

ORDINANCE 2014-1631

AN ORDINANCE AMENDING CHAPTER 72 OF THE CODE OF ORDINANCES OF THE CITY OF MURRAY, IN ORDER TO ESTABLISH A HEARING BOARD FOR PARKING VIOLATIONS PURSUANT TO KRS 82.600, ET SEQ. AND TO PROVIDE FOR CIVIL PENALTIES FOR PUBLIC VIOLATION.

WHEREAS, the Safety Committee has reviewed the parking ordinance of the City of Murray as stated in Chapter 72 of its Code of Ordinances.

WHEREAS, the Safety Committee desires to propose the following changes to Chapter 72 of the City of Murray Code of Ordinances so as to promote parking safety, to fairly allocate parking spaces among the public, and to protect the health, safety and welfare of both drivers and pedestrians using public parking.

WHEREAS, the Safety Committee has determined that since the adoption of Chapter 72 of the City of Murray Ordinance, that traffic problems have changed, the population of the City has increased, the business environment has changed to the point that a revision of the current Chapter 72 is necessary to resolve potential conflict and safety issues for parking.

BE IT ORDAINED by the Murray City Council that the following represents changes to Chapter 72 which shall be amended as follows:

CHAPTER 72: Parking

§72.01 FINDINGS AND INTENT.

1. The City finds that parking on public rights-of-way and other City-controlled properties is regulated to promote traffic safety, enhance the smooth flow of traffic, and in certain areas of high demand for parking spaces, to fairly allocate parking spaces among the public by limiting time.
2. Limiting parking in business districts helps facilitate commerce by promoting frequent turnover for conducting business-related activities or shopping, rather than employee or any other long-term parking.
3. Effective enforcement of parking regulations is required to meet the objectives of the sub-chapter, and to protect the health, safety and welfare of both drivers and pedestrians using public rights-of-way.

§72.02 GENERAL PROVISIONS.

No person shall stop, stand, or park a vehicle in any of the following public places or manners, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, or other authorized person, or pursuant to a traffic control device:

1. On the unimproved portion of a street, such as the berm or shoulder, within ten (10) feet of the roadway, subject to the exception of a vehicle that has been disabled in such a manner and to such an extent that it is impossible or impracticable to avoid the occupation of the shoulder until repairs have been made or sufficient help obtained for its removal. In no event shall a disabled vehicle remain on the shoulder for twenty-four (24) hours or more;
2. On a sidewalk;
3. In front of sidewalk ramps provided for persons with disabilities;
4. In any parking space designated and established for use by disabled persons unless the vehicle properly displays special designating plates or permits issued by any State;
5. In front of or within ten (10) feet of the entrance to a public or private driveway or alleyway, or within thirty (30) feet of the driveway entrance to any fire station.
6. On a crosswalk or within twenty (20) feet of a crosswalk not located at an intersection;
7. Within an intersection or within thirty (30) feet of any traffic control devices such as a flashing beacon, stop sign, yield sign, or traffic control signal;
8. Within ten (10) feet of a fire hydrant, fire safety sprinkler, standpipe or other fire protections system control valve, whether such valve is mounted on a building or on the ground;
9. In a marked Fire Lane;
10. On the approach to or upon any bridge, causeway, or within any tunnel;
11. In the opposite direction of the movement of traffic;
12. In an alley, except while loading or unloading individuals, merchandise, or other materials or within a marked and designated parking space;
13. Within fifty (50) feet of the nearest rail of a railroad crossing;
14. In an area between the roadways of a divided street;
15. In a manner that blocks traffic or interferes with or blocks the passage of other vehicles;

16. At any place where any portion of the vehicle extends into an area where official signs or other markings prohibit stopping, standing, or parking, or where the curb is painted red.
17. At any place where any portion of the vehicle is parked in a manner so that the vehicle is not completely within a designated space; or,
18. In any area that is signed or painted as to restrict parking.

72.03 AUTHORITY TO RESTRICT PARKING.

The City shall adopt regulations which shall be designated as the “traffic management manual” prohibiting the stopping, standing or parking of vehicles or limiting the length of time vehicles may be parked during certain hours on designated streets or portions thereof, and shall post proper signs on such streets accordingly. The Traffic Safety Committee is hereby authorized to determine or designate parking prohibitions. The City of Murray’s Traffic Management Manual, which includes the on-street parking guide, shall serve as the primary policy for on-street parking. In adopting such regulations, the Traffic Safety Committee may consider:

1. The nature of the land use within the block;
2. The volume of traffic;
3. The volume of parking;
4. The surface width of the street;
5. The relationship between the need for parking space for the land use of the block and the need for parking space for the general public;
6. Patrons and prospective patrons of places within the block or area to be served by the parking restrictions; and
7. The hours of the day or night when use of the parking zone is necessary or most convenient.

§72.04 PARKING OF CERTAIN VEHICLES PROHIBITED.

1. No person shall park a camper, motor home, trailer or truck or other vehicle exceeding seven (7) feet on overall width (excluding mirrors) or twenty (20) feet in overall length or seven and one-half (7 1/2) feet in overall height on any City street for more than six (6) hours without special permission from the Police Department.
2. No person shall park an abandoned vehicle or junked vehicle on any city street for any period of time.

§72.05 FREIGHT OR PASSENGER LOADING ZONES.

No Person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pick-up and loading of materials or passengers in any place marked a loading zone during the hours when the provisions applicable to such zones are in effect.

§72.06 PARKING FOR PROHIBITED PURPOSES.

No person shall stop, stand or park a vehicle upon any public street for the principle purpose of:

1. Displaying the vehicle for sale, lease, or other promotional purposes;
2. Greasing, washing, or repairing the vehicle, except for repairs necessitated by an emergency;
3. Storage;
4. Selling merchandise from the vehicle, except when authorized by permit; or,
5. Commercial advertising, however, nothing in this section shall prevent the stopping, standing, or parking of any vehicle while used in the regular course of the same business as advertised thereon.

§72.07 VICARIOUS RESPONSIBILITY.

1. The person in whose name a vehicle is registered as the time of the violation shall be absolutely responsible for all fines, fees and penalties. If shall be no defense that the vehicle was illegally parked by someone other than the registered owner, unless it is shown that at the time of the violation the vehicle was stolen and not in the possession of the registered owner.
2. An owner of a vehicle who is engaged in the business of renting or leasing vehicles under a written rental or leasing agreement shall not be liable for parking fines and penalties imposed under this subchapter on such rented or leased vehicles, if within fifteen (15) days after receiving notice of the 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 shall be treated as any other owner.

§72.08 PARKING IN PRIVATE OR MUNICIPAL PARKING LOTS.

1. No person shall park a vehicle for a period of time longer than twelve (12) hours in any twenty-four (24) hour period of any day except Sundays in any Municipal Parking Lots.
2. No Person shall park or abandon a vehicle on another's property or upon an area developed as an off street parking facility without the consent of the owner or the authorized agent of the owner of the property or facility and such facility is properly posted with signs that declare the property is privately owned and any unauthorized vehicles will be towed at the owners expense. If at any any time a vehicle is parked in violation of this provision of this section, the Police Department, upon written complaint of the owner or their authorized agent, may remove or cause to be removed, the vehicle in accordance with the provisions of Chapters 72.12 through 72.16 (Reference KRS 189.725)

§ 72.09 HEARING BOARD ESTABLISHED.

1. Pursuant to KRS 82.600, the City hereby establishes a Parking Enforcement Hearing Board, consisting of three (3) members. The membership of the Parking Enforcement Hearing Board shall consist of the following: One (1) member shall be a supervisor within the Murray Police Department; one (1) shall be a resident of the City of Murray, who is preferably a graduate of the Citizens Police Academy; and the third and final member shall be a supervisor within the Murray Street Department. Members of the Parking Enforcement Hearing Board shall be appointed by the executive authority of the City, subject to the approval of the legislative body.
2. Two (2) city residents shall be appointed. One shall be appointed as the primary member for a period of three (3) years and the other shall be appointed for a period of two (2) years as an alternate member to serve in the primary member's absence. Resident members shall be compensated at a rate of twenty-five dollars (\$25.00) per meeting.
3. It shall be the duty of the Parking Enforcement Hearing Board to conduct hearings pursuant to KRS 82.605 to 82.640, with respect to parking violations and impoundment of vehicles resulting from parking violations, as more particularly set forth in this article.
4. Any requests for hearings before the Parking Enforcement Hearing Board shall be sent to the Murray Police Department.

§ 72.10 NOTICE OF PARKING VIOLATION.

1. A notice of violation of this Chapter shall be issued in the form of a citation by any police officer or other person authorized by the Chief of Police. A copy of the citation shall be issued by conspicuously placing it on the windshield of an illegally parked vehicle in a secure manner or in a prominent place thereon. Such posting of the citation shall be deemed prima facie evidence that said violation occurred and that the owner of said vehicle was properly notified of said violation. In the event that the registered owner of said vehicle drives the vehicle away from on in any manner leaves the site of the violation while the issuing officer is preparing the citation, this in fact shall be noted on the citation and shall constitute prima facie evidence that the citation was issued and that an attempt was made to notify the owner of the vehicle of the violation in accordance with this section.
2. The citation shall contain the following information:
 - a. The date and time the citation was issued;
 - b. A statement of the specific parking violation for which the citation was issued;
 - c. A statement of the monetary penalty established, as provided in Chapter 72.99;
 - d. The registration number and make of vehicle in violation of this Chapter;
 - e. The name or an identifying number of the person issuing the citation;
 - f. A statement that the notice represents a determination that a parking violation has been committed by the owner of the vehicle and that the determination shall be final unless the person requests a hearing before the Parking Enforcement Hearing Board within seven (7) days;
 - g. The procedure for the person to follow in order to respond to the citation or to contest the citation; and
 - h. A statement that a parking violation may result in impoundment of the vehicle for which the owner may be liable for a fine and towing and storage charges or fees;
3. If the owner of a vehicle cited for a parking violation has not responded to the notice within seven (7) days, a second notice shall be sent to the last known address of registered owner by certified mail. Such notice shall state that if the owner does not respond to the notice by either paying the fine or by requesting in writing a hearing within seven (7) days of receipt of the notice, the owner shall be deemed to have waived his right to a hearing and the determination that a violation was committed shall be considered final.

§ 72.11 CONTEST OF VIOLATION – HEARING – APPEAL

1. Any person cited for a parking violation may contest the determination that a violation occurred by requesting, in writing, a hearing before the Parking Enforcement Hearing Board. The request

for a hearing shall be addressed to the Parking Enforcement Hearing Board and delivered to the Murray Police Department within the required seven (7) day time limit. When a hearing has been requested, the Board shall schedule a hearing to be held no later than fourteen (14) days from the date of receipt of the request, unless prior to the hearing the person requesting such hearing requests an extension of time not to exceed fourteen (14) day. Not less than seven (7) days before the date of the hearing, the City shall notify the requester of the date, time and place of the hearing. The notice may be given by certified mail, return receipt requested, by personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the notice. Any person requesting a hearing who fails to appear at the time and place set for the hearing shall be deemed to have waived the right to a hearing to contest the citation and shall be deemed to have refused to pay the fine levied by the citation. The Board shall enter a final order determining the violation was committed and shall impose the appropriate civil penalty. A copy of the order shall be served on the violator.

2. At the hearing, 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 an officer's personal appearance 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 seven (7) days. An administrative hearing fee of fifty dollars (\$50.00) will be added to the amount of the original fine if the Board upholds the citation. A copy of such order shall be furnished to the owner. If the fine amount plus the administrative hearing fee is not received within seven (7) days of the hearing date, a late fee of fifty dollars (\$50.00) shall be added to the original fine amount. Failure to pay the fine(s) within an additional seven (7) days may result in a summons being issued in the name of the registered owner of the vehicle requiring the owner to appear in Calloway County District Court.
3. An appeal from the Parking Enforcement Hearing Board's determination may be made to the Calloway County District Court within seven (7) days of the Board's determination. The appeal shall be initiated by filing of a complaint and a copy of the Parking Enforcement Hearing 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 City to establish that a violation occurred. If the Court finds that a violation occurred, the owner shall be ordered to pay to the City ALL FINES, FEES AND PENALTIES OCCURRING AS OF THE DATE OF JUDGMENT.

§ 72.12 VEHICLE IMPOUNDMENT

1. A vehicle may be impounded without giving prior notice to its owner 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;
 - d. The vehicle is illegally parked within a marked fire lane;
 - e. The vehicle, without a valid designated plate or placard issued under State law, is parked in a space clearly marked and designated for use by disabled persons;
 - f. A police officer reasonably believes that the vehicle is stolen;
 - g. The vehicle is parked in a private parking lot pursuant to Chapter 72.08
 - h. 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, and there are five (5) or more outstanding parking citations issued against the vehicle that have not been responded to, appealed to the Parking Enforcement Hearing Board, or been appealed to the Calloway County District Court.
 - i. The vehicle is abandoned or is a junk vehicle.
2. All vehicles seized for impound by the City of Murray Police Department shall be towed to an impound lot designated by the Murray Police Department.
3. All vehicles towed at the request of the City for violations of this Chapter shall be towed by companies approved by the City.
4. For any vehicle towed to the City's impound lot, the operator for the towing company shall give to the arresting officer or charging officer an invoice for the towing charge. The towing fees shall be collected by the City and will be remitted to the towing company on a biweekly basis. The registered vehicle owner shall be responsible to reimburse the City for towing fees.
5. For any vehicle towed to the City's impound lot, storage fees shall be charged for impounded vehicles at the rate of fifteen dollars (\$15.00) per day for the first thirty (30) days and then five dollars (\$5) per day for each day thereafter, not to exceed six hundred (\$600) per year. Storage fees for any vehicle towed to an impound lot other than a city owned impound lot, shall be determined by the impound lot owner. The registered owner shall be responsible for all storage fees.

§72.13 REDEMPTION OF IMPOUNDED VEHICLE.

Only the registered owner or other person entitled to possess, may redeem an impounded vehicle. A person redeeming an impounded vehicle shall produce proof of ownership or right to possession. A vehicle impounded may only be released upon proof that the registered owner or person entitled to possess shall have satisfied any and all fines, penalties, fees or forfeitures prior to the release of such vehicle.

§ 72.14 HEARING OF THE VALIDITY OF IMPOUNDMENT – APPEAL.

1. The owner of a vehicle or other person entitled to possession which has been impounded pursuant to Chapter 72.12 (1), may challenge the validity of such impoundment by requesting in writing a hearing before the Parking Enforcement Hearing Board.
2. The hearing shall be conducted within ten (10) business days of the date of the request, unless the registered owner or other person entitled to possession waives the limitation or the City shows good cause for such delay.
3. The City shall retain possession of the vehicle pending the hearing, unless the owner or other person claiming right of possession poses a bond or other security in a form satisfactory to the City in an amount equal to the fines and fees accrued as of the date of the hearing request, or seventy-five dollars (\$75.00) which ever is less.
4. If the owner or person claiming right of possession of the vehicle is unable to pay the amount of the bond, the hearing shall be held within seventy two (72) hours of the date of the request for hearing is received, unless such person requests or agrees to a continuance.
5. No less than five (5) days prior to the date set for the hearing, the City shall notify the person requesting the hearing of the date, time and place of the hearing. The notice may be given by certified mail, return receipt requested, by personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the notice.
6. In the case of a hearing required to be held within seventy-two (72) hours of the date of request as provided in subsection (4) of this section, the person requesting the hearing shall be informed at the time of their request, or as soon thereafter as practicable, of the date and time of the hearing.
7. Any person requesting a hearing, who refuses or, except for good cause, fails to appear at the time and place set for the hearing shall be deemed to have conceded on his and the owner's behalf the validity of the impoundment.
8. At the hearing, after consideration of the evidence, the Parking Enforcement Hearing Board shall determine whether the impoundment was valid and reasonable. Where it is not established that the impoundment was justified, an order releasing the vehicle shall be entered. All fines, fees paid or amounts posted as bond because of impoundment of the vehicle shall be returned. When it is established that the impoundment was justified, the board shall uphold the impoundment and condition release of the vehicle upon the payment of all fines and fees accruing thereto. If bond has been posted as security for release of the vehicle, said bond shall be forfeited to the City. Any fines or fees in excess of the amount of the bond posted shall be ordered to be paid by the owner of the vehicle to the City. The Board shall furnish the owner or person appearing on the owner's behalf with a copy of it's order.
9. The Board may consider the parking citation and any other written report made under oath by the issuing officer in lieu of the officer's personal appearance at the hearing.
10. An appeal from the Parking Enforcement Hearing Board's determination may be made to the Calloway County District Court within seven (7) days of the Board's determination. The appeal shall be initiated by the filing of a complaint and a coy of the Board's order in the same manner as any civil action. The action shall be tried de novo and the burden shall be on the City to establish that impoundment was justified. If the court finds that the impoundment was justified, the owner shall be ordered to pay all fees and fines accruing as of the date of judgment. If the Court finds that the impoundment was not justified, the City shall release the vehicle, if applicable, and to return all fines and fees paid as a result of the impoundment.

§ 72.15 VEHICLE DEEMED ABANDONED – ESCHEAT TO THE CITY – DISPOSAL OF VEHICLE.

1. If within ten (10) business days of impoundment a motor vehicle impounded by the City has not been claimed, or a hearing has not been requested pursuant to Chapter 72.14 and KRS 82.625, notice shall be mailed by certified mail to the registered owner, if known, and lien holders of record, if any, affording the parties the right within ten (10) days from the date of notice to claim the vehicle or request a hearing pursuant to Chapter 72.14 and KRS 82.625. The notice shall state that, if no hearing is requested, the vehicle shall be deemed abandoned unless the charges thereon are paid within forty-five (45) days of receipt of the notice.
2. After forty-five (45) days from the date of notice required by subsection (1) of this section an impounded motor vehicle shall be deemed abandoned and the vehicle shall escheat to the city, pursuant to KRS 82.630.
3. If the vehicle is judged suitable for use, the City may obtain a certificate of registration and ownership from the Calloway County Clerk pursuant to KRS 186.020 and either use the

vehicle for governmental purposes or sell the vehicle at public auction to the highest bidder. If the vehicle is not suitable for use, it may be sold for its scrap or junk value.

§ 72.16 LIEN FOR FINES AND OTHER CHARGES.

1. The City shall possess a lien on a motor vehicle impounded pursuant to Chapter 72.12 and KRS 82.625 for all fines, penalties, towing, handling and storage charges and other fees imposed thereon. Such lien shall be superior to and have priority over all other liens thereon.
2. Pursuant to KRS 82.600 to 82.640 nothing shall otherwise affect the rights or obligations between the owner of the motor vehicle and those persons who claim security interest therein.

§72.99 PENALTY.

1. The minimum monetary penalties for parking violations are hereby established as follows:
 - a. No Parking Zone \$25.00
 - b. Outside Designated Space \$25.00
 - c. Overtime \$15.00
 - d. On a Crosswalk \$25.00
 - e. On a Sidewalk \$25.00
 - f. Handicapped Areas \$75.00
 - g. Fire Hydrant or Marked Fire Lane \$50.00
 - h. Blocking Driveway \$25.00
 - i. Loading Zone \$25.00
 - j. Within an Intersection \$75.00
 - k. Wrong Side \$25.00
 - l. Blocking Traffic \$75.00
 - m. All others \$20.00
2. Any person found to be in violation of Chapter 72 shall be fined not less than the minimum fine set forth in subsection (1) for each separate violation.
3. If the owner of the vehicle cited is deemed to have waived their right to a hearing under the provisions of 72.10(3) and has not satisfied the penalty established in subsection (1) of this chapter, within thirty (30) days of the date of citation, a late fee of one hundred dollars (\$100.00) shall be added to the fine. For each successive thirty (30) day period in which the fine and late fee remains unpaid an additional one hundred dollars (\$100.00) late fee shall be assessed.

This is an edited version of the Official Ordinance. This version has removed the stricken portions contained in the Official version to aid readability. To view the Official Version [please click here](#).