

CHAPTER 71: PARKING REGULATIONS; ENFORCEMENT PROCEDURE

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GENERAL PROVISIONS

§ 71.01 PARKING IN FRONT OF PLACES OF PUBLIC ASSEMBLAGE PROHIBITED.

No parking is permitted in any space painted and marked as no parking in front of a place of public assemblage, such as theaters, churches, hotels, and other places where the public assembles under the meaning of the Directive of the State Department of Insurance. (Ord. passed 11-7-52; Am. Ord. 23:99, passed 6-14-99)
Penalty, see § 10.99

§ 71.02 PARKING OF UNLICENSED VEHICLES, TRAILERS, RECREATIONAL VEHICLES, ETC. ON PUBLIC STREETS.

It shall be unlawful to leave parked and/or unattended any motor vehicle, trailer, semi-trailer, recreational vehicle, travel trailer, camping trailer, motor home, truck camper, etc as defined by KRS Chapter 186, 187, 188, 189, and 190 unless said vehicle, trailer, semi trailer, recreational vehicle, travel trailer, camping trailer, motor home, truck camper, etc meets all registration licensing and other requirements of KRS Chapters 186, 187, 188, 189, and 190. Further all motor vehicles, trailers, semi-trailers, recreational vehicles, travel trailers, camping trailers, motor homes, truck campers, and construction equipment shall be adequately marked with lights and/or reflectors visible to approaching traffic for a minimum distance of five hundred (500) feet. (Ord. 12:2001, passed 5-14-01) Penalty, see § 10.99

§ 71.03 PARKING ON PUBLIC STREETS FOR MORE THAN 72 HOURS PROHIBITED.

(A) It shall be unlawful for any person, firm, or corporation to permit any vehicle to stand or be parked on any public street, alley, or any other public way within the city limits for more than seventy-two (72) hours, without the vehicle having been moved or operated.

(B) Any vehicle left standing or parked for the period of time and place, as set out in division (A) above, shall be considered abandoned and shall be removed by the Police Department, by wrecker, and placed in storage. After any vehicle is so removed, it will be released to the person, firm, or corporation claiming it only upon payment of the towing charge and storage bill, and any and all outstanding parking fines.

(Ord. passed 10-5-51; Am. Ord. 23:99, passed 6-14-99)
Penalty, see § 10.99

§ 71.04 LOADING AND UNLOADING ZONES.

(A) For the purpose of this section, loading shall be defined as the act of putting cargo load on or in a truck or motor vehicle. For the purposes of this section unloading shall be defined as the act of discharging cargo or removing cargo from a truck or motor vehicle.

(B) No parking of any type of vehicle shall be permitted in a loading and unloading zone between the hours of 7:00 a.m. and 6:00 p.m. on Monday through Saturday, except for the purpose of and while in the act of loading or unloading. However, said truck or motor vehicle shall not be permitted in said zone for a continuous period more than two (2) hours without prior notification to and approval by the Morehead Police Department.

(C) No truck or other motor vehicle shall block or park in any traffic lane of any street in the city at any point within three hundred (300) feet of any loading or unloading zone for the purpose of or while loading or unloading any type of materials.

(D) All loading and unloading zones shall be designated as such by proper signs.

(Ord. passed 7-8-84; Am. Ord. passed 12-12-77; Am. Ord. passed 8-20-81; Am. Ord. 23:99, passed 6-14-99) Penalty, see § 10.99

§ 71.05 GENERAL PARKING RESTRICTIONS.

(A) There shall be no parking of any vehicle on any sidewalk or curb.

(B) There shall be no double parking of vehicles.

(C) There shall be no parking of any vehicle within a designated fire lane. Official governmental vehicles on emergency business are exempted.

(D) There shall be no parking of any vehicle alongside or adjacent a curb in a direction opposite the direction of traffic flow in the adjacent traffic lane.

(E) There shall be no parking of any vehicle in any alley.

(F) There shall be no parking of any vehicle in those restricted areas as outlined in Ch. 73, Sched. VI.

(G) No owner or operator of a motor vehicle shall leave the keys in the ignition to said vehicle while vehicle is unattended and parked within the city.

(H) There shall be no parking of any vehicle in any designated crosswalk, as established by Ch. 73, Sched. XII.

(I) There shall be no parking in areas restricted by Ch. 73, Sched. VIII.

(J) There shall be no parking in any parking spaces for persons with disabilities as outlined in Ch. 73, Sched. XV without proper display of documentation. Official governmental vehicles on emergency business are exempt.

(K) There shall be no parking of any vehicle within ten (10) feet of a fire hydrant, except permitted parking as indicated by pavement striping or signs and official governmental vehicles on emergency business.

(L) In such areas of the city that parking is designated by striping or lines indicated on the pavement, there shall be no parking across those lines that indicate the parking space.

(M) There shall be no parking of any vehicle within fifteen (15) feet of any intersection, except permitted parking as indicated by pavement striping or signs.

(N) There shall be no parking of any vehicle in any lane of traffic where such parking obstructs the flow of traffic through that traffic lane.

(O) There shall be no parking of any vehicle within twenty (20) feet of any stop sign, except permitted parking as indicated by pavement striping or signs.

(P) There shall be no parking of any vehicle which obstructs access to any private driveway or roadway.

(Q) There shall be no parking of any vehicle on any part of a painted curb.

(R) It shall be unlawful for any person to improperly park any vehicle. This includes parking by backing into a diagonal parking space on Main Street.

(S) It shall be unlawful for any person to park any vehicle out of line.

(T) There shall be no parking of lawn mowers, lawncare equipment, construction materials, backhoes, or any other equipment, objects and/or materials not specifically defined in KRS 186-190 on a public street or roadway.

(Ord. 10-94, passed 3-14-94; Am. Ord. 36:97, passed 11-10-97; Am. Ord. 23:99, passed 6-14-99; Am. Ord. 12-2001, passed 5-14-01; Am. Ord. 28:2008, passed 8-11-08; Am. Ord. 06:2010, passed 5-10-10; Am. Ord. 22:2010, passed 10-11-10) Penalty, see § 71.99

§ 71.06 TWO HOUR PARKING.

(A) For purposes of this section, "HOLIDAY" shall be defined as a day the city hall is closed or those days designated by an act of Congress, the Kentucky General Assembly, or the City of Morehead as a holiday.

(B) Two hour parking zones are hereby established by the city on those streets or portions of streets set out in Chapter 73, Sched. XI, and any and all parking lots owned by the City of Morehead.

(C) A vehicle may be temporarily parked and be allowed to remain parked in a two-hour parking zone for a continuous period of no more than two (2) hours between the hours of 7:00 a.m. and 6:00 p.m. except Saturdays, Sundays, and holidays.

(Ord. 19:95, passed 7-10-95; Am. Ord. 23:99, passed 6-14-99) Penalty, see § 71.99 (D)

Cross-reference:

Two-hour parking zones, Ch. 73, Sched. XI

ENFORCEMENT PROCEDURES

§ 71.15 PARKING VIOLATIONS ENFORCED AS CIVIL VIOLATIONS.

All violations of parking ordinances shall be enforced as civil violations.

(Ord. 16-93, passed 11-15-93)

§ 71.16 CITATIONS.

If any motor vehicle is found parked, standing or stopped in violation of a parking ordinance of the City of Morehead, the vehicle may be cited for the appropriate parking violation. The Code Citation Officer or Enforcement Officer shall note the vehicle's registration number and any other information concerning the vehicle which will identify it. If the driver is not present the citing officer shall conspicuously affix a copy of the citation to the vehicle with notice of the following:

(A) The citation represents a determination that a parking violation has been committed by the owner of the vehicle. The owner of

the vehicle has seven (7) days to pay the fine noted on the citation. The owner may contest the determination by requesting, in writing, a hearing before the Code Enforcement Board within seven (7) days of the date of the citation. Should the cited individual fail to request a hearing before the Code Enforcement Board within seven (7) days of the date of that citation or pay the fine the determination that a violation was committed shall be final;

(B) A parking violation may result in impoundment of the vehicle for which the owner may be liable for a fine and towing, handling and storage charges or fees, and any and all outstanding parking fines;

(C) The citation must contain a statement of the specific parking violation for which the citation was issued; and the monetary penalty established for the parking violation; and

(D) A request for a hearing before the Code Enforcement Board must be directed toward the Code Enforcement Board and received by the City of Morehead Police Department within seven (7) days of the date of the citation. The request for a hearing must identify the citation and contain the name, address and phone number of the owner of the vehicle. Such hearing before the Board shall be held no later than fourteen (14) days from the date of receipt of the request. No less than seven (7) days prior to the date set for the hearing, the Code Enforcement Board shall notify the registered owner of the vehicle of the date, time and place of the hearing. Prior to the hearing the contestant may request an extension of time for the hearing not to exceed fourteen (14) days. Any person requesting a hearing who fails to appear at the time and place set for the hearing shall be deemed to have refused to pay the fine levied by the citation.

(Ord. 16-93, passed 11-15-93; Am. Ord. 13:94, passed 6-6-94; Am. Ord. 31:97, passed 10-13-97;; Am. Ord. 23:99, passed 6-14-99)

§ 71.17 HEARING BOARD.

The Hearing Board shall be the Code Enforcement Board established pursuant to Chapter 34.

(Ord. 16-93, passed 11-15-93; Am. Ord. 31:97, passed 10-13-97)

§ 71.18 DETERMINATION OF VIOLATION.

At the hearing, after consideration of the evidence, the Code Enforcement Board shall determine whether a violation was committed. Where it has been established that a violation was committed, the Code Enforcement Board shall uphold the citation, and order the owner to pay the citation within seven (7) days. A copy of such order shall be furnished to the owner. Any person ordered to pay a fine and fails to do so within seven (7) days shall be deemed to have refused to pay the fine levied by the citation.

(Ord. 16-93, passed 11-15-93; Am. Ord. 31:97, passed 10-13-97)

§ 71.19 CONSIDERATION OF CITATION BY OFFICER.

The Code Enforcement Board may consider the parking citation and any other written report made under oath by the officer which issued the citation in lieu of the officer's personal appearance at the hearing.

(Ord. 16-93, passed 11-15-93; Am. Ord. 31:97, passed 10-13-97)

§ 71.20 APPEAL PROCEDURE.

An appeal from the determination may be made to the Rowan District Court within seven (7) days of the Code Enforcement Board's determination. The appeal shall be initiated by the filing of a complaint and a copy of the Code Enforcement Board's order in the same manner as any civil action under the Rules of Civil Procedure. The action shall be tried de novo and the burden shall be upon the City of Morehead to establish that a violation occurred. If the court finds that a violation occurred, the owner shall be ordered to pay the city all fines, fees and penalties occurring as of the date of the judgment. If the court finds that a violation did not occur, the City of Morehead shall be ordered to dismiss the citation and the plaintiff shall be authorized to recover his costs.

(Ord. 16-93, passed 11-15-93; Am. Ord. 31:97, passed 10-13-97; Am. Ord. 23:99, passed 6-14-99)

§ 71.21 APPEAL OF DISTRICT COURT JUDGMENT.

The judgment of the District Court may be appealed to the Circuit Court in accordance with the Rules of Civil Procedure.

(Ord. 16-93, passed 11-15-93)

Statutory reference:

Local Government Parking Citation Enforcement Act, see KRS
82.600-82.635

§ 71.99 PENALTIES.

(A) The fine for violation of § 71.05(C) and (K) shall be one hundred dollars (\$100.00). Further, said vehicle may be subject to impoundment. If said vehicle is impounded, it will be released to the person, firm or corporation claiming it only upon payment of the impoundment fee and outstanding parking fines.

(B) The fine for violation of § 71.05(J) shall be fifty dollars (\$50.00). Further, said vehicle may be subject to impoundment. If said vehicle is impounded, it will be released to the person, firm or corporation claiming it only upon payment of the impoundment fee and outstanding parking fines.

(C) The fine for a first violation of § 71.01, 71.02, 71.03, 71.04 and 71.05(A), (B), (D), (E), (F), (G), (H), (I), (L), (M), (N), (O), (P), (Q), (R), (S), (T) and § 71.06 and Chapter 73 Schedules V, VI, VII, VIII, XI and XVI shall be fifteen dollars (\$15.00). Further, any vehicle in violation of § 71.05(E) shall be impounded. If said vehicle is impounded, it will be released to the person, firm or corporation claiming it only upon payment of the impoundment fee and outstanding parking fine.

(D) The fine for a second violation of § 71.01, 71.02, 71.03, 71.04 and 71.05 (A), (B), (D), (E), (F), (G), (H), (I), (L), (M), (N), (O), (P), (Q), (R), (S), (T) and § 71.06 and Chapter 73 Schedules V, VI, VII, VIII, XI and XVI shall be twenty dollars (\$20.00) and impoundment of the vehicle or placement of wheel locks. If said vehicle is impounded or wheel-locked, it will be released to the person, firm or corporation claiming it only upon payment of the impoundment or wheel lock expenses and all outstanding parking fines. For the purpose of this section a second violation shall be defined as a vehicle with one unpaid final parking ticket. A parking ticket is considered final upon the expiration of seven (7) days from the date it was issued or upon the expiration of seven (7) days of the decision of the Code Enforcement Board if said citation is appealed.

(E) The fine for a third violation of § 71.01, 71.02, 71.03, 71.04 and 71.05 (A), (B), (D), (E), (F), (G), (H), (I), (L), (M), (N), (O), (P), (Q), (R), (S), (T) and § 71.06 and Chapter 73 Schedules V, VI, VII, VIII, XI and XVI shall be thirty-five dollars (\$35.00) and impoundment of the vehicle or placement of wheel locks. For the purpose of this section a third violation shall be defined as a vehicle with two (2) unpaid final parking tickets. A parking ticket is considered final upon the expiration of seven (7) days from the date it was issued or upon the expiration of seven (7) days of the decision of the Code Enforcement Board if said citation is appealed.

(Ord. 19:95, passed 7-10-95; Am. Ord. 04:96, passed 2-12-96; Am. Ord. 07:96, passed 3-25-96; Am. Ord. 23:99, passed 6-14-99; Am. Ord. 12:2001, passed 5-14-01; Am. Ord. 23:2005, passed 8-22-05; Am. Ord. 29:2008, passed 8-11-08; Am. Ord. 07:2010, passed 5-10-10; Am. Ord. 23:2010, passed 11-8-10)