

CITY OF CROSSGATE
ORDINANCE NO. _____, SERIES 2016
AN ORDINANCE REGULATING THE STANDING AND PARKING OF VEHICLES
ON PUBLIC STREETS AND PUBLIC RIGHT OF WAY

WHEREAS, the City of Crossgate owns and maintains certain rights of way in the City and because of that ownership, the City has the right to regulate parking upon that right of way to insure the safe and efficient use of the right of way for the public,

AND WHEREAS, the City of Crossgate Commission has determined that unregulated parking on the City right of way is a public health and safety concern, due to the narrowness of the roadway and that further unregulated street parking detracts from the overall attractiveness of the City and therefore detracts from property values,

NOW THEREFORE, BE IT ORDAINED, by the City of Crossgate Commission,

SECTION 1: A new ordinance regulating parking on the City right of way shall be and hereby is enacted as follows.

- (1) **DEFINITIONS.** For purposes of this Ordinance, the following terms, words and phrases shall have the following meanings, respectively:

Opposite: A vehicle is parked or left standing “opposite” another when both are on a paved street, and whenever:

- a) The vehicle is approximately parallel to, and its position overlaps the position of, another vehicle previously parked or left standing; or
- b) It is so parked or left standing that the resulting separation distance between it and the vehicle previously parked or left standing is less than (16) sixteen feet.

Service and Repair: The making of repairs to or the replacement of major parts or systems of a vehicle, such as body and fender repair and replacement, painting, engine or transmission removal or replacement, or any work using welders, torches, or air driven power tools, as well as minor service and repair, such as tune-up, replacement and servicing of oil and other fluids, and replacement and adjustment of minor parts such as tires, hoses, belts, filters, fuses, and similar items.

Vehicle: A device that has its own motorized power, and that is used for transporting people, things, materials, supplies, and other items on and over public streets. The term includes, but is not limited to, motorcycles, motorbikes, motor scooters, passenger vehicles, trucks, buses, campers, off-road vehicles, motor homes and other recreational vehicles. When referring to vehicles, definition also includes utility trailers, boat trailers, and recreational trailers that are non-motorized and detachable from vehicles, but also used to transport people and things.

Emergency Vehicle: A vehicle used for emergency purposes by a fire department, the Kentucky State Police, a public police department, a sheriff's office, or an emergency rescue squad, or a civil defense agency or emergency preparedness office; an ambulance; a vehicle legally commandeered by a police officer; or any vehicle used by a volunteer fireman in the course of responding to an emergency.

(2) **LIMITATIONS ON PARKING.** No person shall park, or otherwise let or leave standing, in or on, any City street, or in, or on, any other portion of the City public right of way, any vehicle:

- (a) Within the intersection of two or more streets, or within fifteen (15) feet thereof;
- (b) Within fifteen (15) feet of a "stop sign";
- (c) Opposite any other vehicle;
- (d) At any place where the vehicle would block all or any part of a driveway or sidewalk;
- (e) At any place where an official traffic control device (sign) prohibits parking;
- (f) At any place in or on that lane to the left (as viewed from the operator's position) where oncoming traffic typically passes in the opposite direction;
- (g) Within ten (10) feet of a fire hydrant;
- (h) Upon which service and repair is being performed;
- (i) Any one or more wheels of which are not situated entirely upon the street pavement or driveway, no parking on grass or non-hard surface;
- (j) Any one or more wheels on the right side of which are more than twelve (12) inches from the edge of the street pavement;
- (k) When there is room in a resident's driveway to park off the street.

(3) **LIMITATION ON OVERNIGHT PARKING.** No person shall park, or otherwise let or leave standing, any vehicle on or in any street overnight, between the hours of 2:00 AM and 6:00 AM, any day.

(4) **EXEMPTION.** Restrictions in Subsections A and B of this Section 2 shall not apply to:

- a. Emergency Vehicles when in use on official business;
- b. Vehicles that have become disabled while traveling on the street at that location and/or hour, and as a result it is impossible or impractical to move them from the street until assistance reasonably necessary to removal shall have been obtained or procured with reasonable promptness.
- c. Vehicles required to stop, or to be let or left standing, in compliance with Kentucky Revised Statutes or traffic ordinance, regulation or traffic control device, or in response to command of any peace officer.
- d. Vehicles operating as common carriers of passengers for hire, and school buses taking on passengers or discharging them, provided, however, that no such vehicle shall be left standing or parked, at any location on the street that does not afford reasonable visibility to other vehicles approaching from any direction.

- e. Vehicles reasonably required to be stopped, left standing or parked, because of obstruction(s).
- f. Nonresident service provider vehicles.

(5) **PENALTY.** The fact that any vehicle which is illegally parked is registered in the name of any individual or entity shall constitute prima facie proof that such person or entity was in control of the vehicle when it was parked or left standing. If the fine has not been paid in full to the City within thirty (30) days after citation alleging the offense has been served, the City may recover the fine in a civil action. Violation of this ordinance shall subject the offender to the following civil penalties:

- (a) First offense is a warning.
- (b) Second offense within the same calendar year is a fine in the amount of \$75.
- (c) Third offense within the same calendar year is a fine in the amount of \$150.
- (d) Fourth offense within the same calendar year, the vehicle will be towed at the owner's expense.

SECTION 2: This ordinance shall take effect upon its reading, adoption and publication, according to law.

First Reading: _____

Second Reading: _____

Passed and Approved: _____

Mayor

City Clerk

Votes in Favor: _____

Votes Opposed: _____