

**NOTICE OF ADOPTION,
TITLE AND SUMMARY OF
CITY OF FORT WRIGHT,
KENTUCKY ORDINANCE
NO. 03-2021**

I certify that the following is the Title and Summary of Ordinance No. 03-2021 of the City of Fort Wright, in Kenton County, Kentucky, which was adopted on the 5th day of May, 2021:

Title of the Ordinance
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AN ORDINANCE OF THE
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COMMERCIAL TRUCKS ON
EAST HENRY CLAY AND
WEST HENRY CLAY IN
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Strauss Troy, L
This advertisement was paid for by the City of Fort Wright, Kentucky, using taxpayer dollars in the amount of \$436.60.
KY, May 10, '21 #4725048