

CITY OF ELSMERE, KENTUCKY

ORDINANCE NO.1782-2019

**AN ORDINANCE OF THE CITY OF ELSMERE, KENTUCKY AMENDING TITLE VII:  
TRAFFIC CODE CHAPTER 72 "PARKING REGULATIONS" OF THE ELSMERE,  
KENTUCKY CODE OF ORDINANCES**

*WHEREAS*, Chapter 72 "PARKING REGULATIONS" sets forth requirements for parking in the City of Elsmere, Kentucky; and

*WHEREAS*, the City of Elsmere, Kentucky has determined that the current Ordinance needs to be amended;

***BE IT ORDAINED BY THE CITY OF ELSMERE, KENTUCKY AS FOLLOWS:***

That Chapter 72 "Parking Regulations" of the Elsmere, Kentucky Code of Ordinances shall be amended as follows:

72.01 MANNER OF PARKING

(A) No person shall park any vehicle upon a street, [~~other than an alley~~], in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic, or in any manner that blocks vehicular traffic on the roadway. (Ord. 874-1967, passed- -)

(B) All persons shall park their vehicles on the city streets in such a manner that the left front of the vehicle (driver's side) shall face oncoming traffic, so that the oncoming traffic shall be required to pass on the left of the driver's side of the vehicle. (Ord. 817-1964, passed--)

(C) All vehicles parked on the streets, ways, or public thoroughfares of the city shall, except on one-way streets, stand with the right wheels thereof within six (6) inches of the curb of such street, way, or public thoroughfare. All vehicles parked on the left-hand side of a one-way street shall stand with the left wheels within six (6) inches of the left-hand curb. However, this shall not apply where diagonal parking is permitted by appropriate markings or designs. (Ord. 685-1952, passed--; Am. Ord. 1649-2012, passed 12-11-12) ('76 Code, § 60.07(A)) Penalty, see § 72.99

72.04 LIMITATIONS ON STOPPING AND PARKING

(A) 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 this traffic code or when directed by a police officer or traffic sign or signal at any time in the following places:

- (1) 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 in § 72.01 and 72.03.
- (2) On a sidewalk.
- (3) In front of sidewalk ramps provided for persons with disabilities.

(4) In front of or within three (3) feet of the wing [five (5) feet] of a public or private driveway.

(5) Within ten (10) feet of either side of a firehydrant.

(6) Within up to 25 feet from the approach to a stop sign per the discretion of the Traffic Committee.

(7) Within any intersection (including T-intersections) and within up to 20 feet of any approach to an intersection that is not controlled by a stop sign or any receiving lane per the discretion of the Traffic Committee.

(8) At any place where the Traffic Committee decides that it is in the City's best interest to install official signs that prohibit stopping or parking. This does not apply to police officers when operating properly identified vehicles during the performance of their official duties.

(9) Within up to twenty-five (25) feet of any flashing beacon, traffic sign, or traffic control device per the discretion of the Traffic Committee.

(10) In any manner so as to block a sidewalk or cover any area between a street curb and a sidewalk.

(11) Extending out into the pavement from a driveway in areas where sidewalk does not exist.

~~[[11]12)~~ Within twenty-five (25) feet of either side of a railroad.

(13) Within any area deemed to be a fire lane.

~~(14)~~ Within four (4) feet of either side of a single mailbox when such mailbox immediately adjoins the street.

(15) Within 10 feet of either side of a cluster of five (5) or more mailboxes when such mailboxes immediately adjoin the street.

~~[[15]16)~~ On a street where the City has posted no parking signs for street sweeping, construction, or any other City business for at least 24 hours.

~~[ twenty five (25) feet or an intersection or crosswalk, or within ten (10) feet of a fire hydrant.]~~

~~[(6) 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.]~~

~~[(7) Within twenty five (25) feet of any flashing beacon, traffic sign, or traffic control device.]~~

~~[(8) In any manner so as to block a sidewalk or cover any area between a street curb and a sidewalk. (Ord. 1121-1978, passed 4-12-78)]~~

~~[(9) Within twenty five (25) feet of either side of a railroad.]~~

~~[(10) Within any area deemed to be a fire lane.]~~

(B) No person shall move a vehicle not lawfully under his control into any such prohibited area.

(C) 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.

(D) Any provisions imposing a time limit on parking shall not relieve any person from 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.

(E) When signs are erected in compliance with the provisions of division ~~(G)~~(H) below giving notice thereof, no person shall park a vehicle at any time on any street so marked by official signs.

(F) When a curb has been painted in compliance with the provisions of division ~~(G)~~(H) below, no person shall park a vehicle at any time at or adjacent to any curb so marked.

~~[(G) When signs are erected in compliance with the provisions of division (H) below, in each block giving notice thereof, no person shall park a vehicle between the hours specified by official signs on any day except Sundays on any street so marked.]~~

(H) (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 parking for persons with disabilities, 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.

(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 and markings. Penalty, see § 72.99

~~[(I) When signs are erected in compliance with division (H) above in each block giving notice thereof, no person shall park a vehicle for a time longer than specified on official signs on day street so marked. (Am. Ord. 1649 2012, passed 12/11/12) Penalty see § 72.99]~~

~~[72.05 PARKING IN BUSS STOP, TAXICAB STAND]~~

~~[Vehicles shall park in such a manner as not to interfere with the passage of pedestrians at cross walks. Vehicles shall not park upon the streets at a point where taxicabs or buses stop or take on or discharge passengers. ('76 Code, §60.07(B)) (Ord 685-1952, passed AM. Ord. 1649 2012 passed 12/11/12) Penalty, see § 72.99]~~

72.05[6] PARKING PROHIBITED DURING SNOW EMERGENCIES

(A) The Mayor is authorized to proclaim snow emergencies within the city.

(B) The Chief of Police, [ø] City Administrator, or their designee is authorized to cause to be towed away all automobiles parked on snow emergency routes during snow emergencies. (Ord. 1118-1978, passed 3-22-78; Am. Ord. 1649-2012, passed 12-11-12) Penalty, see§ 72.99

(C) Parking is prohibited on the following designated snow emergency routes whenever a snow emergency is proclaimed:

<u>Street</u>	<u>Location</u>	<u>Ord. No.</u>	<u>Date Passed</u>
<u>Autumn Road</u>	<u>From Turkeyfoot Road to Garvey Avenue</u>	<u>1133-1979</u>	<u>2-14-79</u>
<u>Buckner Street</u>	<u>From Garvey Avenue to Main Street</u>	<u>1133-1979</u>	<u>2-14-79</u>
<u>Central Row</u>	<u>From Buckner Street to Ripple Creek Drive</u>	<u>1118-1978;</u> <u>1536-2005</u>	<u>3-22-78;</u> <u>2-22-05</u>
<u>Feather Lane</u>	<u>All</u>	<u>1133-1979;</u> <u>1688-2014</u>	<u>2-14-79;</u> <u>12-9-14</u>
<u>Goodridge Drive</u>	<u>From north city limit to East Covered Bridge</u>	<u>1272-1986</u>	<u>11-15-86</u>
<u>Lvtle Avenue</u>	<u>From Spring Street to Bluegrass Avenue</u>	<u>1118-1978;</u> <u>1688-2014</u>	<u>3-22-78;</u> <u>12-9-14</u>
<u>Main Street</u>	<u>From Dixie Highway to Floral Avenue</u>	<u>1118-1978</u>	<u>3-22-78</u>
<u>Ripple Creek Drive</u>	<u>All</u>	<u>1384-1994;</u> <u>1688-2014</u>	<u>2-22-94;</u> <u>12-9-14</u>
<u>East Covered Bridge</u>	<u>From Goodridge Drive to Manderlay Drive</u>	<u>1420-1995</u>	<u>3-12-96</u>
<u>Eastern Avenue</u>	<u>All</u>	<u>1420-1995</u>	<u>3-12-96</u>
<u>Pebble Creek Drive</u>	<u>From Garvey Avenue to Clovernook</u>	<u>1420-1995</u>	<u>3-12-96</u>
<u>Mitten Drive</u>	<u>From 3606 Mitten Drive to 3646 Mitten Drive</u>	<u>1688-2014</u>	<u>12-9-14</u>

[Cross-reference]

[Snow-emergency routes, see Chapter 76 Schedule III]

72.06[7] PARKING VEHICLE FOR SALE OR REPAIR

No person shall park a vehicle upon a roadway for the principal purpose of displaying the vehicle for sale, washing, greasing, or repairing the vehicle except repairs necessitated by an emergency. It shall be unlawful for any automobile repair shop, tire store, accessory store, filling station, auto dealer, mobile home dealer, boat dealer, or any other establishment whatever to use

any part of any street for the storage, repair, adjustment, or equipment of vehicles, boats, mobile homes, or accessories therefor.

('76 Code, § 60.07 (B)) (Ord. 874-1967, passed Am. Ord. 1649-2012, passed 12-11-12) Penalty, See§ 72.99

#### 72.07[8] REPAIRING MOTOR VEHICLE IN PUBLIC PARK

It shall be unlawful to repair any motor vehicle in a public park within the city, or on any other city-owned property, including roadways and sidewalks. (Ord. 1245-1985, passed 6-11-85; Am. Ord. 1649-2012, passed 12-11-12) Penalty, see§ 72.99

#### 72.08[9] PARKING FOR CERTAIN LENGTH OF TIME

It shall be illegal to leave any motor vehicle parked on any street in the city for a continuous period in excess of 72 [48] hours without moving the motor vehicle. Any vehicle parked in excess of 72 [48] hours is subject to a police order to tow said vehicle.

#### 72.9[10] PEDDLING FROM PARKED VEHICLE

No person shall sell or offer for sale goods, wares, or merchandise from vehicles of any kind parked upon the streets, alleys, or public ways within the business or closely built-up portions of the city, except at designated market spaces. ('76 Code, § 60.14) (Ord. 685-1952, passed--; Am. Ord. 1649-2012, passed 12-11-12) Penalty, see§ 72.99

#### 72.10[1] RESERVED PARKING SPACES FOR PERSONS WITH DISABILITIES

(A) The Police Chief or Public Works Director shall designate from time to time reserved parking spaces in the city to be located in publicly-owned parking lots, and on public streets where there is provided on-street parking, so as to accommodate persons with disabilities as defined in KRS 189.456.

(B) Persons with disabilities who have obtained a special parking permit from the Kenton County Clerk, according to KRS 189.456, shall make application with the Police Chief or other designated city official for a reserved parking space. If the Police Chief or other designated city official finds that the person making the application has obtained the required permit from the Kenton County Clerk, and that local ordinances or state statutes do not prohibit parking on the street, he shall designate a reserved parking space in the front, rear, or side of the residence of the person with disabilities, if there is no off-street parking accommodating such residence. The applicant shall re-apply for the space on an annual basis.

(C) The person with disabilities shall be subject to all other local ordinances and state statutes governing the parking of vehicles on the street where the reserved space has been designated and shall be subject to the provisions of KRS 189.456 and 186.042.

(D) All other persons who occupy the reserved parking space shall be subject to the penalty provisions of KRS 189.456 and 189.990(1). (Ord. 1213-1983, passed 10-25-83; Am. Ord. 1649-2012, passed 12-11-12)

## 72.11[2] PARKING TRUCKS OR TRAILERS IN RESIDENTIAL AREAS

(A) No person shall park a truck over one ton in capacity in any residential area for longer than one hour, except when loading or unloading or when such truck is completely housed within a garage or other completely enclosed structure.

(B) No person shall park any licensed trailer or carrier not attached to a motor vehicle on any city street. No person shall park any licensed trailer or carrier attached to a motor vehicle on any city streets unless they are in the process of loading/unloading the trailer or the trailer is being used to carry equipment for a construction project at the site. ~~[in excess of 24 hours.]~~ Unlicensed trailers not attached to a motor vehicle may not be parked on city streets at any time. ('76 Code, § 60. 07 (C)) (Ord. 874-1967, passed- Am. Ord. 1649-2012, passed 12-11-12)

## 72.12 PROHIBITION OF ON-STREET PARKING OF BOATS, CAMPERS, AND OTHER NONLICENSED OBJECTS.

No person shall stop, stand, or park any object or vehicle including, but not limited to, boats and campers, unless the vehicle or object is attached to a properly licensed motor vehicle. No person shall park any boat or camper that is attached to a properly licensed motor vehicle or a standalone camper unless they are in the process of loading/unloading.

## 72.13 DUMPSTER PLACEMENT ON PUBLIC STREET

A dumpster or other receptacle for demolition debris may only be placed upon public streets by special permit to be issued by the Traffic Committee and the only practical location for the receptacle is on the public street.

## 72.26 AUTHORITY TO REMOVE ABANDONED OR ILLEGALLY PARKED VEHICLE

Members of the Police Department are authorized to immediately remove a vehicle from a street or highway to the garage or other place of safety designated by the Police Department or otherwise maintained by the city, under circumstances enumerated below:

(A) When any vehicle is left unattended upon any bridge, viaduct, or causeway, or in any tube or tunnel where the vehicle constitutes an obstruction to traffic.

(B) When any vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

(C) When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.

(D) When any vehicle is improperly licensed.

(E) When any vehicle has two or more unpaid violations on file in the office of the Chief of Police or City Clerk and the violations have remained unpaid for a period of at least seven days.

(F) When the motor vehicle is parked on any street in the city for a continuous period in excess of 72 ~~[48]~~ hours without ~~[moving]~~ the motor vehicle being driven.

(G) When the motor vehicle has been deemed to be abandoned, as set forth in § 72.25.

(H) When the motor vehicle is parked in a road construction area, is parked in an area where parking is temporarily prohibited, is blocking a fire hydrant, or is deemed by a police officer to be a public safety hazard. ('76 Code, § 60.08(A)) (Ord. 874-1967, passed Am. Ord. 1649-2012, passed 12-11-12)

#### 72.28 PARKING PROHIBITED IN CUL-DE-SACS

Parking shall be prohibited anywhere within a cul-de-sac from the beginning of the circular portion to the end of the circular portion. Signs may be installed if the Traffic Committee feels it is necessary [~~or other areas within the City of Elsmere when so designated by official signage or during a snow emergency.~~] (Ord. 1649-2012, passed 12-11-12) Penalty, see § 72.99

#### 72.34 CHARGES

In addition to the penalties levied for the parking violations, the city hereby imposes towing, holding, and storage charges upon such impounded vehicle. In the event the condition of the vehicle or circumstances of the tow requires the employment of extraordinary services or equipment, the reasonable charges of the towing operator, as approved by the Chief of Police, for such shall be added to the fee. (Ord. 1649-2012, passed 12-11-12)

#### 72.99 PENALTY

(A) Any person violating any provision of this chapter for which a specific penalty is not otherwise provided shall be fined not less than twenty dollars (\$20) nor more than one hundred dollars. The fine will double if not paid within 7 days. [~~(\$100.00) "7-6 Code § 60.18 - Ord 1168-1981 passed 2-25-81~~]

~~[(B) Any person violating § 74.03 shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100). (Ord. 1119-1978, passed 4-12-78)]~~

~~[(C) As provided in KR8-189.990(2) (b), any person violating 71.04 shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100). ('76 Code, § 50.19 (B)) (Ord. 1075-1975 passed)]~~

### SECTION TWO

This Ordinance shall take effect and shall be in full force after its enactment and publication as required by law.

### SECTION THREE

All ordinances or parts of any ordinances in conflict herewith, to the extent of the conflict, if any, are hereby repealed.

**SECTION FOUR**

If any sentence, clause, section or part of this ordinance or the application thereof to any particular situation is, for any reason, found to be unconstitutional, illegal or invalid, the invalidity of any provision of this Ordinance shall not affect the validity of any other provisions hereof, and such other provisions shall remain in full force and effect as long as they remain valid in the absence of that provision determined to be invalid.

**SECTION FIVE**

Publication of this Ordinance is hereby authorized to be by summary publication in accordance with Kentucky Law.


**PASSED AND APPROVED ON FIRST READING this the 5<sup>th</sup> day of November, 2019.**

**PASSED AND APPROVED ON SECOND READING this the 14<sup>th</sup> day of January, 2020.**

*APPROVED:*

  
HON. MARTY LENHOF, MAYOR

*ATTEST:*

  
MISTY EZELL  
CITY CLERK