

ORDINANCE 96-3

AN ORDINANCE CREATING PARKING REGULATIONS WITHIN THE CITY OF RUSSELLVILLE; WITH REPEALER AND SEVERABILITY CLAUSES

WHEREAS, the City Council of the City of Russellville has determined that parking regulations within the City would be in the City's best interest;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF RUSSELLVILLE, THAT:

SECTION I: 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.

SECTION II: 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 eighteen 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 eighteen inches of and parallel with the curb.

(C) No vehicle shall be backed to the curb on any street, except that vehicles may do so when loading or unloading provided that such loading and unloading and delivery of property and material shall not consume more than 30 minutes. Such backing of trucks is prohibited at all times and on all streets in the city where any truck 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 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 feet of the center line of any street. Such diagonal parking places

shall be designated by markings on the pavement of 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.

SECTION III: 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 the traffic code or when directed by a police officer or traffic sign or signal at any time in the following spaces:

(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.

(B) On a sidewalk.

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

(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.

SECTION IV: 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 of 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 (E) 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 (E) below, no person shall park a vehicle at any time at or adjacent to any curb so marked.

(E) (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 handicapped parking, 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, if no parking is allowed there.

(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 or markings.

(F) When signs are erected in compliance with division (E) 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.

SECTION V: 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.

SECTION VI: PARKING IN EXCESS OF CERTAIN NUMBER OF HOURS PROHIBITED; TOWING AUTHORIZED.

It shall be unlawful to park or place any abandoned or inoperable vehicle upon the streets or public rights-of-way of the city for more than twenty-four (24) consecutive hours. The Chief of Police or any member of the Police Department who determines that any such vehicle or other object or material has been parked or placed in violation hereof shall cause same to be removed and stored at the expense of the person, firm, or corporation responsible therefor.

SECTION VII: PARKING ON A 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.

SECTION VIII: PARKING ON OFF-STREET FACILITY.

(A) It shall be unlawful for any person to operate or park a vehicle on any off-street parking facility offered for public use, whether publicly or privately owned, in any manner contrary to the designated traffic lanes and parking places clearly marked thereon provided that the lanes and places have previously been approved by the Police Department.

(B) It shall be unlawful for any person, whether acting individually or in concert with a group of persons, to gather, work or stop on any off-street parking facility offered for public use, whether publicly or privately owned, for any purpose or reason other than for the intended purpose and reason for the existence and providing of that off-street parking facility. However, the following uses of the facility shall not be a violation of this section:

(1) The use with the written permission of the persons in possession and control of the facility to so use or park thereon in any otherwise lawful manner.

(2) Temporary use to avoid an accident.

(3) The use by a police officer or by fire, ambulance or other emergency personnel and equipment, in the course of duty.

(4) The use by the owner or tenant or by an employee, in connection with his employment, of any establishment served by the facility.

(5) The use of governmental agents, such as inspectors and utility meter readers in connection with that position.

(6) The use by a contractor or other person performing a service for and at the request of the persons in possession and control of the facility.

(C) It shall be unlawful for any person, whether acting individually or in concert with a group of persons, to gather, park or stop on any off-street parking facility offered for public use, whether publicly or privately owned, for the purpose of socializing, resting, talking or sight-seeing unless that purpose is specifically permitted by a written authorization signed by the persons in possession and control of the facility.

SECTION IX: 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.

SECTION X: 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 designated as a parking area or designated and regularly maintained as a roadway.

SECTION XI: DISPLAY OF PARKED VEHICLE FOR SALE.

It shall be unlawful to park a motor vehicle displayed for sale on any street for more than twenty-four consecutive hours.

SECTION XII: PARKING WITH HANDICAPPED PERMITS.

(A) Any other provision to the contrary notwithstanding, a motor vehicle bearing a decal in its front windshield issued by the Court Clerk pursuant to appropriate county ordinances for handicapped persons, when operated by a handicapped person or when transporting a handicapped person, may be parked in a designated handicapped parking place, or when parked in a metered parking space may be parked for two hours for no fee, or when parked where any parking limit is imposed may be parked for two 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 exist of the handicapped person to or from the parked vehicle, but in no circumstances longer than 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.

SECTION XIII: TIME LIMIT FOR PARKING SPACES.

(A) All parking meters in the city shall be removed. The spaces shall be appropriately marked as determined by the City Council.

(B) The time limit for parking at any one appropriately marked space shall be two hours between the hours of 7:00 a.m. and 5:00 p.m. on Monday through Saturday. The purpose of this section is to promote the economic climate of the city and thereby increase the revenue to the city generated by increase in economic activity. Therefore, it shall be a violation of this section for any person to repeatedly occupy spaces within the city so as to occupy those spaces collectively for more than six hours in any one day.

(C) Any person who causes a motor vehicle to be placed in parking spaces for any time in excess of that permitted by division (B) above shall be deemed in violation of this section.

SECTION XIV: TOWING OF VEHICLES; PROCEDURE.

(A) (1) All members of the Police Department are hereby authorized to remove and

tow away or have removed and towed away by commercial towing service, any vehicle illegally parked in any place where such parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant, or obstructs, or may obstruct, the movement of any emergency vehicle.

(2) Any vehicle parked on any street when parking thereon is prohibited may also be removed and towed away as herein provided.

(B) (1) When a motor vehicle or other vehicle is abandoned on a highway in the city ten hour or more, its removal by the city or by a towing service may be authorized by order of the Police Department.

(2) When an abandoned, unattended, wrecked, burned or partially dismantled motor vehicle or other vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway by the Police Department or by a towing service may be authorized by order of the Police Department.

(C) Vehicles so towed away under the provisions of this section shall be stored in a safe place and may be redeemed by, and shall be restored to the owner or operator of such vehicle, upon payment of a fee of \$30 within 24 hours after the time such vehicle was removed, plus \$5 for each additional 24 hours or fraction thereof if towed or stored by the city or by paying all actual charges of towing and storage if towed or stored by anyone else.

(D) When a vehicle is authorized to be towed away, the Police Department shall keep and maintain a record of the vehicle towed, listing the color, year of manufacture, manufacturer's trade name, manufacturer's series name, body style, vehicle identification number and license plate year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing, and the name of the officer authorizing the tow.

SECTION XV: 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 the police, other public authority or by private person or business, the entity which was responsible for the tow 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 (10) 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 owner of the motor vehicle or lessor of a motor carrier as defined in KRS Chapter 281 within ten (10) 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 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 (10) 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.

SECTION XVI: 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 Section XV 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 possession. If after a period of forty-five (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 (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 the 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.

SECTION XVII: ANNOUNCEMENT OF SNOW EMERGENCY.

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 finds on the basis of a firm forecast of snow, sleet, or freezing remain that the weather conditions so forecasted may create a condition making it necessary that such parking be prohibited, he is authorized to announce such prohibition, to become effective at a time specified by him. After the effective time of such 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 such fall. 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 announces the termination of the snow emergency, in part or in whole, after which the prohibition of parking authorized by this section shall no longer be in effect.

SECTION XVIII: TERMINATION OF EMERGENCY.

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 exists, he is authorized to declare the termination of the emergency, in part or in whole, effective immediately on announcement. If such announcement is made other than between 6:00 a.m. and 11:00 p.m., it shall be repeated between those hours.

SECTION XIX: SNOW EMERGENCY ROUTES.

The term SNOW EMERGENCY ROUTE shall mean any route designated by the Chief of Police or other authorized city official. On such street or highway designated as a snow emergency route, special signs shall be posted to this effect.

SECTION XX: PREPAYMENT OF PARKING VIOLATIONS.

(A) Any person in violation of any section of this ordinance shall be fined in the amount of \$10, if paid within seven (7) days after the time of commission of the offense, but if not paid within seven (7) days after the commission of the offense, the violator shall, upon conviction, be fined \$25.

(B) All such fines shall be paid into the General Fund of the city.

SECTION XXI: PENALTY.

Except as provided in Section XX, any person receiving a citation for any parking violation in the city who does not prepay such fine within thirty (30) days of the violation shall be subject to the jurisdiction of the administrative and police departments of the City of Russellville.

SECTION XXII: SEVERABILITY.

In the event any provision of this Ordinance is invalid for any reason, such invalidity shall not affect the validity of any other provision.

SECTION XXIII: REPEALER.

All portions of any section of any ordinance or rule or regulation in conflict herewith are hereby repealed to the extent of that conflict only.

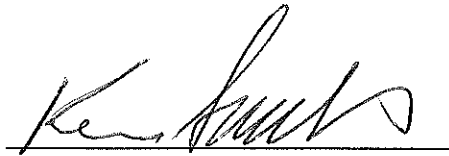
SECTION XXIV: EFFECTIVE DATE.

This Ordinance shall be effective upon its passage and publication according to law.

FIRST READING CONDUCTED on March 5, 1996.


SECOND READING AND PASSAGE by roll call vote this 16 day of April, 1996.

AYES:	NAYS:	ABSTAINING	ABSENT
<u>Patricia Basham</u>	<u>None</u>	<u>None</u>	<u>Mike Baugh</u>
<u>Howard Wren</u>	_____	_____	_____
<u>Russell Jones</u>	_____	_____	_____
<u>Sean Hankins</u>	_____	_____	_____
<u>Willie Hampton</u>	_____	_____	_____
_____	_____	_____	_____



KEN SMITH, MAYOR

ATTEST:



PEGGY JENKINS, CITY CLERK