

ORDINANCE 854-2018

AN ORDINANCE OF THE CITY OF DRY RIDGE, GRANT COUNTY, KENTUCKY, ESTABLISHING PARKING REGULATIONS FOR THE CITY OF DRY RIDGE.

WHEREAS, the parking of vehicles along streets, roadways and alleys in the city may constitute a threat to the public health, general welfare, and safety of the citizens of the City of Dry Ridge; and

WHEREAS, the presence of vehicles blocking streets, roadways, alleys and sidewalks can have potential harm for not allowing a safe walking path for pedestrians;

WHEREAS, Ordinance 438-1989 is hereby repealed.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL, CITY OF DRY RIDGE, GRANT COUNTY, KENTUCKY:

SECTION 1

- A. **Purpose:** It is the purpose and intent of the City of Dry Ridge, through the adoption of this ordinance, to establish parking regulations, impoundment and snow emergency procedures that will allow motorist and pedestrians safe travels through the city.
- B. **Severability:** The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provision thereof; and such other provision shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.
- C. **Remedies:** The provisions of this ordinance shall not be construed to abolish or impair existing or other remedies of the City of Dry Ridge or its officers or agencies relating to the removal or demolition of any buildings that are dangerous, unsafe, or unsanitary.
- D. **Effective Date:** This ordinance shall take effect and be in full force upon the second and final reading.

ORDINANCE 854-2018

SECTION 2

PARKING GENERALLY

A. PARKING OBSTRUCTION; DOUBLE PARKING:

1. It shall be unlawful for any person to leave any vehicle or any other thing that may be a nuisance, obstructions, or hindrance in or on any street, alley, or sidewalk within the city either during the day or night.
2. 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.

B. MANNER OF PARKING:

1. 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
2. No vehicle shall be parked or left standing on any street unless its two right wheels are within eight (8) inches of and parallel with the curb, sidewalk, or designated area.
3. No vehicle shall be backed to the curb on any street, except that wagons and trucks may do so when loading or 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 (10) feet of the center line of any street.
4. 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 such vehicle shall park.
5. 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, except that one (1) vehicle may use two (2) parking spots when said vehicle is in tow of a trailer.
6. It shall be unlawful for an unhitched trailer or uncoupled trailer, drag or truck trailer shall be left standing unattended of any street.

C. 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 of this ordinance or when directed by a public safety official or traffic sign or signal at any time in the following places:

1. On the mainly-traveled portion of any roadway or on any other place in the roadway where vehicles stand in any manner other than specified in Section 2, B.
2. On the curbs or sidewalks in the city.
3. In front of sidewalk ramps provided for person with disabilities.
4. In front of a public or private driveway.
5. Within an intersection or crosswalk.
6. At any place where official signs prohibit stopping or parking. This does not apply to official vehicles when operating and properly identified during the performance of their official duties.
7. Within thirty (30) feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway. (KRS 189.450(5-F))
8. No person shall move a vehicle not lawfully under their control into any such prohibited area.
9. 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.

D. RESTRICTIONS AND PROHIBITIONS ON DESIGNATED STREETS

1. The provisions of this section prohibiting the stopping and parking of a motor 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 public safety official or official traffic control device.
2. The provisions of this section imposing time limit on parking shall not relieve any person from their duty to observe other and more restrictive provisions prohibiting or limiting the stopping or parking of vehicles in specific places or at specified times.
3. When signs are erected in compliance with the provisions of division six (6) below giving notice thereof, no person shall park a vehicle at any time on any street so marked by official sign.
4. When a curb has been painted in compliance with the provisions of division six (6) below, no person shall park a vehicle at any time at or adjacent to any curb so marked.

ORDINANCE 854-2018

5. When signs are erected in compliance with the provisions of division six (6) 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.
6.
 - a. 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 ordinance or any other ordinance any parking limit is imposed or parking is prohibited on designated streets, or parking areas are restricted to parking for person 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.
 - b. 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.

E. PARKING RESTRICTED TO ALLOW STREET CLEANING

1. 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 to stop on any street so designated.

F. PARKING IN EXCESS OF CERTAIN NUMBER OF HOURS PROHIBITED; TOWING AUTHORIZED

1. 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 twenty-four (24) hours or longer. Any vehicle left parked in any place on any of the public ways or streets of the city for a period of twenty-four (24) 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 Ordinance 742-2009.

G. PARKING ON PARADE ROUTE

1. The Chief of Police or other authorized city official shall have the authority, whenever in their judgment it is necessary, to prohibit or restrict the parking of vehicles along a street or thereof constituting a part of the route of a parade or procession, to erect temporary traffic signs to the effect, and to prohibit and prevent such parking.
2. It shall be unlawful to park or leave unattended any vehicle in violation of such signs or directions.

ORDINANCE 854-2018

H. PARKING ON OFF-STREET FACILITY

1. 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. If at any time a vehicle is parked, abandoned, or otherwise trespasses in violation of the provisions of this section, the property owner / leasee has the right to have the vehicle removed from said property at their expense.

I. OWNER RESPONSIBILITY

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

J. PARKING IN PARKS

1. It shall be unlawful for any person to park any motor vehicle (except those authorized by the city for maintenance, or other reasons seen fit) in or on any section of any public park, playground, play lot, or tot lot within the city not designated 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.

K. PARKING FOR PERSONS WITH DISABILITIES

1. Any other provision to the contrary notwithstanding, a motor vehicle bearing a Disabled Placard or Disabled Plate, when operated by a person with a disability or when transporting a person with disability, may be parked in a designated parking place for persons with disabilities. The vehicle may be parked in a loading zone for that time necessary to permit entrance or exit of the person with disabilities to or from the parked vehicle, but in no circumstances longer than thirty (30) minutes.
2. 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 to constitute a traffic hazard.

L. TRUCKS OVER TWO AND ONE HALF TON IN CAPACITY PROHIBITED FROM PARKING IN RESIDENTIAL AREAS

1. It is unlawful for trucks over two and one half (2 ½) tons 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 purpose.

ORDINANCE 854-2018

M. FIRE LANES AND HYDRANTS

1. A fire lane is hereby designated for emergency vehicles on the side of the street where the fire hydrants are located. In the event there are no fire 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 a 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.
2. No parking shall be permitted within a five (5) foot radius of a fire hydrant.

N. LOADING ZONES

1. Loading zones are areas a business, public agency, or other needs a specific parking space or spaces for loading and unloading of goods. Parking in this space is prohibited except for loading and unloading.

SECTION 3

IMPOUNDING

A. IMPOUNDMENT OF VEHICLES AUTHORIZED

1. All police officers and code enforcement staff are empowered to authorize the impoundment of a vehicle violating vehicle-related ordinances after a citation has been issued.
2. 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 Dry Ridge for the time of the officers utilized for the impoundment, all pursuant to KRS 82.625.

SECTION 4

ENFORCEMENT

A. HEARING BOARD

A Dry Ridge parking regulation board ("hearing board") is established to conduct hearings to enforce the provisions of this ordinance. The mayor shall appoint three (3) individuals to constitute the hearing board, at least two (2) of whom must be residents of the City of Dry Ridge. A quorum shall constitute two (2) persons. A majority vote of a quorum shall constitute the decision of the hearing board. A chairman and vice-chairman (to serve in the absence of the chairman) shall be elected by the members of the board and shall preside over the meetings of the board.

ORDINANCE 854-2018

B. PARKING VIOLATIONS

1. If any motor vehicle is found parked, standing, or stopped in violation of a local parking ordinance, the vehicle may be issued a citation for the appropriate violation. The citing officer, or designated city representative shall note the vehicle's registration number and any other information concerning the vehicle which will identify it and, if the driver is not present, shall conspicuously affix to the vehicle a notice of the parking violation.
2. The form of the notice of the parking violation shall be a form designated by the City of Dry Ridge and shall contain in substance the following information:
 - a. The citation notice represents a determination that the owner of a vehicle has committed a parking violation and this determination shall be final unless contested as provided herein;
 - b. The parking 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;
 - c. The specific parking violation for which the citation was issued;
 - d. The options provided in responding to the notice and the procedures necessary to exercise these options as provided herein.
3. The notice of parking violation represents a determination that a parking violation has been committed, and shall be final unless contested as provided herein:
4. The schedule of monetary penalties for parking violations shall be as follows:

ORDINANCE 854-2018

Violation	Section	Fine
Obstructional Parking	2-A-1	\$30.00
Double Parking	2-A-2	\$30.00
Failing to leave 10 feet of roadway passable	2-B-3	\$30.00
Prohibited Parking: Greater than 8 inches from curb, sidewalk or designated area	2-A-1	\$30.00
Prohibited Parking: Blocking Ramp for persons with disabilities	2-C-3	\$50.00
Prohibited Parking: Blocking Driveway	2-C-4	\$50.00
Prohibited Parking: Within Intersection or crosswalk	2-C-5	\$30.00
Prohibited Parking: Against Official Signs	2-C-6	\$30.00
Prohibited Parking: Within 30 feet of traffic control device roadway side	2-C-7	\$30.00
Prohibited Parking: Yellow Curb	2-D-6	\$30.00
Failure to display Disabled Placard / Plate (Fine reduced to \$15.00 if shown)	2-K-1	\$50.00
Improper parking in area for persons with disabilities	2-K-1	\$50.00
Vehicle over 2 1/2 tons in residential area	2-L-1	\$30.00
Improper Use of Loading or Unloading Zone	2-N-1	\$30.00
Unhitched / Uncoupled Trailer unattended	2-B-6	\$30.00
Parking with 5 feet of fire hydrant	2-M-2	\$50.00
Parking in marked fire lane	2-M-1	\$50.00
Overtime parking (excess of time limit): First Offense	2-F-1	\$10.00
Overtime parking (excess of time limit): Second Offense	2-F-1	\$20.00
Overtime parking (excess of time limit): Third Offense	2-F-1	\$30.00
Overtime parking (excess of time limit): Fourth Offense	2-F-1	\$40.00
Overtime parking (excess of time limit): Each Subsequent Offense	2-F-1	\$50.00

C. RESPONSE TO NOTICE

1. Any person who receives notice of a parking violation shall respond to this notice as provided herein within seven (7) days of the date of the notice, by either paying the fine set forth in the notice or requesting a hearing as provided herein.
2. If the owner of a vehicle cited for a parking violation has not responded to the notice within seven (7) days as provided in subsection "1" of this section, the City of Dry Ridge shall send a second notice by regular, first class mail to the last known address of the registered owner of the vehicle as listed on the certificate of title. Such notice shall state that the owner of the vehicle does not respond to the notice by either paying the fine or by requesting in writing a hearing as provided herein, within seven (7) days shall be deemed to have refused to pay the fine levied by the citation. Fines not paid within seven (7) days shall be doubled and shall be due and payable within thirty (30) days of the offense. Any fine not paid within thirty (30) days will result in the violation being pursued through civil collection efforts.

ORDINANCE 854-2018

D. CONTEST OF PARKING VIOLATION

1. Any person cited for a parking violation as provided herein may contest the determination that a violation occurred by requesting in writing a hearing before the hearing board. Such hearing shall be held no later than fourteen (14) days from the date of the request, unless prior to the hearing the person requesting such hearing requests an extension of time not to exceed fourteen (14) days. No less than seven (7) days prior to the date set for the hearing, the board shall notify the registered owner of the vehicle of the date, time and place of the hearing. 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 and same shall be considered unpaid.
2. At the hearing, after consideration of the evidence, the hearing board shall determine whether a violation occurred. If no violation occurred, an order dismissing the citation shall be entered. If a violation occurred, the 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 the fine who fails to do so within seven (7) days shall be deemed to have refused to pay the fine levied by the citation and same shall be considered unpaid.
3. The board may consider the parking citation and any other written report made under oath by the officer who issued the citation in lieu of the officer's personal appearance at the hearing.
4. An appeal from the hearing board's determination may be made to the district court of Grant County within seven (7) days after the board's determination. The appeal shall be initiated by the filing of a complaint and a copy of the 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 local government to establish that a violation occurred. If the court finds that a violation occurred, the owner shall be ordered to pay to the City of Dry Ridge all fines, fees, and penalties occurring as of the date of judgement. If the court finds that a violation did not occur, the City of Dry Ridge shall be ordered to dismiss the citation and the plaintiff shall be authorized to recover all costs.
5. The judgment of the Grant District Court may be appealed to the Grant Circuit Court in accordance with the Rules of Civil Procedure.


This Ordinance, Passed, Adopted, Ordered Published, and, thereafter Published according to law.

First Reading: 10-15-2018

Second Reading: 11-5-2018

Adopted, Approved, Ordained, and Ordered published this the 5th day of November 2018.

ATTEST



Amy Kenner, City Clerk



James Wells, Mayor