

ORDINANCE NO. 5, 2023 SERIES

AN ORDINANCE AMENDING CHAPTER 72 OF THE CITY OF FRANKFORT CODE OF ORDINANCES REGARDING PARKING REGULATIONS

WHEREAS, for purposes of public safety and economic development within its historic downtown the City of Frankfort has inherent motivation to properly manage downtown vehicle parking; and

WHEREAS, to that end the City engaged the services of a consultant in 2020 to perform a Downtown Parking Study which was completed in 2021; and

WHEREAS, the Downtown Parking Study contains multiple recommendations for actions the City should consider to best manage downtown parking, including entering into a relationship with a third party downtown parking operator to handle on-street parking management and to operate the Ann Street Parking Garage for the City; and

WHEREAS, as part of the transition to the third party parking operator conducting downtown on-street parking enforcement it was necessary to change the City's parking regulations contained within this ordinance to reflect this arrangement;

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of the City of Frankfort that Chapter 72 of the City of Frankfort Code of Ordinances is hereby amended as follows:

GENERAL PROVISIONS

§ 72.01 SCHOOL SAFETY ZONES.

Safety zones have been established in front of every school building in the city. No parking shall be permitted in these zones between the hours of 7:00 a.m. and 3:00 p.m. each school day of the week.

§ 72.02 ALLEYS.

No parking shall be permitted in any of the alleys of the city at any time.

§ 72.03 PARKING NEAR FIRE HYDRANT.

It is unlawful for any person, firm or corporation to park an automobile, truck or other vehicle in front of or nearer than ten feet on either side of any fire hydrant in the city.

§ 72.04 PARKING NEAR INTERSECTION.

(A) All automobiles, trucks or other vehicles shall be parked within the inside of the line marked on the streets, running parallel with the curbing, and no vehicle shall be parked nearer to a corner or street intersection than is shown by the markings on the curbing indicating the no parking area.

(B) On all streets where there are no signs or markings to indicate the parking area, cars shall be parked next to the curbing and not extending more than six feet in the street from the curbing.

(C) It shall be unlawful for any person, owner or operator to park any vehicle as defined in § 72.55 closer than 25 feet to any intersection within the city unless indicated as permissible by existing traffic control devices (signs or curb markings).

§ 72.05 PARKING ON RIGHT SIDE REQUIRED.

All parking along and on all streets designated arterial or collector streets in the most current version of the Functional Classification Map provided by the KYTC shall be on the right side, computed from the front of the car or forward travel thereof.

§ 72.06 DOUBLE PARKING.

Double parking shall mean where one car is already parked along the curbing, as permitted under this chapter, the driver of another car allows his vehicle to stand in the street on the outside of the car parked at the curbing, provided, however, vehicles are permitted to stop a sufficient period of time for the actual taking on or discharge of passengers, or to receive small parcels from business places, and further provided that the vehicle is not entirely vacated or the motor of same stopped.

§ 72.07 TRUCKS; PARKING FOR LOADING OR UNLOADING.

All trucks loading or unloading merchandise or other freight will be permitted to back into the curbing for such purposes, except trucks or vehicles measuring more than 20 feet in length, from front bumper to rear of body, when they will be required to park parallel with the curbing for such purposes. Trucks or vehicles measuring more than 20 feet from bumper to rear of body or rear bumper, are not permitted to park diagonally or obliquely with the curbing at any time but shall park parallel with the curbing at all times.

§ 72.08 LARGE TRUCKS NOT TO BE PARKED ON STREETS; FLARES ON DISABLED TRUCKS.

(A) No person operating a truck exceeding the capacity of three-quarters of a ton shall stop the truck or leave it standing or cause it to stop or to be left standing upon any public street in the city; provided, however, that this section shall not be construed to prevent the stopping of trucks for the purposes of loading or unloading the truck.

(B) Whenever any motor truck is disabled, at any time from a half an hour after sunset to a half an hour before sunrise, and the truck cannot be immediately removed from the street, the person in charge of the vehicle shall cause flares, lanterns or other signals to be lighted and placed upon the street, one at a distance of approximately 100 feet in advance of the vehicle and one at a distance of approximately 100 feet to the rear of the vehicle and a third upon the roadway side of the vehicle.

§ 72.09 FIRE LANES.

It shall be unlawful for any person, owner or operator to park any vehicle as defined in section 72.55 in any fire lane so designated and marked.

§ 72.10 BLOCKING ACCESS TO DRIVEWAYS.

It shall be unlawful for any person, owner or operator to park any vehicle in such manner as to block any residential or commercial driveway.

§ 72.11 PARKING IN SPACES RESERVED FOR THE HANDICAPPED.

It shall be unlawful for any person, not authorized by state law, to park any motor vehicle in any parking space reserved, designated and marked for parking by handicapped persons upon any public way or parking lot open to the public within the city.

§ 72.12 OVERTIME PARKING.

No person shall park a vehicle in any parking space or within the public right of way for a period time in excess of the posted time limits as defined in section 72.56.

§ 72.13 PARKING OF CERTAIN VEHICLES PROHIBITED.

(A) No person shall park a camper, motor home, trailer or truck or other vehicle exceeding seven (7) feet in overall width (excluding mirrors) or twenty (20) feet in overall length or seven and one-half feet (7 ½) in overall height on any city street or in the right-of-way of any city street for more than two hours without first obtaining a special permit from the Police Department or the City's Parking Operator.

(B) No person shall park any abandoned vehicle as defined in KRS 189.751, junked vehicle, inoperable vehicle or unlicensed vehicle on any city street or in the right-of-way of any city street for any period of time.

§ 72.14 VICARIOUS RESPONSIBILITY.

(A) The person in whose name a vehicle is registered at the time of the violation shall be absolutely responsible for the violation and payment of all fines, fees and penalties. It shall be no defense that the vehicle was illegally parked by someone other than the registered owner, unless it is shown by the owner that at the time of the violation the vehicle was stolen and not in the possession of the registered owner.

(B) An owner of a vehicle who is engaged in the business of renting or leasing vehicles under written rental or leasing agreement shall not be liable for parking fines and penalties imposed under this chapter on such rented or leased vehicles, if within 15 days after receiving notice of a parking violation, the lessor provides to the Police Department the true name, address and driver's license number of the person in possession of the vehicle at the time of the issuance of the citation. A lessor who fails to comply with this requirement shall be treated as any other owner.

§ 72.15 TAMPERING WITH IDENTIFYING MARKS OR PARKING SPACES.

(A) It shall be a violation for any person to alter, remove, deface, tamper with, willfully destroy or impair the usefulness of any identifying marks or other methods used by the Police Department or the City's Downtown Parking Operator on any parked vehicle in order to identify the vehicle for areas where parking over a specified period of time is not allowed, unless the vehicle has been moved from such area. If such tampering occurs, the violation shall be issued against the owner of the vehicle.

(B) It shall be a violation for any person to alter, remove, deface, tamper with, willfully destroy or impair the usefulness of, any marks, paint or other methods used by the city to identify parking spaces or areas where parking is prohibited, limited or restricted, or to add parking spaces or parking restrictions or limitations.

IMPOUNDING

§ 72.25 IMPOUNDMENT OF VEHICLES AUTHORIZED; REDEMPTION.

(A) In addition to the requirements for impounding set forth in Sections 72.25 to 72.27 of the City of Frankfort Code of Ordinances, the City, its representatives and the towing companies shall comply with the requirements for towing and storage of motor vehicles as set forth in KRS 281.920 to 281.936 and KRS 376.275, including notice to lienholders, and to the extent there is a conflict between these statutory requirements and the City's ordinances, the statutory requirements shall govern. All police officers and employees of the City's Downtown Parking Operator are empowered to authorize the impoundment or immobilization 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:

(1) The vehicle is impeding or likely to impede the normal flow of vehicular or pedestrian traffic;

(2) The vehicle poses an immediate danger to the public safety;

(3) The vehicle is illegally parking within ten (10) feet of a fire hydrant or is parked in a fire lane;

(4) 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.

(5) A police officer reasonably believes that the vehicle is stolen;

(6) 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;

(7) 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 there are three (3) or more outstanding parking citations issued against the vehicle that have not been paid;

(8) The vehicle is impeding a salt truck or snow plow after notice of a snow emergency has been made pursuant to § 72.40 or an emergency vehicle;

(9) 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; and.

(10) The vehicle, based on the associated license plate, has accumulated three (3) or more unpaid parking violations that exceed thirty (30) days from the date of issuance.

(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.

§ 72.26 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) If 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 identification number of the vehicle, the location of the vehicle, and the amount of reasonable 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.

§ 72.27 SALE OF VEHICLE.

Any person engaged in the business of storing or towing motor vehicles in either a private capacity or for the city who has substantially complied with the requirements of § 72.21 shall have a lien on the motor vehicle for the reasonable or agreed charges for storing or towing the vehicle as long as it remains in his or her possession. If after a period of 45 days, the reasonable or agreed charges for storing or towing a motor vehicle have not been paid, the motor vehicle may be sold to pay the charges after the owner has been notified by certified mail ten 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. This lien shall be subject to prior recorded liens.

SNOW EMERGENCY

§ 72.40 ANNOUNCEMENT OF SNOW EMERGENCY.

(A) Whenever the Chief of Police or other authorized city official finds that falling snow, sleet or freezing rain will create a condition which makes it necessary that the parking of motor vehicles on snow emergency routes be prohibited, or whenever he or she 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 the parking be prohibited, he or she is authorized to announce the prohibition, to become effective at a time specified by him or her.

(B) After the effective time of the prohibition, no person shall park any vehicle or permit any vehicle to remain parked on a snow emergency route. However, if a fall of snow, sleet or freezing rain occurs after 11:00 p.m. and prior to 6:00 a.m., and the Chief of Police or other authorized city official has not announced prior to 11:00 p.m. that parking on snow emergency routes is to be prohibited after a specified time, a vehicle parked on a snow emergency route may remain so parked until 7:00 a.m. following the fall.

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

§ 72.41 TERMINATION OF EMERGENCY.

(A) Whenever the Chief of Police or other authorized city official shall find that some or all of the conditions which gave rise to the snow emergency prohibition no longer exist, he or she is authorized to declare the termination of the emergency in part or in whole, effective immediately on announcement.

(B) If the announcement is made other than between 6:00 a.m. and 11:00 p.m., it shall be repeated between those hours.

§ 72.42 SNOW EMERGENCY ROUTES.

Snow emergency route is any route designated by the Chief of Police or other authorized city official. On the street or highway designated as a snow emergency route, special signs shall be posted to this effect.

ENFORCEMENT

§ 72.55 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DOUBLE PARKING. The leaving of a vehicle standing, whether occupied or unoccupied, in a marked traffic lane such that the flow of traffic is impeded.

DOWNTOWN PARKING OPERATOR. The third-party contractor which the City enters into an agreement with to operate the City's parking garage facilities and perform downtown on-street parking management and enforcement.

DOWNTOWN PARKING MANUAL. The policy document which contains downtown parking regulations which is maintained and occasionally updated/amended by the Parking Advisory Group, Downtown Parking Operator and Police Chief to reflect the changing needs of the downtown parking environment. Substantive changes made to the manual shall be approved by the City Manager and then shared with the Board of Commissioners.

PARKING ADVISORY GROUP. The informal working group of downtown parking stakeholders formed to serve as a sounding board and advisory group to help inform City Officials and the Downtown Parking Operator when making decisions and setting parking policy downtown.

PARKING ENFORCEMENT OFFICER. All police officers employed by the city and the community services specialist position or those designated employees of the City's Downtown Parking Operator.

PARKING SPACE. The space from the section of the street adjacent to the curb, painted and indicated by painted lines on the surface of the street, extending from the curb into the street.

VEHICLE. Any device in, upon or by which any person or property is or may be transported on a street or highway, except those operated on rails or tracks.

§ 72.56 HOURS OF ENFORCEMENT; LEGAL HOLIDAYS.

(A) It shall be unlawful for the owner or operator of any motor vehicle to allow the vehicle to remain continuously parked along streets in violation of the parking guidelines and time restrictions as set forth by the Downtown Parking Manual approved by the City Manager based on the recommendations of the City's Parking Operator, Parking Advisory Group and Police Chief

(B) The Traffic Division shall designate by signs and similar devices the regulated parking zones of the city and shall cause the zones to be marked off in parking spaces of the dimensions as will accommodate ordinary passenger vehicles. The existence of signs, signals and markings duly installed, shall be sufficient proof of the existence of the regulated parking zones.

(C) The street division shall place and maintain painted lines or marks on the curb and on the street to designate parking spaces to be used. Each vehicle parked alongside of or adjacent to the curb shall be parked within the lines or marks so established. It is unlawful to park any vehicle in a way that the same is not within the area so designated by the lines or marks.

(D) The provisions hereof shall not apply on the following legal holidays or Sundays:

- (1) New Year's Day, January 1;
- (2) Memorial Day, May 30;
- (3) Independence Day, July 4;
- (4) Labor Day, first Monday in September;
- (5) Thanksgiving Day, fourth Thursday in November; and
- (6) Christmas Day, December 25.

§ 72.57 OVERPARKING NOTICES.

(A) It shall be the duty of each parking enforcement officer to take down in writing the state vehicle license number and description of any vehicle overparked in violation of § 72.56, the date of the overparking together with the date and time of overparking and to issue, in writing on a form provided by the city, a notice to answer the charge of overparking within 72 hours, excluding holidays and weekends, of the date and time of violation.

(B) The City's Parking Operator shall cause to be kept an appropriate record of all notices of overparking, and this record shall show, in numerical order, the names of the owners or operators or the vehicle license number of each vehicle or conveyance, the date each notice was presented to his or her Department, together with all sums of money paid thereon.

§ 72.58 LOADING ZONES.

(A) The City Manager based on the recommendations of the City Parking Operator, Parking Advisory Group and Police Chief may designate the place or places within the two-hour parking area of the city where motor trucks and vehicles may stop and unload merchandise, and the City Manager shall direct appropriate staff to appropriately designate and mark off the space or spaces so designated for loading and unloading. In using the space or spaces for loading and unloading all vehicles must be in the process of loading or unloading, and no vehicle shall remain parked in the space or spaces longer than is necessary to load, unload, deliver, receive, collect or give receipts for merchandise so delivered or received.

(B) The space or spaces are for public convenience and are not designated for the specific use of any person, firm or corporation, but they shall be used exclusively for loading and unloading purposes and no vehicles shall remain parked therein longer than necessary to accomplish such purposes. Use of a loading zone by a vehicle shall not exceed 30 minutes without a special permit from the Police Department or City Parking Operator.

§ 72.59 TAMPERING WITH PAYMENT RECEPTACLES PROHIBITED.

It is unlawful for any unauthorized person to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any payment receptacle for the payment of parking fines.

§ 72.60 COLLECTIONS.

It shall be the duty of the parking enforcement officer to remove from the payment receptacles the parking violation notices deposited in the receptacles and to deliver the notices and monies to the Chief of Police, as soon as practicable thereafter.

§ 72.98 HEARING BOARD APPEALS.

(A) Any person cited for a parking violation under Chapter 72 of the Code of Ordinances shall respond to the citation in the timeframe listed on the citation in accordance with the Downtown Parking Manual. Any person wishing to appeal a citation which may have been issued in error shall appeal to the Parking Operator via the method as set forth by the Downtown Parking Manual approved by the City Manager based on the recommendations of the City's Parking Operator, Parking Advisory Group and Police Chief.

§ 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 §§ 72.03, 72.09 and 72.11, shall be deemed to have committed a violation and shall be fined in an amount set by the City Manager based on recommendations by the Parking Advisory Group, Parking Operator and Police Chief, but shall be within the range 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 be required to pay two times the face value of the citation.
- (G) A person receiving a citation for violating § 72.11 shall be fined the amount of \$250 consistent with KRS 189.990; and
- (H) A person receiving a citation for violating §§ 72.03 or 72.09 shall be fined the amount of \$50.00.

First Reading on the 13 day of February, 2023

Final adoption on the 27 day of February, 2023

S/Layne Wilkerson
T/Mayor

Attest:

S/Chermie Maxwell
T/City Clerk

Summary: This ordinance amends Chapter 72 of the City of Frankfort Code of Ordinances related to Parking to 1) Reference the KYTC Functional Classification Map rather than the Frankfort Comprehensive Plan; 2) Change the minimum time limit for parking certain oversized vehicles from six hours to two hours, upon obtaining a special permit; 3) Update throughout to provide the City Parking Operator with authority over parking related actions and enforcement; 4) Update the requirements for impoundment to reference the applicable state law requirements; 5) Incorporate by reference the Downtown Parking Manual, which shall contain most City parking regulations; 6) Delete requirements related to two-hour parking and jury duty parking and instead refer to the Downtown Parking Manual; 7) Clarify that loading/ unloading locations will be established by the City Manager; and 8) Update the appeals process.

S/Laura Milam Ross
T/City Attorney

Note: Additional documents on file in the City Clerk's office.

Published in part on March 5, 2023.