

CHAPTER 72: PARKING REGULATIONS

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PARKING GENERALLY

§ 72.01 MANNER OF PARKING.

(A) No person shall park any vehicle upon a street 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

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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; Am. Ord. 1782-2019, passed 1-14-20) ('76 Code, § 60.07(A)) Penalty, see § 72.99

§ 72.02 ENGINE NOT TO BE LEFT RUNNING.

The motor or engine or any motor vehicle shall not be left running when the vehicle is left standing, without an attendant, on any street, alley, public way, or thoroughfare of the city.
('76 Code, § 60.11) (Ord. 685-1952, passed - - ; Am. Ord. 1649-2012, passed 12-11-12) Penalty, see § 72.99

§ 72.03 OBSTRUCTIONAL PARKING; DOUBLE PARKING.

Except on one-way streets, vehicles shall not stop with the left side at the curb, nor on any street crossing, nor shall vehicles or street cars be allowed to stand two (2) or more abreast, or assemble so as to interfere with the traffic on any street. The crossings and intersections shall at all times be kept clear and unobstructed.
('76 Code, § 60.07(B)) (Ord. 685-1952, passed - - ; Am. Ord. 1649-2012, passed 12-11-12) 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 of a public or private driveway.

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

(6) Within up to twenty-five (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 twenty (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.

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

(16) On a street where the city has posted no parking signs for street sweeping, construction, or any other city business for at least twenty-four (24) hours.
('76 Code, § 60.07(C), (D)) (Ord. 874-1967, passed - -)

(B) No person shall move a vehicle not lawfully under his control into any such prohibited area.
(KRS 189.450(5) - (7))

(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.

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

(G) (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.

(Am. Ord. 1782-2019, passed 1-14-20) Penalty, see § 72.99

§ 72.05 PARKING PROHIBITED DURING SNOW EMERGENCIES.

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

(B) The Chief of Police, City Administrator, or their designee is authorized to cause to be towed away all automobiles parked on snow emergency routes during snow emergencies.

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

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

(Ord. 1118-1978, passed 3-22-78; Am. Ord. 1649-2012, passed 12-11-12; Am. Ord. 1782-2019, passed 1-14-20) Penalty, see § 72.99

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§ 72.06 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; Am. Ord. 1782-2019, passed 1-14-20) Penalty, see § 72.99

§ 72.07 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; Am. Ord. 1782-2019, passed 1-14-20) Penalty, see § 72.99

§ 72.08 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 hours without moving the motor vehicle. Any vehicle parked in excess of 72 hours is subject to a police order to tow said vehicle.

('76 Code, § 60.07(D)) (Ord. 1027-1973, passed - - ; Am. Ord. 1649-2012, passed 12-11-12; Am. Ord. 1782-2019, passed 1-14-20) Penalty, see § 72.99

§ 72.09 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; Am. Ord. 1782-2019, passed 1-14-20) Penalty, see § 72.99

§ 72.10 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.

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(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 penal provisions of KRS 189.456 and 189.990(1). (Ord. 1213-1983, passed 10-25-83; Am. Ord. 1649-2012, passed 12-11-12; Am. Ord. 1782-2019, passed 1-14-20)

§ 72.11 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. 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; Am. Ord. 1782-2019, passed 1-14-20)

§ 72.12 PROHIBITION OF ON-STREET PARKING OF BOATS, CAMPERS, AND OTHER NON-LICENSED 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. (Ord. 1782-2019, passed 1-14-20)

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§ 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.

(Ord. 1782-2019, passed 1-14-20)

IMPOUNDING

§ 72.25 ABANDONMENT PROHIBITED.

It shall be unlawful to abandon any automobile or other vehicle anywhere in the city limits, including roadways. A vehicle shall be deemed to be abandoned if one or more of the following has occurred: one or more of the vehicle's tires has been deflated, the vehicle's registration has expired, the vehicle is inoperable, or the vehicle is leaking a substantial amount of engine fluids or has sustained severe body damage. Abandoned vehicles on city roadways are subject to an immediate tow order by the Elsmere Police Department.

('76 Code, § 60.05) (Ord. 874-1967, passed - - ; Am. Ord. 1649-2012, passed 12-11-12) Penalty, see § 72.99

§ 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 hours without the motor vehicle being driven.

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(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; Am. Ord. 1782-2019, passed 1-14-20)

§ 72.27 NOTICE TO OWNER; SALE OF VEHICLE.

(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) In the event that 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 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 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.

(C) 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 divisions (A) and (B) above 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

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has been notified by certified mail ten days prior to the time and place of the sale. Should the proceeds of the sale of any vehicle pursuant to this section be insufficient to satisfy accrued charges for towing, transporting, and/or storage, said sale and collection of proceeds shall not constitute a waiver or release of responsibility for payment of unpaid towing, transporting, and/or storage charges by the owner or responsible casualty insurer of the vehicle. This lien shall be subject to prior recorded liens.
(Am. Ord. 1649-2012, passed 12-11-12)

Statutory reference:

For similar state provisions, see KRS 376.275

§ 72.28 PARKING PROHIBITED IN CUL-DE-SACS.

Parking shall be prohibited anywhere within cul-de-sacs 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. (Ord. 1649-2012, passed 12-11-12; Am. Ord. 1782-2019, passed 1-14-20) Penalty, see § 72.99

§ 72.29 PARKING VIOLATION APPEALS BOARD.

A Hearing Board is hereby established that shall be called the City of Elsmere Parking Violation Appeals Board (the "Board"). The Board shall consist of three members and one alternate, which shall be appointed by the Mayor via executive order. The Board is hereby empowered to conduct hearings on the last Thursday of each month at 2:00 p.m. and make the decisions provided for in this subchapter. All meetings will be held at the Elsmere City Building. Each Board member shall serve a term of two years.
(Ord. 1649-2012, passed 12-11-12; Am. Ord. 1745-2018, passed 3-13-18)

§ 72.30 CITATION FOR VIOLATION; CONTENTS.

(A) Elsmere Police Officers are hereby empowered to issue civil citations for any violation of this subchapter.

(B) The form of the citation applicable to the parking violation shall be approved by the Chief of Police, but shall contain in substance the following information:

(1) A statement that the citation represents a determination that a violation has been committed by the owner of the vehicle and that the determination shall be final unless contested;

(2) 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, handling, and storage charges or fees;

(3) A statement of the specific parking violation for which the citation was issued;

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(4) A statement of the monetary penalty established for the parking violation; and

(5) A statement of the options provided in Senate Bill 380 for responding to the notice and the procedures necessary to exercise these options.

(C) The citation as notice of the parking violation represents a determination that a violation has been committed, and such determination shall be final unless contested.

(D) The Mayor or City Administrator may designate a non-police employee to write citations, in concert with the Police Department for violations of this chapter.

(E) The City Administrator, Chief of Police, or his or her designee, shall have the power to void any erroneously issued parking citation written by the Elsmere Police Department, after an administrative review by the City Administrator, Chief of Police, or his or her designee, to identify the error.
(Ord. 1649-2012, passed 12-11-12)

§ 72.31 PAYMENT OF FINE OR REQUEST FOR HEARING.

(A) Any person who receives a citation for a parking violation shall respond to such citation as provided herein within seven days of the date of the notice, by either paying the fine set forth in the notice or requesting a hearing as hereinafter provided. If no response has been received within seven days the city shall send a second notice via regular (first-class) U.S. mail to the last known address of the registered owner of the vehicle.

(B) If the owner of a vehicle cited for a parking violation has not responded to the second violation notice within seven days as provided in division (A) above, 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. Any person who fails to request a hearing or pay the fine within the seven days shall be deemed to have refused to pay the fine levied by the citation.

(C) The registered owner of a vehicle at the time the violation occurred shall be liable for all fines, fees, and penalties which he or she has refused to pay.
(Ord. 1649-2012, passed 12-11-12)

§ 72.32 CITATION: HEARING: APPEAL.

(A) Any person cited for a parking violation under this chapter may contest the determination that a violation occurred by requesting in writing a hearing before the Parking Violation Appeals Board. The meeting shall be held on the last Thursday of each month at 2:00 p.m. and will be held at the Elsmere City Building. Any person requesting a

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hearing who fails to appear at the time set for the hearing shall be deemed to have refused to pay the fine levied by the citation, and such citation shall become final.

(B) At the hearing, after consideration of the evidence presented by the city or its designee in support of the citation, 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 days. A copy of the order shall be furnished the owner. Any person ordered to pay the fine who fails to do so within seven days shall be deemed to have refused to pay the fine levied by the citation, and the citation shall become final.

(C) 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 the police officer's personal appearance at the hearing.

(D) An appeal from the Hearing Board's determination may be made to the Kenton District Court within seven days of the Board's determination. The appeal shall be initiated by the filing of a complaint and a copy of the 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 the judgment. If the court finds that a violation did not occur, the city shall be ordered to dismiss the citation.

(E) The judgment of the Kenton District Court may be appealed to Kenton Circuit Court in accordance with the rules of civil procedure. (Ord. 1649-2012, passed 12-11-12; Am. Ord. 1745-2018, passed 3-13-18)

§ 72.33 AUTHORITY OF CITY TO IMPOUND.

The city, or its designee,, may impound a vehicle in accordance with the regulations of this subchapter or any statute at the time the citation is issued; or at any time a vehicle, with respect to which a final determination has been made hereunder that a parking violation penalty is owing and which is unpaid, is found in the city; or for any other legal purpose.

(Ord. 1649-2012, passed 12-11-12)

§ 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, pass ed 12-11-12; Am. Ord. 1782-2019, passed 1-14-20)

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§ 72.35 PAYMENT OF PENALTY AND CHARGES OR REQUEST FOR HEARING.

The release of an impounded vehicle is conditioned upon the payment of the penalty levied for the parking, violations and/or the towing, holding, and storage charges imposed thereon, unless the owner or other person entitled to possession challenges the validity of the impoundment pursuant to the appeals process articulated in this subchapter. In addition to the towing/storage fees and parking violation penalties, the city will charge an administrative fee of \$25 plus any preliminary sale advertising expenses or other expenses incurred by the city or its designee. The administrative fee may be collected on behalf of the city by the city's designated towing and storage entity, and remitted on a regular basis to the city. The Chief of Police may waive the administrative fee if the sale amount of an unclaimed, impounded vehicle is less than the storage and towing fees accrued for the vehicle. An impounded vehicle may be released to the owner or other person entitled to possession only upon proof of ownership or right to possession and proof of insurance. The city may require reasonable security, bond, or other assurances of indemnification from a person who is not the registered owner of the vehicle prior to releasing the vehicle to such person.
(Ord. 1649-2012, passed 12-11-12)

§ 72.36 IMPOUNDMENT: HEARING; APPEAL.

(A) The owner of a motor vehicle which has been impounded pursuant to this chapter or other person entitled to possession, may challenge the validity of such impoundment and request in writing a hearing before the Parking Violation Appeals Board. The hearing shall be conducted within. The meeting shall be held on the last Thursday of each month at 2:00 p.m. and will be held at the Elsmere City Building. The city, or its contractor, shall retain possession of the vehicle pending the hearing, unless the owner or other person claiming right of possession posts a bond in an amount equal to the fines and fees accrued as of the date of the hearing request, or \$75 whichever is less. If the owner or person claiming possession of the vehicle is unable to pay the amount of the bond, the hearing shall be held within 72 hours of the date the request for hearing is received, unless the person requests or agrees to a continuance.

(B) The city shall notify the person requesting the hearing of the date, time, and place of the hearing no less than five days before the hearing. In the case of a hearing required to be held within 72 hours of the date of the request as provided in division (A) above, the person requesting the hearing shall be informed at the time of his or her request, or as soon thereafter as is practicable, of the date and time of the hearing.

(C) Any person 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 or her and the owner's behalf the validity of the impoundment.

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(D) At the hearing, after consideration of the evidence, the Board shall determine whether the impoundment was valid and reasonable. Where it has not been established that the impoundment was justified, an order releasing the vehicle shall be entered. Where it has been established that the impoundment was justified, the Board shall uphold the impoundment and condition the release of the vehicle upon payment of all fines and fees accruing thereto. The Board shall furnish the owner or person appearing on the owner's behalf with a copy of its order.

(E) The Board may consider a 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.

(F) An appeal from the Hearing Board's determination may be made to the Kenton District Court within seven days of the Board's determination. The appeal shall be initiated by the filing of a complaint and a copy 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 be ordered to release the vehicle, if applicable, and to return all fines and fees paid as a result of the impoundment and the plaintiff shall be authorized to recover his or her costs.

(G) The judgment of the District Court may be appealed to Kenton Circuit Court in accordance with the rules of civil procedure.
(Ord. 1649-2012, passed 12-11-12; Am. Ord. 1745-2018, passed 3-13-18)

§ 72.37 DISPOSITION OF VEHICLE.

(A) If within ten business days of impoundment a motor vehicle has not been claimed, or a hearing has not been requested, notice shall be mailed by certified mail by the city or its designee to the registered owner, if known, and lienholders of record, if any, affording such parties the right within ten days from the date of notice to claim the vehicle or request a hearing. The notice shall state that, if no hearing is requested, the vehicle shall be deemed abandoned unless the charges thereon are paid within 90 days of receipt of the notice.

(B) After 45 days from the date of notice required by division (A) above, an impounded vehicle shall be deemed abandoned and the vehicle shall escheat to and become the property of the city.

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(C) If the vehicle is judged suitable for use, the city may obtain a certificate of registration and ownership from the 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. Fees obtained by the sale of the vehicle shall be applied to any storage or towing fees owed, with any remainder to be paid to the city. If the vehicle is not suitable for use, it may be sold for its scrap or junk value.

(D) The city shall possess a lien on a motor vehicle impounded pursuant to the provisions hereof for all fines, penalties, and towing, handling, and storage charges and fees imposed thereon. Such lien shall be superior to and have priority over all other liens thereon.
(Ord. 1649-2012, passed 12-11-12)

§ 72.38 DISPOSITION OF FUNDS.

All fines, penalties, towing, handling, and storage charges herein imposed shall be remitted to the City Clerk and deposited in the General Fund of the city to be used for general expenses of the city.
(Ord. 1649-2012, passed 12-11-12)

§ 72.99 PENALTY.

Any person violating any provision of this chapter for which a specific penalty is not otherwise provided shall be fined not less than \$20 nor more than \$100. The fine will double if not paid within seven (7) days.
(Am. Ord. 1782-2019, passed 1-14-20)

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