

**ORDINANCE NO. 2021-O-01**

**AN ORDINANCE AMENDING SECTION 72 OF THE INDEPENDENCE CODE OF ORDINANCES RELATED TO MOTOR VEHICLE PARKING REGULATIONS**

**WHEREAS** the City of Independence passed various Ordinances that comprise Section 72 of the Independence Code of Ordinances; and

**WHEREAS**, the City is desirous to amend the Motor Vehicle Parking Regulations.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY OF INDEPENDENCE, COUNTY OF KENTON, COMMONWEALTH OF KENTUCKY:**

**SECTION I**

*Items in Bold and underlined are new and items stricken through are to be deleted.*

**72.01 OBSTRUCTIONAL PARKING; DOUBLE PARKING.**

(A) It shall be unlawful for any person to leave any vehicle or any other thing that may be a nuisance, obstruction, or hindrance in or on any street, alley, or sidewalk within the city either during the day or night.

(B) It shall be unlawful for any person to stop or park any vehicle on the roadway side of any other vehicle stopped or parked at the edge or curb of a street.

**§ 72.02 MANNER OF PARKING.**

(A) It shall be unlawful 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 inches of and parallel with the curb, 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.

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

(D) The city 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 therefor would be within ten (10) feet of the center line of any street. Such diagonal parking places shall be designated 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 unlawful 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.

### **§ 72.03 LIMITATIONS OF STOPPING AND PARKING.**

It shall be unlawful 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 § 72.02.

(B) On the curbs or sidewalks in the city.

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

(D) In front of a public or private driveway.

(E) Within an intersection or crosswalk.

(F) At any place where official signs prohibit stopping or parking. This does not apply to police officers when operating properly identified vehicles during the performance of their official duties.

(G) Within thirty (30) feet of any flashing beacon, traffic sign, or traffic-control device.

(H) No person shall move a vehicle not lawfully under his control into any such prohibited area.

(I) It shall be unlawful for any person to park any type of motor vehicle, motorcycle, or other motor-propelled vehicle in any area of the city which has been designated as a no-parking zone.

(J) No person shall park any type of motor vehicle, motorcycle, or other motor-propelled vehicle on the north side of Independence Road from its intersection with Madison Pike to the corporation line of the city.

### **§ 72.04 RESTRICTIONS AND PROHIBITIONS ON DESIGNATED STREETS.**

(A) The provisions of this section prohibiting the stopping and parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control devices.

(B) The provisions of this section imposing a time limit on parking shall not relieve any person from his duty to observe other and more restrictive provisions prohibiting or limiting the stopping or parking of vehicles in specific places or at specified times.

(C) When signs are erected in compliance with the provisions of division (F) below giving notice thereof, no person shall park a vehicle at any time on any street so marked by official signs.

(D) When a curb has been painted in compliance with the provisions of division (F) below, no person shall park a vehicle at any time at or adjacent to any curb so marked.

(E) When signs are erected in compliance with the provisions of division (F) below, in each block giving notice thereof, no person shall park a vehicle between the hours specified by official signs on any day except Sundays on any street so marked.

(F) (1) The city shall determine on what streets or portions thereof stopping or parking shall be restricted or prohibited. Whenever under authority of or by this traffic code or any other ordinance any parking limit is imposed or parking is prohibited on designated streets, or parking areas are

restricted to parking for persons with disabilities, appropriate signs shall be erected giving notice thereof. However, in lieu of erecting such signs or in conjunction therewith, the face and top of a curb or curbs at or adjacent to which parking is prohibited at all times may be painted a solid yellow color.

(2) No such regulations or restrictions shall be effective unless the signs have been erected and are in place or the curbs are painted yellow at the time of any alleged offense, except in the case of those parking restrictions which by their very nature would not require such signs and markings.

(G) When signs are erected in compliance with divisions (F) above in each block giving notice thereof, no person shall park a vehicle for a time longer than specified on official signs any day except Sunday and on any street so marked.

#### **§ 72.05 PARKING RESTRICTED TO ALLOW STREET CLEANING.**

The city is authorized to designate street cleaning areas and shall provide suitable signs and markings on the street to be cleaned, restricting parking on that particular day. It shall be unlawful for the operator of any vehicle to stop on any street so designated.

#### **§ 72.06 PARKING IN EXCESS OF CERTAIN NUMBER OF HOURS PROHIBITED; TOWING AUTHORIZED.**

It shall be unlawful for anyone to park in any one place any vehicle on any of the public ways or streets of the city for a period of seventy-two (72) hours or longer. Any vehicle left parked in any one place on any of the public ways or streets of the city for a period of seventy-two (72) hours or longer shall be deemed abandoned, and shall be subject to the regulations of the city pertaining to abandoned motor vehicles as set forth in Chapter 90.

#### **§ 72.07 PARKING ON PARADE ROUTE.**

(A) The Chief of Police or other authorized city official shall have the authority, whenever in his judgment it is necessary, to prohibit or restrict the parking of vehicles along a street or part thereof constituting a part of the route of a parade or procession, to erect temporary traffic signs to that effect, and to prohibit and prevent such parking.

(B) It shall be unlawful to park or leave unattended any vehicle in violation of such signs or directions.

#### **§ 72.08 PARKING ON OFF-STREET FACILITY.**

It shall be unlawful for the driver of a motor vehicle to park or abandon the vehicle or drive on or otherwise trespass on another's property, or on an area developed as an off-street parking facility, without the consent of the owner, lessee, or person in charge of any such property or facility. If at any time a vehicle is parked, abandoned, or otherwise trespasses in violation of the provisions of this section, a warrant may be obtained in District Court by the owner, lessee, or person in charge of the property or facility, and the Police Department, on written complaint of the owner, lessee, or person in charge, shall remove or cause to be removed the vehicle in accordance with the provisions of §§ 72.20 through 72.22.

### **§ 72.09 OWNER RESPONSIBILITY.**

If any vehicle is found illegally parked in violation of any provisions of this subchapter regulating stopping, standing, or parking of vehicles, and the identity of the driver cannot be determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for the violation.

### **§ 72.10 PARKING IN PARKS.**

It shall be unlawful for any person to park any motor vehicle in or on any section of any public park, playground, play lot, or tot lot within the city not designed as a parking area or designed and regularly maintained as a roadway. However, nothing contained in this section shall be construed as prohibiting the parking of a motor vehicle parallel to a designated and regularly maintained roadway in any such park or playground where at least two wheels of the motor vehicle are resting on such roadway.

### **§ 72.11 DISPLAY OF PARKED VEHICLE FOR SALE.**

It shall be unlawful to park a motor vehicle displayed for sale or a motor vehicle on which demonstrations are being made on any street.

### **§ 72.12 PARKING FOR PERSONS WITH DISABILITIES.**

(A) Any other provision to the contrary notwithstanding, a motor vehicle bearing a decal in its front windshield issued by the County Clerk pursuant to appropriate county ordinances for persons with disabilities, when operated by a person with a disability or when transporting a person with disabilities, may be parked in a designated parking place for persons with disabilities, or when parked in a metered parking space may be parked for two (2) hours for no fee, or when parked where any parking limit is imposed may be parked for two (2) hours in excess of the parking limit. The motor vehicle may be parked in a loading zone for that period of time necessary to permit entrance or exit of the persons with disabilities to or from the parked vehicle, but in no circumstances longer than thirty (30) minutes.

(B) This section shall not permit parking in a "no stopping" or "no parking" zone nor where parking is prohibited for the purpose of creating a fire lane or to accommodate heavy traffic during morning, afternoon, or evening hours, nor permit a motor vehicle to be parked in such a manner as to constitute a traffic hazard.

### **§ 72.13 TRUCKS OVER ONE TON IN CAPACITY PROHIBITED FROM PARKING IN RESIDENTIAL AREAS.**

It is unlawful for trucks of over one ton in capacity to be parked anywhere in the city on a residential street. A residential street shall be defined as an area where a majority of the buildings on a particular street are used for residential purposes.

### **§ 72.14 FIRE LANES.**

A fire lane is hereby designated for emergency vehicles on the side of the street where the water hydrants are located. In the event there are no water hydrants on a street, the right-hand side of the street shall be designated a fire lane as one enters the city street from the main thoroughfare. It shall be illegal for anyone to park or leave standing any motor vehicle in any fire

lane in the city or on any turnaround or circle at the end of a dead-end street. This shall apply to all city streets.

**§ 72.15 ABANDONMENT PROHIBITED.**

It shall be unlawful to abandon any automobile or other vehicle anywhere in the city limits, including roadways. A vehicle shall be deemed to be abandoned if one or more of the following has occurred: one or more of the vehicle's tires has been deflated, the vehicle's registration has expired, the vehicle is inoperable, or the vehicle is leaking a substantial amount of engine fluids or has sustained severe body damage. Abandoned vehicles on city roadways are subject to an immediate tow order by the Independence Police Department.

**§ 75.16 IMPROPER REGISTRATION PLATE.**

No person shall park a motor vehicle on any street, alley, or public lot within the city without a valid registration plate affixed to the vehicle. Such registration plate must comply with KRS 186.020.

**§ 72.17 PROHIBITED PARKING GENERALLY.**

No person shall cause, permit, encourage, aid, assist or engage in the location of a parked motor vehicle in the city in any of the following areas:

(A) Within 20 feet of any intersection of public streets or ways;

(B) Within ten feet of any fire hydrant;

(C) Within eight feet of any private driveway, other than a driveway located within a circular cul-de-sac or turn-around at the end of the street;

(D) On any public street or way in the opposite direction of the direction in which motor vehicles may be legally operated on that side of the street or way on which the parked motor vehicle is located;

(E) On any street or public way in the city for a continuous period in excess of 72 hours; and

(F) No parking within 20 feet of stop sign, no parking within 20 feet of any intersection of public streets and more than 20 feet if police and Public Works suggest through executive order.

(G) Nobody shall cause, permit, allow, aid, assist, encourage or engage in either the parking on any other location of any motor vehicle upon any area of ground which is either unpaved or paved with something other than concrete or blacktop, or the use of any such area of ground therefor, except that any such area of ground which was used therefor at the time of the enactment of this section may be continued to be used therefor, so long as all portions thereof are continuously covered with at least two inches of gravel.

**§ 72.18 BOATS AND TRAILERS ON PUBLIC WAYS.**

Nobody shall cause, permit, allow, assist, encourage or engage in the location of either a boat or a trailer, separately or in combination with each other, upon any street or other public way within the city, except for boats and trailers in the process of being towed by a motor vehicle.

### **§ 72.19 PARKED TRAILERS PROHIBITED.**

Nobody shall cause, permit, allow, assist, encourage or engage in the location of any parked trailer upon any street or other public way within the city for any period of time in excess of 72 continuous hours.

## **IMPOUNDING**

### **§ 72.20 IMPOUNDMENT OF VEHICLES AUTHORIZED.**

(A) All police officers are empowered to authorize the impoundment of a vehicle violating vehicle-related ordinances after a citation has been issued.

(B) A vehicle slated for impoundment will be tagged and placed under control of the Police Department. Should a vehicle be moved without the consent and approval of the Police Department a warrant shall be issued immediately for the violator's arrest.

(C) All fines, fees, and charges must be paid in full before a release of impoundment can be issued for the vehicle's release. Included herein shall be a handling fee of seventy five (\$75.00) dollars payable to the City of Independence for the time of the officers utilized for the impoundment, all pursuant to KRS 82.625.

### **§ 72.21 REQUIRED NOTICE TO OWNER.**

(A) When a motor vehicle has been involuntarily towed or transported pursuant to order of police, other public authority, or private person or business for any reason or when the vehicle has been stolen or misappropriated and its removal from the public ways has been ordered by police, other public authority, or by private person or business, or in any other situation where a motor vehicle has been involuntarily towed or transported by order of police, other authority, or by private person or business, the police, other authority, or private person or business shall attempt to ascertain from the State Transportation Cabinet the identity of the registered owner of the motor vehicle or lessor of a motor carrier as defined in KRS Chapter 281 and within ten business days of the removal shall, by certified mail, attempt to notify the registered owner at the address of record of the make, model, license number, and vehicle identification number of the vehicle, of the location of the vehicle, and of the requirements for securing the release of the motor vehicle.

(B) In the event that a vehicle described in division (A) is placed in a garage or other storage facility, the owner of the facility shall attempt to provide the notice provided in division (A) by certified mail to the registered owner at the address of record of the motor vehicle or lessor of a motor carrier as defined in KRS Chapter 281 within ten business days of recovery of, or taking possession of the motor vehicle. This notice shall contain the information as to the make, model, license number, and vehicle identification number of the vehicle, the location of the vehicle, and the amount of reasonable charges for towing, recovery, storage, transporting, and other applicable charges due on the vehicle. When the owner of the facility fails to provide notice as provided herein, the motor vehicle storage facility shall forfeit all storage fees accrued after ten business days from the date of tow. This division (B) shall not apply to a tow lot or storage facility owned or operated by the city.

### **§ 72.22 SALE OF VEHICLE.**

(A) (1) Any person engaged in the business of storing or towing motor vehicles, who has substantially complied with the aforementioned requirements of this section, shall have a lien on the motor vehicle and its contents, except as set forth in division (B) of this section, for the

reasonable or agreed charges for towing, recovery, storage, transporting, and other applicable charges due on the vehicle, as long as it remains in his possession.

(2) Prior to payment of fees and release of a vehicle, a towing or storage company shall not refuse the right of physical inspection of the towed vehicle by the owner or an insurance company representative. Release of the vehicle shall occur to the owner or insurance company representative upon payment and consent of the release from the owner or the owner's authorized representative. Each additional service shall be set forth individually as a single line item in the bill with an explanation and the exact charge for the service.

(3) If after a period of forty-five (45) days, the reasonable or agreed charges for towing, recovery, storage, transporting, and other applicable charges due on a motor vehicle and its contents have not been paid, the motor vehicle and its contents, except as set forth in division (B) of this section, may be sold to pay the charges after the owner has been notified by certified mail ten (10) days prior to the time and place of the sale. If the proceeds of the sale of any vehicle pursuant to this section are insufficient to satisfy accrued charges for towing, transporting, and storage, the sale and collection of proceeds shall not constitute a waiver or release of responsibility for payment of unpaid towing, transporting, and storage charges by the owner or responsible casualty insurer of the vehicle. A lien on a vehicle under this subsection shall be subject to prior recorded liens.

(4) A lien holder having a prior recorded lien listed on the title issued by the Commonwealth of Kentucky shall be notified by certified mail within the first fifteen (15) days of impoundment. The letter shall include the make, model, license number, vehicle identification number, owner's name and last known address, and tentative date of sale for the vehicle. If the above-referenced certified letter is not sent within the fifteen (15) days by the towing and storage company, then only fifteen (15) days of storage may be charged. The lien holder has the right to take possession of the motor vehicle after showing proof of lien still enforced, and paying the reasonable or agreed towing and storage charges on the motor vehicle. Nothing in this section shall allow the transfer of a vehicle subject to a lien, except as provided in KRS 186A.190.

(B) Division (A) of this section shall not apply to the following contents of a motor vehicle, which shall be released to the vehicle owner or the owner's designated agent upon request, if the request is made within forty-five (45) days of the date the vehicle was towed:

- (1) Prescription medication in its proper container;
- (2) Personal medical supplies and equipment or records;
- (3) Educational materials, including but not limited to calculators, books, papers, and school supplies;
- (4) Documents, files, electronic devices, or equipment which may be able to store personal information or information relating to a person's employment or business;
- (5) Firearms and ammunition. Notwithstanding the provisions of division (C) of this section, firearms and ammunition which are not claimed by the owner of the vehicle within forty-five (45) days of the date the vehicle was towed shall be transferred to the Department of Kentucky State Police for disposition as provided by KRS 16.220;
- (6) Cargo in the possession of persons engaged in transportation in interstate commerce as registered under KRS 186.020;
- (7) Cargo in the possession of an integrated intermodal small package carrier as defined by KRS 281.605(12);
- (8) Child restraint systems or child booster seats; and
- (9) Checks, checkbooks, debit or credit cards, money orders, stocks, or bonds.

(C) Except as provided for in division (B)(5) of this section, any contents exempted under division (B) of this section that are not claimed by the owner of the vehicle within forty-five (45) days of the date the vehicle was towed may be sold or otherwise legally disposed of by the storage or towing company.

(D) The storage or towing company shall not be responsible for contents in a vehicle's trunk or other locked compartment to which the storage or towing company is without access, unless the towing company intentionally opens the area without the owner's consent.

## **SNOW EMERGENCY**

### **§ 72.35 ANNOUNCEMENT OF SNOW EMERGENCY.**

Except as set forth in (C) of this section, no person shall cause or permit any motor vehicle to be parked upon the pavement or right-of-way of any portion of any city street at any time during which:

(A) There is an accumulation of snow and/or ice upon any portion of the streets or highways of two (2") inches or more in depth; or

(B) Whenever the Mayor, Chief of Police, or other city official authorized by the Mayor, finds that snow, sleet, or freezing rain will create a condition which mandates that the parking of motor vehicles on city streets be prohibited, or whenever he finds on the basis of a firm forecast of snow, sleet, or freezing rain that the weather conditions so forecasted may create a condition making it necessary that such parking be prohibited, he is authorized to announce the prohibition, to become effective at a time specified by him.

(C) If snow, sleet, or freezing rain occurs after 11:00 p.m. and prior to 6:00 a.m., and the Mayor, Chief of Police, or other city official authorized by the Mayor has not announced prior to 11:00 p.m. that parking on city streets is to be prohibited after a specified time, a vehicle parked on a city street may remain so parked only until 6:00 a.m.

### **§ 72.36 TERMINATION OF EMERGENCY.**

The parking prohibition announced by the Mayor, Chief of Police, or other city official authorized by the Mayor, under the authority of this chapter, shall remain in effect until he announces the termination of the snow emergency, in whole or in part, after which the prohibition of parking authorized by this section shall no longer be in effect.

### **§ 72.99 PENALTY.**

Any person receiving a citation for any parking violation in the city shall be fined in an amount not less than \$20 nor more than \$100.

## **SECTION II**

That should any section or part of any section or any provision of this Ordinance be declared invalid by a Court of competent jurisdiction, for any reason, such declaration shall not invalidate, or adversely affect, the remainder of this Ordinance.



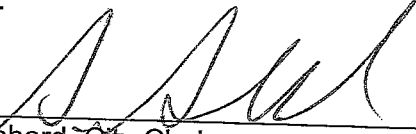
**SECTION III**

That this Ordinance shall take effect and be in full force when passed, published, and recorded according to the law.



Christopher J. Reinersman, Mayor

ATTEST:



Gina Gabbard, City Clerk

First Reading: December 7, 2020

Second Reading: January 4, 2021

Ayes: 6

Nays: 0

Publication Date: 1/8/2021