

ORDINANCE 2017-1725

AN ORDINANCE AMENDING CITY OF MURRAY CODE OF ORDINANCES, §71 LICENSING, SPECIFICALLY §71.01 DEFINITIONS; §71.02 LICENSE REQUIRED; §71.03 APPLICATION; §71.04 ISSUANCE AND DISPLAY OF LICENSE; ANNUAL FEE; §71.05 DISPOSITION OF FEES; §71.06 LOSS OR TRANSFER OF LICENSE; §71.07 EXEMPTIONS; §71.08 LATE FEE; AND §71.99 PENALTIES AND VIOLATIONS IN ORDER TO IMPROVE, MODIFY, CLARIFY AND STREAMLINE THE PROCEDURE FOR PURCHASING A LICENSE AND TO IMPROVE PROCEDURES FOR ENFORCEMENT OF THE LICENSE REQUIREMENT.

WHEREAS, the City of Murray desires to amend Chapter §71 in all respects, specifically §71.01, §71.02, §71.03, §71.04, §71.05, §71.06, §71.07, §71.08 and §71.99, in order to improve, modify, clarify and streamline the procedure for purchasing a license and to improve the procedures for enforcement of the license requirement.

WHEREAS, the Murray City Council has reviewed and discussed the following proposed changes to Chapter §71 of the City Of Murray Code Of Ordinances and believe the changes are reasonable and necessary.

BE IT ORDAINED by the City Council of the City of Murray, as follows:

AMENDMENT I. ADDITIONS, ASSERTIONS & CHANGES:

CHAPTER 71: LICENSING

§71.01 is hereby amended to read in its entirety as follows:

§ 71.01 DEFINITIONS.

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

"ACQUIRE." To come into possession or ownership of an item of personal property subject to this Ordinance, including, but not limited to the following: a motor vehicle or motorcycle. Further, "ACQUIRE" shall mean to engage in a work related activity, a temporary work related activity or intermittent work related activity, as found in the context of this ordinance.

"BUSINESS RELATED ACTIVITY." The act of operating motor vehicle a or motorcycle to or from any business which is located within the corporate city limits for the purpose of contractual requirements, economic benefit or other forms of business which are legally recognized under the laws of the Commonwealth of Kentucky.

"CITY." The City of Murray, Kentucky.

"CORPORATE CITY LIMITS." The corporate city limits of the City of Murray.

"DAY." Unless otherwise specified in an ordinance, the word "day" shall mean a calendar day.

"INDIVIDUAL." All individuals, trusts, partnerships, limited liability companies, corporations, sub-chapter s corporations and joint ownerships.

"LEASED." A vehicle which is leased by an individual for a period extending beyond ~~28~~ 30 days.

"LICENSE." An adhesive license sticker issued by the city.

"MOPED." A motorized bicycle whose frame design may include one (1) or more horizontal crossbars supporting a fuel tank so long as it also has pedals, or a motorized bicycle with a step-through type frame which may or may not have pedals rated no more than two (2) brake horsepower, a cylinder capacity not exceeding fifty (50) cubic centimeters, an automatic transmission not requiring clutching or shifting by the operator after the drive system is engaged, and capable of a maximum speed of not more than thirty (30) miles per hour.

"MOTORCYCLE." Any motor driven vehicle having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, ~~including vehicles on which the operator and passengers ride in an enclosed cab-~~ but excluding tractors and vehicles on which the operator and passengers ride in an enclosed cab and excluding a moped as defined in this ordinance

"MOTOR VEHICLE." All automobiles, trucks, motorcycles and all other motorized vehicle devices which qualify to be operated on the city streets or state highway for the Commonwealth of Kentucky

"NON-RESIDENT." An individual who lives or resides outside the corporate city limits of the City of Murray.

"OPERATE/USE." The act of exercising domain and or control of a motor vehicle or motorcycle whether or not said vehicle is registered in the individual's name.

"PASSENGER VEHICLE." A motor vehicle that is required to be licensed within its state of residency that is capable of transporting operator and/or passengers regardless of shape, make, model, size or classification (i.e. truck, car, recreational vehicle, etc.), which functions on four or more wheels.

"RESIDING."

(1) Ownership or occupancy of real property within the corporate city limits;

(2) Renting or leasing real property with intent to occupy and maintain as a physical presence for a period in excess of ~~28~~ 30 days within the corporate city limits; and

(3) Temporarily staying at a residential location with the intent to occupy and maintain as a physical presence for a period in excess of ~~28~~ 30 days within the corporate city limits

"TEMPORARY OR INTERMITTENT WORK RELATED ACTIVITY." Any work related activity performed on a temporary, random or inconsistent basis.

"WORK RELATED ACTIVITY." The act of operating a motor vehicle or motorcycle to or from a job, job site, employment, whether full-time, part-time, intermittent, or by the job (temporary or full-time).

AMENDMENT II. ADDITIONS, ASSERTIONS & CHANGES:

§71.02 is hereby amended to read in its entirety as follows:

§ 71.02 LICENSE REQUIRED.

(A) It shall be unlawful for any individual residing within the corporate city limits to own, use, possess, lease or operate any motor vehicle or motorcycle within the corporate city limits, without first obtaining a license from the city.

(B) An individual, ~~(who is required to purchase a license under this chapter), may shall~~ purchase a license from the city by ~~completion of an application- furnishing their name; make, model, and year of the motor vehicle or motorcycle; license plate number as affixed to said motor vehicle or motorcycle; and by~~ paying the requisite license fee as established herein.

(C) It shall be unlawful for any individual residing outside (non-resident) of the corporate city limits to own, use, possess, lease or operate a motor vehicle or motorcycle within the corporate city limits without first obtaining a license from the city for the following purposes:

(1) Traveling to and/or from a work related activity, which is located within the corporate city limits.

(2) Traveling to and/or from a business related activity which is located within the corporate city limits.

AMENDMENT III. ADDITIONS, ASSERTIONS & CHANGES:

§71.03 is hereby amended to read in its entirety as follows:

§ 71.03 ~~APPLICATION.~~ LICENSING PROCEDURE

(A) Each individual who is required to purchase a license shall make ~~application a request to the city for the City of Murray. The application information shall include~~ This request shall include, but is not limited to, the following:

(1) ~~Name and address of vehicle owner;~~

~~(2) Name and address of lessee of the vehicle, if different from the owner;~~

~~(3) Name and address of the individual who will be the principal operator of the motor vehicle;~~

~~(4)~~ (2) Make, model and year of the motor vehicle or motorcycle; and

~~(5)~~ (3) License plate number as affixed to said motor vehicle or motorcycle.

(4) The requisite license fee as established herein.

(B) Any individual who relocates into ~~the corporate city limits~~ or who acquires a work related activity or temporary or intermittent work related activity within the corporate city limits or begins a business related activity must apply for and purchase a license within 30 days of said activity beginning. Failure to meet this requirement shall subject the individual to the penalty section of this chapter.

AMENDMENT IV. ADDITIONS, ASSERTIONS & CHANGES:

§71.04 is hereby amended to read in its entirety as follows:

§ 71.04 ISSUANCE AND DISPLAY OF LICENSE; ANNUAL FEE.

(A) Before any individual (who is required to purchase a license under this chapter) for the use of a motor vehicle or motorcycle uses or operates said motor vehicle or motorcycle within the corporate city limits, the individual shall apply for a license as stated within this chapter. The license required of motor vehicles or motorcycles under the terms of this chapter shall be effective as of May 1 31 and the fees hereinafter set forth shall be due and payable on May 1 31, and a like license shall be required as defined in this chapter on May 1 31 of each year thereafter.

(B) Any individual who has acquired or leased a vehicle (who is required to purchase a license under this chapter) shall be required to purchase a license within 30 days of acquiring/purchasing/ leasing said vehicle. The license fee shall be pro-rated on a monthly basis as of the date that the license should have been purchased. Individuals who fail to comply with the 30 day purchase requirement shall not be eligible to receive a prorated fee. Possession of a state license or license tag shall be constructive evidence of ownership and operation of vehicle coming under the provisions of this chapter. Documentation of state registration receipt and/or bill of sale shall be required as proof of acquisition of ownership date.

(C) Any individual who becomes engaged in a business related activity or a work related activity or temporary or intermittent work related activity within the corporate city limits shall be required to purchase a license within 30 days of becoming engaged in said business related activity or work related activity or temporary or intermittent work related activity within the corporate city limits. Documentation from the employer on company letterhead including individual's name, name of employer, and hire date shall be required as proof of business related activity or work related activity acquisition date. In instances where an individual becomes engaged in a temporary or intermittent work related activity the same documentation of proof shall be required in addition to the specific temporary or intermittent dates the employee will be engaged in such activity.

(D) All current year licenses shall be displayed permanently by affixing same to the motor vehicles or motorcycles rear license plate in such a manner as not to deface or obscure any identification markers on said plate. Any renewal license must be placed on the license plate by removing the expired license and replacing with a current license or by affixing the current license on top of the expired license.

(E) In the event this location for placement is determined to be a violation of any state law, including, but not limited to, the Commonwealth of Kentucky, then, the current years license may be displayed on the front windshield (passenger side). In circumstances where an individual has applied the original license sticker to the rear license plate of a motor vehicle or motorcycle in violation of any state law, the individual may remove the insignia adhesive license sticker from the motor vehicle or motorcycle and return at least three fourths of the original sticker or the portion with the identification number to the issuing authority and be issued a window style sticker for the unexpired portion of the license period upon payment of \$1.

(F) Fees. The fees assessed for the license are as follows:

Residents/Non-Residents

	<u>April 1-May 31</u>	<u>June 1-March 31</u>
Passenger Vehicle	\$50.00	<u>\$150.00</u>
Motorcycles	\$25.00	<u>\$125.00</u>

The April 1-May 31 fee shall not apply to the purchase of a license from the previous license period. In those instances the June 1-March 31 fee shall apply. Individuals who purchase a license in compliance with the 30 day requirements as stated in this ordinance shall be subject to the April 1-May 31 license fee.

AMENDMENT V. ADDITIONS, ASSERTIONS & CHANGES:

§71.05 is hereby amended to read in its entirety as follows:

§ 71.05 DISPOSITION OF FEES.

All license fees imposed, levied, and collected under the provisions of this chapter shall be paid into and become a part of the City's general fund, the same to be used to compensate the City for issuing the license, enforcement and for regulation and upkeep of the city streets.

AMENDMENT VI. ADDITIONS, ASSERTIONS & CHANGES:

§71.06 is hereby amended to read in its entirety as follows:

§ 71.06 LOSS OR TRANSFER OF LICENSE.

- (A) If any individual shall sell or otherwise dispose of a motor vehicle or motorcycle for which a license has been issued hereunder prior to the expiration date of the license, and shall remove the insignia adhesive license sticker from the motor vehicle or motorcycle and return ~~it or portions thereof~~ at least three fourths of the original sticker or the portion with the identification number (as proof of the destruction of the license) within 30 days to the issuing authority, the individual may be issued another license for another motor vehicle or motorcycle for the unexpired portion of the license period upon payment of a transfer fee of \$1. Transfer licenses requested after 30 days of transfer of the motor vehicle or motorcycle will be subject to the June 1st license fee. Documentation of state registration receipt and/or bill of sale shall be required as proof of acquisition of ownership date. ~~In the event of the theft of the adhesive license sticker, a replacement shall be issued upon proper proof of prior issuance of a license, and upon the payment of a \$1 fee.~~
- (B) In the event that an original license sticker is lost or misplaced and cannot be located, the original purchaser of said license, upon proper proof of prior issuance of a license and an affidavit of loss, shall be eligible one (1) time per license period to replace the license sticker at the June 1st license fee less \$50 credit for the original license purchase.
- (C) In the event of the theft of the adhesive license sticker, a replacement shall be issued upon proper proof of prior issuance of a license as well as proof of a valid police report, affidavit of theft, and upon payment of the \$1 fee.
- (D) In the event of the unintentional destruction or forfeiture of the adhesive license sticker (as determined in sole discretion of the City), a replacement shall be issued upon proper proof of prior issuance of a license as well as proof of a valid police report or insurance claims documentation including an affidavit of destruction or forfeiture, and upon payment of the \$1 fee.

AMENDMENT VII. ADDITIONS, ASSERTIONS & CHANGES:

§71.07 is hereby amended to read in its entirety as follows:

§ 71.07 EXEMPTIONS.

(A) Motor vehicles or motorcycles which due to their status as governmental or are used and operated exclusively in the service of the governmental shall be exempt from the license fee. Motor vehicles or motorcycles which are registered to a governmental entity that bear non-governmental license plates, upon proof of proper documentation, shall also be exempt from the license fee.

(B) Residents or non-residents which due to their status as active, retired, or disabled veterans and have been issued a special military-related license plate under KRS 186.041 shall be exempt from the license fee for the motor vehicle or motorcycle which displays said plates and shall receive one license, at no cost, to be affixed to the special military-related license plate. Residents or non-residents who qualify for, but have not obtained, a special military-related license plate under KRS 186.041 shall be exempt from the license fee and shall receive one license, at no cost, to be affixed to the license plate. These exemptions shall only allow for 1 no-cost license per active, retired, or disabled veteran and shall exempt only the vehicle primarily driven by the active, retired, or disabled veteran.

(C) Motor vehicles or motorcycles which due to their status have been issued a common carrier permit as specified in KRS 281.830 or have a common carrier certificate from another state with which the State of Kentucky has a reciprocal agreement as specified in KRS 186.041 shall be exempt from the license fee.

(D) Motor vehicles or motorcycles which due to their status operate in interstate commerce pursuant to Federal Interstate Commerce Commission permit shall be exempt from the license fee, unless such trucks are locally-owned and stored within the corporate city limits.

(E) Exemption. Motor vehicles or motorcycles that are inventory items on dealer lots held for resale purposes and not used in any business or work related activity or temporary or intermittent work related activity shall be exempt from the license fee. This exemption shall not apply to dealer plates.

AMENDMENT VIII. ADDITIONS, ASSERTIONS & CHANGES:

§71.08 is hereby amended to read in its entirety as follows:

§ 71.08 ~~LATE FEE~~ PURCHASE

Any person who is required to purchase a license and fails to do so by May 31st of each year ~~within 30 days of the date they are required to purchase a license~~ shall be required to purchase a license ~~as well as be assessed a \$100 late fee~~ at the June 1st license fee. This shall not apply to individuals who comply with the 30 day deadline requirements as outlined in this ordinance.

AMENDMENT IX. ADDITIONS, ASSERTIONS & CHANGES:

§71.99 is hereby amended to read in its entirety as follows:

§ 71.99 PENALTIES AND VIOLATIONS.

(A) A ~~city~~ Police, Citation or Code Enforcement Officer or other individual authorized by the city, shall issue a violation notice containing the necessary information of said violation as prescribed by the city.

(B) The enforcement of any violation of this chapter shall be the responsibility of the Code Enforcement Board, its Police Citation Officer or Code Enforcement Official.

(C) A Police Officer, or Citation or Codes Enforcement Officer or other individual authorized by the city may ~~(but shall not be required to)~~ issue a warning notice of violation in lieu of a citation allowing the offender ten days within which to obtain a city license at the June 1st license fee, without penalty.

(D) Each person operating any motor vehicle or motorcycle, as defined herein, for which a license is required, without having first obtained a license on or before May 31 of each year to operate a motor vehicle or motorcycle, shall be issued a notice of violation or citation for violation of this chapter.

(E) If a person, prior to receiving a notice of violation, purchases a license after the deadline of May 31, the cost of the ~~fine license~~ shall be ~~\$50~~ \$150, and ~~in addition to paying the fine, the offending party shall purchase the required license for \$50.~~ If a notice of violation is issued and the offending party wishes not to contest the citation, the ~~minimum fine to be assessed shall be \$100 and in addition to paying the fine, the offending party shall purchase the required license for \$50.~~ offending party shall be required to purchase the required license at the June 1st license fee of \$150.

(F) If the citation is contested and a hearing before the Code Enforcement Board is required, the penalties that may be imposed at the discretion of the Board shall be \$100 to \$500 for each offense. If after the citation is issued, the offending party wishes to contest the citation, notification must be delivered pursuant to the requirements of the Code Enforcement Ordinance, Chapter 40 of this Code of Ordinances. If the offending party fails to respond to the citation within the requisite period of time, the offending party shall be deemed to have waived the right to a hearing to contest the citation and a determination by the Code Enforcement Board that a violation was committed shall be considered final. In this event the Code Enforcement Board shall enter a final order determining that the violation was committed and imposing the civil fine set forth in the citation. This shall be in addition to requiring the offending party to purchase a license.

(G) If the offending party notifies the city, within the designated time period, of his or her intention to have a hearing before the Code Enforcement Board, then, a hearing shall be established for the offending party pursuant to ~~Code Enforcement Board Ordinance~~, Chapter 40 of this Code of Ordinances.

(H) All final orders by the Code Enforcement Board as a result of violation of this chapter shall accrue interest at the twelve percent judgment rate of interest ~~as established by the Commonwealth of Kentucky.~~ in accordance with Kentucky Revised Statute 360.040.

(I) A lien may be filed enforcing any final order of the Code Enforcement Board as a result of a violation of this chapter.

Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this Ordinance; nor shall any just or legal right or remedy of any character be lost impaired or affected by this Ordinance.

All other sections and provisions of the Ordinances for the City of Murray, not specifically amended herein, shall remain in full force and effect and shall not be considered amended and shall be incorporated by reference as if fully stated herein.

JACK D. ROSE, MAYOR

ATTEST:

JUNE BATTS, CITY CLERK

Introduced by the City Council on _____, 2017.

Adopted by the City Council on _____, 2017.

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