

ORDINANCE NO.5, 2004
CITY OF ORCHARD GRASS HILLS, KENTUCKY

AN ORDINANCE RELATING TO THE REGULATION OF MOTOR VEHICLES IN THE CITY OF ORCHARD GRASS HILLS, KENTUCKY.

WHEREAS, the City Council has determined it is necessary to regulate the use and parking of motor vehicles, trucks, trailers, campers, motorcycles and other related accessories to vehicles to provide access for emergency vehicles, school buses and delivery and garbage trucks; and

WHEREAS, these regulations are intended to protect the citizens who reside in Orchard Grass Hills and other people who travel through the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ORCHARD GRASS HILLS, KENTUCKY, AS FOLLOWS:

SECTION 1.

1.01 Definitions.

As used in this ordinance, the following terms shall have the following definitions:

- A. "Mobile Home" - Any vehicle or similar portable structure used, or so constructed as to permit its being used as a conveyance upon the public streets or highways, and designed to permit occupancy thereof as a dwelling place for one or more persons, including camper or vacation trailers; or any structure fabricated in offsite manufacturing facility for installation or assembly at the building site as a permanent structure with transport features removed.
- B. "Camper" - A unit that is mounted on top of a vehicle and is designed for recreational use in conjunction with camping.
- C. "Construction Vehicles" - Construction equipment primarily used on the site of construction and is not practical for the normal transportation of person or property upon public ways.
- D. "Parking Space" - An enclosed or unenclosed surfaced area permanently reserved for the temporary storage of one automobile/motor vehicle, and connected with a street or alley by a surfaced driveway which affords ingress and egress for automobiles/motor vehicles.

- E. "Right of Way" - The street, parkways, sidewalks, pathways and other land over which the public has a right of passage.
- F. "Trailer" - Any house trailer that may be expanded for camping purposes.
- G. "Utility Trailer" - A vehicle designed to be pulled by a motor vehicle which is used to carry property, trash, or special equipment and that is sixteen (16) feet or less in length. Boat trailers are included as utility trailers. Utility trailers that are longer than sixteen (16) feet in length are considered industrial vehicles and are regulated as heavy trucks.
- H. "Vehicle" - Vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes motorcycles, passenger vehicles, trucks, and recreational vehicles with motive power.
- I. "Vehicle, Disabled or Inoperable" - Any vehicle which is physically or mechanically incapable of being, or legally not permitted to be, operated on the public streets.
- J. "Vehicle, Passenger" - A motor vehicle designed to carry ten (10) persons or less including the driver. Passenger vehicle also includes motor vehicles designed to carry ten (10) persons or less that are constructed either on a truck chassis or with special features for occasional off-road use. Passenger vehicle includes vehicles commonly called cars, minivans, passenger vans, sport utility vehicles (SUVs) and jeeps. Passenger vehicle is intended to cover the vehicles defined as passenger cars and multipurpose passenger vehicles by the National Highway Traffic Safety Administration.
- K. "Vehicle, Recreational" - A vehicle with or without motive power, which is designed for sport or recreational use, or which is designed for human occupancy on an intermittent basis. Recreational Vehicle is divided into two categories, as follows:
- Motor Home - Motor home includes motorized vehicles designed for human occupancy on an intermittent basis. A camper is considered a motor home when it is on the back of a pick-up or other truck. Motor homes are regulated as trucks unless the regulations specifically indicate otherwise.

- Accessory Recreational Vehicle – Accessory recreational vehicle includes non-motorized vehicles designed for human occupancy on an intermittent basis such as vacation trailers and fifth wheel trailers. A camper is considered an accessory recreational vehicle when it is standing alone. Accessory recreational vehicles also include vehicles designed for off-road use such as off-road vehicles, dune buggies, and recreational boats.

- L. "Parking Easement" – Land between a street and sidewalk where the City may grant a parking permit to the property owner provided the parking area is sufficiently wide enough to park a vehicle without interfering with vehicular or pedestrian traffic, safety or drainage.

1.02 Vehicle Weight Limits.

- (a) No person shall operate on any roadway within the City of Orchard Grass Hills, Kentucky any motor vehicle which exceeds 21,000 pounds gross weight, including the load.
- (b) This ordinance shall not extend to any motor vehicle which enters the City of Orchard Grass Hills for purposes of delivering goods, merchandise or other property or service to residents within the limits of said City.
- (c) Signs indicating such weight limitations described hereinabove shall be erected at appropriate locations by the Mayor of the City of Orchard Grass Hills.
- (d) The violation of the provisions of 1.02 (a) shall constitute a civil offense and persons convicted of an offense thereunder shall be fined a maximum civil fine for each offense of ten (10) cents per pound for each pound of excess weight but in no event more than one hundred dollars (\$100.00), for each such offense.
- (e) A specific civil fine of 50% less than the maximum civil fine will be imposed for each offense if the person who has committed the offense does not contest the citation.

SECTION 2. Parking.

2.01 Parking is not permitted on streets, sidewalks, common areas and park areas.

- (a) It shall be unlawful for any person to park a vehicle, or other item

defined in Section 1.01, on any street, sidewalk, common areas, and park areas.

- (b) A person may temporarily park on the street to make a delivery to the residence.
- (c) The City may issue a parking permit to a property owner to allow a vehicle to be parked within a parking easement provided the vehicle does not interfere with vehicular or pedestrian traffic, safety or drainage. Parking between a street and sidewalk without a permit shall be unlawful and a violation of this Ordinance.
- (d) The City may designate certain areas, or sections of streets and public right-of-way, which are acceptable for public overnight parking. Such areas, if any, will be marked and designated by the City.
- (e) If any vehicle is found illegally parked in violation of any provisions of this subchapter regulating stopping, standing or parking of vehicles, and the identity of the driver cannot be determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for the violation and penalty.

SECTION 3. Unsafe, Disabled or Inoperable Vehicle.

- (a) An "unsafe, disabled or inoperable vehicle" is defined as any vehicle which is physically or mechanically incapable of being, or not permitted to be, operated on the public streets.
- (b) No vehicle which is either inoperable, unsafe or disabled shall be allowed to remain within the City limits for more than seventy-two (72) hours, or three (3) days.

SECTION 4. Impoundment of Vehicles Authorized; Redemption.

4.01

- (a) All police officers are empowered to authorize the impoundment of a vehicle violating vehicle-related ordinances after a citation has been issued and the violation continues for an additional twenty-four (24) hours.
- (b) A vehicle slated for impoundment will be tagged and placed under control of the Police Department.

- (c) All fines, fees, and charges must be paid in full before a release of impoundment can be issued for the vehicle's release.

4.02 Required Notice to Owner.

- (a) When a motor vehicle has been involuntarily towed or transported pursuant to order of police, mayor, 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, mayor, 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, mayor, 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 (10) business days of the removal shall, by certified mail, attempt to notify the registered owner at the address of record of the make, model, license number, and vehicle identification number of the vehicle, of the location of the vehicle, and of the requirements for securing the release of the motor vehicle.
- (b) 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 (10) business days of recovery of, or taking possession of the motor vehicle. This notice shall contain the information as to the make, model, license number, and vehicle identification number of the vehicle, the location of the vehicle, and the amount of reasonable charges due on the vehicle. When the owner of the facility fails to provide notice as provided herein, the motor vehicle storage facility shall forfeit all storage fees accrued after ten (10) business days from the date of tow. This division (b) shall not apply to a tow lot or storage facility owned or operated by the City.

4.03 Sale of Vehicle.

Any person engaged in the business of storing or towing motor vehicles in either a private capacity or for the City who has substantially complied with the requirements of 4.02 shall have a lien on the motor vehicle for the reasonable or agreed charges for storing or towing the vehicle as long as it remains in his possession. If after a period of sixty (60) days, the

reasonable or agreed charges for storing or towing a motor vehicle have not been paid, the motor vehicle may be sold to pay the charges after the owner has been notified by certified mail ten (10) days prior to the time and place of the sale. Should the proceeds of the sale of any vehicle pursuant to this section be insufficient to satisfy accrued charges for towing, transportation, and/or storage, said sale and collection of proceeds shall not constitute a waiver or release of storage charges by the owner or responsible casualty insurer of the vehicle. This lien shall be subject to prior recorded liens.

SECTION 5. PENALTY.

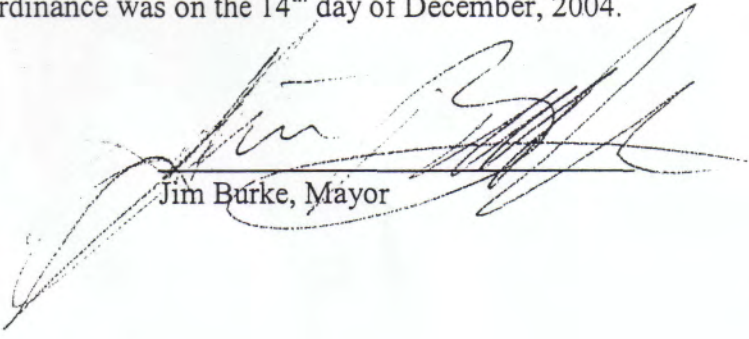
- (a) A violation of this ordinance is a civil offense;
- (b) A maximum civil fine of \$100.00 may be imposed for each violation of this ordinance.
- (c) A specific civil fine of less than the maximum civil fine, but not less than ~~\$50.00~~ ^{\$25.00}, will be imposed for each offense if the person who has committed the offense does not contest the citation.

SECTION 6. This Ordinance repeals Ordinance No. 1 Series 1991.

SECTION 7. This Ordinance shall become effective upon its passage and advertisement according to law.

First reading of this Ordinance was on the 9th day of November, 2004.

Second reading and enactment of this Ordinance was on the 14th day of December, 2004.



Jim Burke, Mayor

ATTEST:

on file
Kim Taylor
Orchard Grass Hills City Clerk