

ORDINANCE NO. 3, 2014 SERIES

AN ORDINANCE AMENDING CHAPTER 72 - PARKING REGULATIONS OF THE CITY OF FRANKFORT, SECTIONS 72.25, 72.98 AND 72.99 OF THE CITY OF FRANKFORT CODE OF ORDINANCES

BE IT ORDAINED BY THE CITY OF FRANKFORT, KENTUCKY, that Frankfort Municipal Code Chapter 72 is hereby amended as follows:

72.25 Impoundment of vehicles authorized; Redemption.

- 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 may be impounded or vehicle immobilization equipment may be used without giving prior notice to its owner only under the following circumstances:
 - A) The vehicle is impeding or likely to impede the normal flow of vehicular or pedestrian traffic;
 - B) The vehicle poses an immediate danger to the public safety;
 - C) The vehicle is illegally parked within ten (10) feet of a fire hydrant or is parked in a fire lane;
 - D) The vehicle, without a valid designated plate or placard under state law, is parked in a space clearly marked and designated for use for disabled persons;
 - E) A police officer reasonably believes that the vehicle is stolen;
 - F) A police officer reasonably believes that the vehicle or its contents constitute evidence of an offense and such impoundment or immobilization is reasonably necessary to obtain or preserve such evidence. Provided, however, that nothing in this section shall be construed to authorize seizure of a vehicle without a warrant where a warrant would otherwise be required;
 - G) The vehicle is parked in a public right of way or on other publicly owned or controlled property in violation of any law, ordinance or regulation, ~~or and~~ there are five (5) or more outstanding parking citations issued against the vehicle that have not been paid;
 - H) The vehicle is impeding a salt truck or snow plow after notice of a snow emergency has been made pursuant to Section 72.40 or an emergency vehicle; and,
 - I) The vehicle is an abandoned vehicle as defined in KRS 189.751, a junked vehicle, an inoperable vehicle or an unlicensed vehicle. Where such abandoned, junked, inoperable or unlicensed vehicle does not pose an immediate danger to the public, five days notice must be given by placing same on the vehicle prior to tow.
- C. 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.
- D. All fines, fees, delinquent, parking tickets and charges must be paid in full before a release of impoundment can be issued for the vehicle's release.

72.98 – Hearing Board

- (1) Any person cited for a parking violation under Chapter 72 of the Code of Ordinances shall respond to the citation within ten (10) calendar days of the date of its issuance, by either paying the fine set forth in the citation or submitting to the City of Frankfort Police Department a written request for a hearing pursuant to this ordinance. The citation shall state that if the owner of the vehicle does not respond to the citation by either paying the fine or submitting to the City of Frankfort Police Department a written request for a hearing, within ten (10) calendar days of the date of the issuance of the citation, the owner shall be deemed to have waived the right to a hearing and the determination that a violation was committed shall be considered final. Any person who fails to request a hearing or pay the fine within ten (10) calendar days of the date of the issuance of the citation shall be deemed to have refused to pay the fine levied by the citation.
- (2) Such hearing shall be held by the Parking Citation Hearing Board no later than fourteen (14) days from the date of receipt of the written request, unless not less than 48 hours before the hearing, the person requesting such hearing requests an extension of time not to exceed fourteen (14) days. No less than five (5) business 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 waived his right to a hearing and the determination that a violation was committed shall be considered final, and the person shall be deemed to have refused to pay the fine levied by the citation.
- (3) At the hearing, after consideration of the evidence, the board shall determine whether a violation was committed. Where it has not been established that the violation was committed, an order dismissing the citation shall be entered. Where it has been established that a violation was committed, the board shall uphold the citation and order the owner to pay the citation within five (5) business days of the date the order is issued. A copy of such order shall be furnished the owner. Any person ordered to pay the fine who fails to do so within the five (5) business days shall be deemed to have refused to pay the fine levied by the citation.
- (4) 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.
- (5) "Parking Citation Hearing board" means a body established by ordinance to consider parking citations and to conduct hearings pursuant to Chapter 72 of the Code of Ordinances; and shall be composed of one member that is a resident of the City of Frankfort and two members of the City of Frankfort Police Department. The Chief of the Police Department shall appoint the board members. The members of the board shall be appointed for three year term. A member chosen to fill a vacancy other than by expiration of a term shall be appointed for the unexpired term of the member who he/she is to succeed. A member of the board is eligible for reappointment. The members shall serve without compensation.

72.99 - Penalty.

Any person receiving a citation for violating the provisions of Chapter 72 of the City of Frankfort Code of Ordinances, with the exception of Sections 72.03, 72.09 and 72.11, shall be deemed to have committed a violation and shall be fined in an amount as follows:

- A) An amount not less than \$10 nor more than \$100 for the initial violation;
- B) An amount not less than \$20 nor more than \$100 for a second violation within 365 days of the date of the initial citation;
- C) An amount not less than \$30 nor more than \$100 for a third violation within 365 days of the date of the initial citation;
- D) An amount not less than \$40 nor more than \$100 for a fourth violation within 365 days of the date of the initial citation;
- E) An amount not less than \$50 nor more than \$150 for a fifth or more violation within 365 days of the date of the initial citation;
- F) A person failing to pay a parking citation within five (5) business days of the date of receiving same shall ~~in no event~~ be required to pay two times the face value of the citation.
- G) A person receiving a citation for violating Section 72.11 shall be fined the amount of \$250 consistent with KRS 189.990; and,
- I) A person receiving a citation for violating Section 72.03 or 72.09 shall be fined the amount of \$50.

First Reading on the 27th day of January, 2014.
Final adoption on the 24th day of February, 2014.

S/William I. May, Jr.
T/Mayor

Attest:

S/Ramona W. Newman
T/City Clerk

Summary: This amendment provides for the enforcement of the City's parking ordinance, including authorizing the impoundment of vehicles where five (5) outstanding parking citations exist, and the discounting of amounts due on parking citations unless a person has received six (6) or more parking citations in a calendar year, and also sets forth the process to appeal a parking citation and the details of the Board hearing the appeals.

S/Robert C. Moore
T/City Solicitor

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