

ORDINANCE NO. **BG2026 – 16**
As Amended

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 21 (PUBLIC
INFRASTRUCTURE, RIGHTS-OF-WAY AND
STORMWATER) OF THE CITY OF BOWLING
GREEN CODE OF ORDINANCES TO ADD
SUBCHAPTER 21-7 (PEDESTRIAN SAFETY IN
RIGHTS-OF-WAY)

WHEREAS, the presence of individuals remaining physically stationary in narrow medians, highway shoulders, and exit ramps presents a significant safety risk to both pedestrians and motorists, Kentucky lacked a clear statewide standard in the law for this behavior, and law enforcement agencies have reported an increase in dangerous pedestrian presence in non-pedestrian portions of the state-maintained rights-of-way; and,

WHEREAS, the 2026 General Assembly of the Commonwealth of Kentucky promoted roadway safety by restricting stationary pedestrian behavior in state rights-of-way that were not designed or designated for pedestrian use; and,

WHEREAS, during the 2026 legislative session, House Bill 189 was enacted by the General Assembly of the Commonwealth of Kentucky, creating a new section of the Kentucky Revised Statute (KRS) Chapter 189, which prohibits pedestrians from remaining physically stationary in state-maintained rights-of-way not intended for pedestrian use; and,

WHEREAS, House Bill 189 allows a local government, in coordination with the Kentucky Transportation Cabinet, to authorize limited exceptions through objective and safety-based permitting; and,

WHEREAS, it is in the best interest of the city to adopt an ordinance for pedestrian safety in city-maintained rights-of-way and to create a permitting process whereby residents may obtain authorization to use state and city rights-of-way as pedestrians when approved by the city.

NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, Kentucky as follows:

1. Chapter 21 (Public Infrastructure, Rights-of-Way and Stormwater) is hereby amended as follows:

21-7 PEDESTRIAN SAFETY IN RIGHTS-OF-WAY.

21-7.01 Definitions.

As used in this Subchapter:

“City-maintained rights-of-way” shall mean any land, property, or infrastructure under the jurisdiction or maintenance of the City of Bowling Green that is used by the public for transportation purposes, including but not limited to travel lanes, paved and unpaved shoulders, medians, entrance and exit ramps, and adjacent grassy or drainage areas not designated for pedestrian use.

"Local government" shall mean any city, county, consolidated local government, urban-county government, charter county government, or unified local government.

"State-maintained rights-of-way" shall mean any land, property, or infrastructure under the jurisdiction or maintenance of the Kentucky Transportation Cabinet that is used by the public for transportation purposes, including but not limited to travel lanes, paved and unpaved shoulders, medians, entrance and exit ramps, and adjacent grassy or drainage areas not designated for pedestrian use.

“Physically Stationary” shall mean any person who is sitting, kneeling, reclining, standing, lying down or remaining in a fixed position.

21-7.02 Pedestrian Safety Regulations.

a. Pursuant to HB 189 of the 2026 Kentucky Legislative Session, no pedestrian shall remain physically stationary as defined above in any portion of state-maintained rights-of-way that is not designated for pedestrian use without a permit as proscribed in the next section.

b. No pedestrian shall remain physically stationary as defined above in any portion of applicable city-maintained rights-of-way without a permit as proscribed in the next section.

c. As part of the permitting process, pedestrians remaining stationary, in state-rights-of-way or applicable city-maintained rights-of-way shall be required to have safety measures in place including, but not limited to cones, vests, or other safety items required by the Bowling Green Police Department when operating in public rights-of-way.

d. Any permit granted shall require operating hours from daylight to dusk.

e. Nothing in this section shall authorize entry into any roadway, which is prohibited by Kentucky Revised Statute (KRS) Chapter 189.

f. The Kentucky Transportation Cabinet may promulgate administrative regulations in accordance with KRS Chapter 13A to define minimum pedestrian safety standards for state-maintained rights-of-way.

21-7.03 Required Permit; Fee; Exceptions.

A Pedestrian Safety Permit is required for activity in state-maintained rights-of-way and city-maintained rights-of-way on arterial and major collector roadways, shown on the Pedestrian Safety Permit map accessible from the official City of Bowling Green website at <https://www.bgky.org/pedestrian-safety-permit/map>.

a. The Pedestrian Safety Permit application shall be submitted to the Office of City Clerk of the City's Department of Law, a minimum of ten (10) business days prior to the planned use of the state or City rights-of-way~~[, with a fee of twenty dollars (\$20) per day]~~.

b. The application shall include the name, address and contact information for the applicant, as well as the location, day, time and purpose in order to determine safety requirements and approval. The application shall also contain any safety measures proposed by the applicant.

c. The City reserves the right to request additional information it deems necessary for safety reasons upon receipt of a permit application.

d. This section shall not apply to, nor shall a permit be required for the following:

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1. Individuals experiencing a medical emergency;
 2. Individuals involved in a vehicle-related emergency, provided they remain in the immediate area of the vehicle;
 3. Individuals residing on the property and guests;
 - [3]4. Emergency personnel or public utility workers performing their official duties;
- or,
- [4]5. Persons located within a pedestrian-designated area such as a sidewalk, marked crosswalk, or transit stop.

21-7.04 Standards for Issuance of Permit.

The City Clerk's Office shall issue a permit as provided for herein when, after consideration of the application and review by the Bowling Green Police Department and the Public Works Department, it finds that:

- a. The location is such that safety measures can be put into place to protect the applicant;
- b. The location will not cause undue hardship for adjacent businesses or residents, including, but not limited to, access barriers, property damage, forced closures and/or endangering the safety of individuals;
- c. The location will not result in undue traffic congestion;
- d. The location is not the subject of other permits at the same time or the subject of road or utility work; and,
- e. The application does not contain incomplete or false information.

21-7.05 Notice of Rejection or Approval of Application for Permit; Appeals.

- a. The City Clerk's Office shall prepare and sign a letter to the applicant advising the applicant whether the application for permit is approved or denied, and, if denied, the reasons for the denial.

b. Any person aggrieved by denial of an application for permit shall have the right to appeal the denial to the City Attorney by submitting an appeal in writing to the Department of Law within seven (7) business days after the date of the denial. The City Attorney shall act upon the appeal within seven (7) business days after receipt of the appeal. The decision of the City Attorney shall be final.

21-7.06 Enforcement; Penalties; Suspension or Revocation of Permit.

a. Enforcement proceedings for failure to obtain a permit or violation of permit requirements shall be initiated by issuance of a notice of violation or a citation by any City Police Officer or Citation Officer as set out in Chapter 2 (Administration) of this Code of Ordinances, and may subject the violator to civil fines as set out in Subchapter 27-7 (Penalties) of the City of Bowling Green Code of Ordinances. Enforcement proceedings for a violation of KRS Chapter 189 shall be initiated by the issuance of a warning or citation by any City Police Officer, and issuance of a citation shall result in proceedings in Warren District Court and subject the violator to the penalties provided by the Kentucky Revised Statutes.

b. The City Clerk's Office may suspend or revoke the permit of any person that violates the provisions of this Subchapter for any reason for which the permit could have been denied, as well as any violation of the Kentucky Revised Statutes (KRS) or City of Bowling Green Code of Ordinances. Any suspension or revocation shall be in writing, setting forth the basis for the suspension or revocation.

c. The applicant or permittee may request an appeal in writing to the City Attorney within seven (7) business days following the date of the suspension or revocation. The City Attorney shall review the record and the basis for the suspension or revocation and may meet with the applicant or permittee. The decision of the City Attorney shall be final. The applicant or permittee shall be required to cease activities in the rights-of-way until a final determination is made.

2. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect

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the validity of the remainder of this Ordinance.

3. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

4. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on September 1, 2026, and given final reading on September 15, 2026, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

ADOPTED: September 15, 2026

APPROVED: 
Mayor, Chairman of Board of Commissioners

ATTEST: 
City Clerk

SPONSORED BY: Sue Parrigin, Commissioner
Ordinance No. BG2026-16 was amended at the September 1, 2026 Board of Commissioners meeting.