

**COMMONWEALTH OF KENTUCKY
CITY OF LONDON
ORDINANCE NO. 2003-19**

AN ORDINANCE AMENDING ORDINANCE NO. 2003-10 ENTITLED "AN ORDINANCE PROHIBITING ABANDONMENT OF VEHICLES: RESTRICTING THE DISPOSITION OF KEEPING OF WRECKED, NON-OPERATING, OR DISCARDED VEHICLES ON STREETS OR PRIVATE PROPERTY; and PROVIDING FOR IMPOUNDING OF CERTAIN VEHICLES," and IMPOSING A FINE FOR VIOLATION OF THE ORDINANCE.

WHEREAS, in the City of London vehicles are or may in the future be abandoned in the streets and other places within the City; and **WHEREAS**, there are or may in the future be dismantled, partially dismantled, wrecked, junked, non-operating or discarded vehicles left about the City other than in junk yards or other appropriate places; and

WHEREAS, such conditions tend to impede traffic in the streets or interfere with the enjoyment of and reduce the value of private property; invite plundering; create fire hazards and other safety and health hazards to children as well as adults; interfere with the comfort and well-being of the public; and, create, extend, and aggravate urban blight; and

WHEREAS, adequate protection of the public health, safety and welfare requires that such conditions be regulated, abated, or prohibited;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONDON, KENTUCKY, AS FOLLOWS:

Section 1. DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Ordinance, unless the context clearly indicates that a different meaning is intended:

"City" shall mean the City of London, Kentucky

"Motor Vehicle" shall mean a vehicle which is self-propelled and shall include, without limitation, automobile, truck, trailer, motorcycle and tractor.

"Person" shall mean every natural person, firm, copartnership, association, corporation, or organization of any kind.

"Street" shall mean the entire width between boundary lines of every publicly maintained right of way when any part thereof is open to the use of the public for purposes of the vehicular travel.

"Highway" shall mean every highway or portion thereof on which vehicular travel is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such through highway in obedience to a stop sign, yield sign, or other official traffic-control device, which such signs or devices are erected as provided by law.

Section 2. ABANDONMENT OF MOTOR VEHICLES ON PUBLIC PROPERTY PROHIBITED.

No person shall abandon for any length of time a motor vehicle on any street, highway, alley, or other public way or right of way of the same of this city.

Section 3. ABANDONMENT OF MOTOR VEHICLES ON PROPERTY OF ANOTHER PROHIBITED.

No person shall abandon for any length of time a motor vehicle on the private property of another person. Any resident of the City on whose property a motor vehicle is abandoned may file a complaint with the Police Department. Thereafter the motor vehicle shall be removed, impounded and subject to the same treatment as provided for motor vehicles abandoned on the public ways.

Section 4. ABANDONMENT OF MOTOR VEHICLES ON OPERATOR'S PERSONAL PROPERTY.

No person in charge of control of any property within the City, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, non-operating, wrecked, discarded or abandoned motor vehicle to remain on such property longer than

seven days; except that this Ordinance shall not apply with regard to a vehicle in an enclosed building; or a vehicle in a storage place or depository maintained in a lawful location and manner by the City.

2. Any person in charge of control of any property within the City, whether owner, tenant, occupant, lessee or otherwise who allows any partially dismantled, non-operating, wrecked, discarded or otherwise abandoned motor vehicle to remain on such property longer than seven (7) days (except such shall not apply to a motor vehicle in an enclosed building or a vehicle in a storage place or depository maintained in a lawful location and manner by the City), shall be guilty of violating this Ordinance. The penalty for such violation shall be not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) per violation. Any person violating this Ordinance shall be cited to the Laurel District Court. Each day such violation of this Ordinance continues shall constitute a separate violation of this Ordinance.

Section 5. REMOVAL OF ABANDONED MOTOR VEHICLES.

1. Any regularly employed law enforcement officer of this City and any other employee of the City designated by the City Council, who has reasonable grounds to believe that a motor vehicles has been abandoned, shall affix to the windshield or other prominent part of the vehicle, a "tow warning" emblem. The emblem shall be 5 by 7 inches or larger, bright orange in color, with printed words "tow warning" in bold letters at least two inches high, and also state that unless the vehicle is removed before _____ o'clock in the ____ m.; of the ____ day of _____, _____, the vehicle will be impounded and taken to _____, and after 30 days will be sold to recover the costs of removal, storage, and sale. The emblem shall be self-adhesive and the blanks above stated shall be completely filled in with permanent dark ink indicating the required details. The time set for removal shall be at least five days after the emblem is affixed. After the time set for removal has expired, any designated City employee or officer shall cause the motor vehicle to be removed to the depository regularly used by the City for the purpose of storing such motor vehicles. In the event the vehicle is illegally parked or is disabled, a tow warning emblem need not be affixed, and the vehicle may be immediately impounded.

2. Upon arrival at the depository, the vehicle shall be impounded and its contents inventoried.

3. The Police Department shall within five days after a motor vehicle is impounded notify the State Department of Motor Vehicles of the Commonwealth of Kentucky of the impoundment of the motor vehicle and such notification shall include such information as is available that will enable the Department of Motor Vehicles to identify the registered owner of the vehicle.

Section 6. NOTIFICATION OF OWNER AND CLAIMING OF VEHICLES.

1. Within ten days after the impoundment of a motor vehicle pursuant to the provisions of this Ordinance, the Police Department shall give written notice to the owner, secured parties of record, and know lienholders, if any, at least 30 days prior to the date of the sale of the motor vehicle advising of (1) the complete description of the vehicle and the date and place the vehicle was found or taken into possession, (2) the approximate amount owed for the cost of towing and storage, (3) the location of storage of the vehicle, (4) the time and place that a sale of the vehicle will be held, and (5) the right of the owner, secured parties and lienholders to contest the right to sell such vehicle.

2. The notice required by this section shall be deemed to be given when sent by certified mail, postage prepaid, to the address of the owner, secured party of record, and know lienholder shown on any public filing evidencing such ownership, security interest, or lien; or if none, to any such address ascertained by reasonable effort.

3. If the name and address of the owner, secured parties or lienholders of the vehicle are unknown or cannot be reasonably ascertained, then the notice required herein shall be given by publication once a week for two successive weeks in a newspaper of general circulation in the county in which the sale is to be held. The first publication shall be at least thirty days before the date of sale.

4. The registered owner, or other person who can prove he is entitled to possession of a motor vehicle impounded pursuant to the provisions of this Ordinance, may claim the motor vehicle within thirty days of the date of impoundment by presenting himself at the depository and by paying the actual costs of towing and storage owed at that time.

Section 7. DISPOSAL OF UNCLAIMED MOTOR VEHICLES.

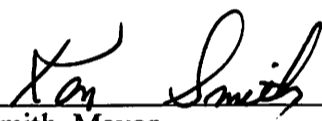
1. If a motor vehicle remains unclaimed after the expiration of thirty days from the date of impoundment, the Chief of Police shall cause such vehicle to be disposed of in accordance with the procedures established under Kentucky law.
2. The proceeds of the sale shall be applied first to the expenses of the sale, and to the costs of removal and storage as determined pursuant to Section 6 hereof. Any remaining proceeds from the sale shall be held by the Chief of Police for six months after the date of the sale and shall be turned over to the person who can prove he held the title to the motor vehicle upon the demand of such person. If at the end of the six month period no person has claimed the proceeds of the sale, they shall be turned over to the City Treasurer for deposit in the General Fund of the City.

Section 8. SEPARABILITY

It is the intention of the City Council that each separate provision of this Ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this ordinance be declared invalid or unconstitutional, all other provisions hereof shall remain valid and enforceable.


Section 9. EFFECTIVE DATE.

This Ordinance shall be effective on the date of publication. Any Ordinance or parts of Ordinances in conflict herewith are hereby repealed.



Ken Smith, Mayor

Attested:



Connie McKnight
City Clerk

First Reading: 11/03/03
Second Reading: 12/01/03
Publication Date: 12/05/03