

COMMONWEALTH OF KENTUCKY
CITY OF LONDON
ORDINANCE NO. 918

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CITY OF LONDON PARKING CITATION ENFORCEMENT
ORDINANCE

BE IT ORDAINED BY THE CITY OF LONDON, KENTUCKY:

The City of London, Kentucky pursuant to KRS 82.600, et seq., hereby elects to enforce parking ordinances as civil violations pursuant to the procedures set forth in KRS 82.600 to 82.640.

(1) Any motor vehicle found parked, standing or stopped in violation of a parking ordinance passed by the City of London, Kentucky, shall be cited for the appropriate parking violation. The citing officer shall note the vehicle's registration number and any other information concerning the vehicle which will identify it and, if the driver is not present, shall conspicuously affix to the vehicle a notice of the parking violation. The form of the notice of the parking violation shall be by notice in the form of a ticket which are used by the police department of the City of London and shall contain the following information:

(a) A statement that the notice presents a determination that a parking violation has been committed by the owner of the vehicle and that the determination shall be final unless contested as provided in KRS 82.600 to 82.640,

(b) A statement that a parking violation may result in the impoundment of the vehicle for which the owner may be liable for a fine and towing , handling and storage charges of fees,

(c) A statement of the specific parking violation for which the citation was issued,

(d) A statement of the monetary penalty established for the parking violation, and

(e) A statement of the options provided in KRS 82.600 to 82.640 for responding to the notice and the procedures necessary to exercise these options.

(2) The notice of parking violation represents a determination that a parking violation has been committed and such determination shall be final unless contested as provided in KRS 82.600 to 82.640.

(3) Any person who receives notice of a parking violation shall respond to such notice as provided herein within seven (7) days of the date of the notice, by either paying the fine set forth in the notice or requesting a hearing pursuant to this notice and KRS 82.620. If the owner of a vehicle cited for a parking violation has not responded to the notice within seven (7) days as provided hereinabove, the City of London shall send a second notice by certified mail to the last known address of the registered owner of the vehicle as listed on the certificate of title. Such notice shall state that if the owner of the vehicle does not respond to the notice by either paying the fine or by requesting in writing a hearing pursuant to KRS 82.620, within seven (7) days of the 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. Any person who fails to request a hearing or pay the fine within seven (7) days shall be deemed to have refused to pay the fine levied by the citation. The registered owner of a vehicle at the time of the violation occurred shall be liable for all fines, fees and penalties which he has refused to pay.

(4) Any person cited for a parking violation under this ordinance and KRS 82.610 may contest the determination that a violation occurred by requesting in writing a hearing before the Hearing Board. The hearing board shall consist of one (1) person to be appointed by the Mayor. Said person shall be paid \$50.00 per meeting as compensation for his services, said salary to be paid from any source of revenue of the City of London except to traffic violations or offenses. Such hearings shall 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) days. No less than seven (7) days prior to the date set for the hearing, the hearing board shall notify the registered owner of the vehicle of the date, time, and place of the hearing. Any person requesting a hearing who fails to appear at the time and place set for the hearing shall be deemed to have refused to pay the fine levied by the citation.

(5) At the hearing, after consideration of the evidence, the hearing 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. A copy of such order shall be furnished to the owner. Any person ordered to pay the fine who fails to do so within seven (7) days after the date of the written order shall be deemed to have refused to pay the fine levied by the citation. 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 officer's personal appearance at the hearing.

(6) An appeal from the hearing board's determination may be made to the District Court of the county in which the city is located within seven (7) days of the hearing 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 of London to establish that a violation occurred. If the District Court finds that a violation did occur, the owner shall be ordered to pay the City of London all fines, fees and penalties occurring as of the date of the judgment. If the district Court finds that a violation did not occur, the City of London shall be ordered to dismiss the citation and the plaintiff shall be authorized to recover his costs. The judgment of the District Court may be appealed to the Circuit Court in accordance with the Rules of Civil Procedure.

(7) The City of London shall by acting through the City of London Police Department, impound any motor vehicle, parked, stopped or standing upon a street or public way within the City of London in violation of an ordinance or statutes prohibiting parking, stopping or standing in the location, manner, or at the time the vehicle is cited or for any other lawful reason. In addition to fines levied for the parking or traffic offense, costs for towing, handling and storage shall also be imposed upon such impounded vehicles; such costs shall be the actual costs charged by the particular business for such towing, handling and storage and such actual costs shall be viewed as reasonable costs. The impounded vehicle shall not be released until payment of such towing, handling and storage charges unless the owner or other person entitled to possession of said vehicle challenges the validity of the impoundment as is hereinafter stated. A vehicle impounded shall be released to the owner or other person entitled to possession only upon proof of ownership or right of possession. If the person to whom the motor vehicle is released is not the registered owner of the vehicle, the City of London retains the specific right to require reasonable security, bond, or other assurances of indemnification from said person who is not the registered owner of the vehicle prior to releasing the vehicle to such person.

(8) The owner of a motor vehicle which has been impounded pursuant to this ordinance or any other person entitled to possession may challenge the validity of such impoundment and request in writing a hearing before the hearing board. The hearing shall be conducted within ten (10) business days of the date of the request, unless the owner or other person entitled to possession waives the limitation or the City of London shows good cause for such delay. The City of London 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, fees, and costs accrued as of the date of the hearing request, or


Seventy Five Dollars (\$75.00), 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 seventy-two (72) hours of the date the request of hearing is received, unless such person requests or agrees to a continuance. No less than five (5) days prior to the date set for the hearing, the City of London shall notify the person requesting the hearing of the date, time and place of the hearing. In the case of a hearing required to be had within seventy-two (72) hours of the date of the hearing as provided hereinabove, the person requesting a hearing shall be informed at the time of his request, or as soon thereafter as is practical, of the date and time of the hearing. 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 and the owner's behalf, the validity of the impoundment. 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. All fines and fees paid or amounts posted as bond because of the impoundment of the vehicle shall be returned. 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, fees, and costs accruing thereto. If bond has been posted as security for release of the vehicle, said bond shall be forfeited to the City of London. Any fines, fees or costs in excess of the amount of the bond posted shall be ordered to be paid by the owner of the vehicle to the City of London. The board shall furnish the owner or person appearing on the owner's behalf with a copy of its order. 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. An appeal from the hearing board's determination may be made to the District Court of Laurel County within seven (7) 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 other civil action. The action shall be tried de novo and the burden shall be on the City of London to establish that impoundment was justified. If the Court finds that the impoundment was justified, the owner shall be ordered to pay all fines and fees accruing as of the date of the judgment. If the Court finds that the impoundment was not justified, the City of London 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 costs. The judgment of the District Court may be appealed to the Circuit Court in accordance with the Kentucky Rules of Civil Procedure.

(9) If within ten (10) business days of the impoundment of a motor vehicle impounded by the City of London has not been claimed, or a hearing has not been requested pursuant to this ordinance and KRS 82.625, notice shall be mailed by

certified mail to the registered owner, if known, and lienholders of record, if any, affording such parties the right within ten (10) days from the date of notice to claim the vehicle or request a hearing pursuant to this ordinance and KRS 82.625. The notice shall state that, if no hearing is requested, the vehicle will be deemed abandoned unless the charges thereon are paid within ninety (90) days of receipt of notice. It shall be presumed upon mailing that receipt of notice was made. After ninety (90) days from the date of notice required hereinabove, an impounded motor vehicle shall be deemed abandoned and the vehicle shall escheat to the City of London. If the vehicle is judged suitable for use, the City of London may obtain a certificate of registration and ownership from the County Court 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.

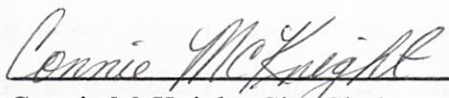
(10) The City of London shall possess a lien on a motor vehicle impounded pursuant to this ordinance and KRS 82.625 for all fines, penalties, towing, handling, storage charges, and fees imposed hereon. Such lien shall be superior to and have priority over all other liens pursuant to KRS 82.625. Nothing in this ordinance shall otherwise affect the rights or obligations between the owner of the motor vehicle and those persons who claim a security interest thereon.

This ordinance shall become effective upon publication.



 Kenneth Smith, Mayor
 City of London, Kentucky

Attested:



 Connie McKnight, City Clerk

First Reading: November 25, 1996
 Second Reading: December 9, 1996
 Publication Date: December 13, 1996