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## Louisville-Jefferson County Metro Government

**CHAPTER 72: PARKING REGULATIONS**

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## ***ACCESSIBLE PARKING***

### **§ 72.001 DEFINITION.**

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**ACCESSIBLE PARKING.** Parking set aside for person with disabilities, which limit or impair the ability to walk.

**PERSON WITH A DISABILITY.** Any person who has a severe visual, audio, or physical impairment, including partial paralysis, lower limb amputation, chronic heart condition, emphysema, arthritis, rheumatism, or other debilitating condition which limits or impairs one's personal mobility or ability to walk.

**PERSON WITH A TEMPORARY DISABILITY.** Any person who has a severe temporary visual, audio, or physical impairment, including partial paralysis, heart condition, emphysema, arthritis, rheumatism, or other debilitating condition, which limits or impairs one's personal mobility defined in KRS 186.042.

(1994 Jeff. Code, § 72.01) (Jeff. Ord. 4-1979, adopted and effective 3-27-1979; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005)

### **§ 72.002 ACCESSIBLE PARKING SPACES REQUIRED; SPECIFICATIONS.**

(A) All owners of off-street parking facilities intended for public use shall have a number of level parking spaces as set forth in the following table, with each space identified by an above grade sign as reserved for accessible parking. Each reserved parking space shall be so designated by striping and shall be either 12 feet wide or eight feet wide with five-foot attached designated walkway. The five-foot adjacent walkway may be contiguous to, and shared by, two eight-foot wide parking spaces. Either on or affixed to each above grade sign required by this subsection shall be a clearly visible warning that states the maximum fine according to state law.

(B) The number of accessible spaces shall be as follows:

<i>Total Parking Spaces in Lot</i>	<i>Required Number of Accessible Spaces</i>
----------------------------------------	-------------------------------------------------

0 to 3    Optional

4 to 25    1

26 to 50    2

51 to 75    3

76 to 100    4

101 to 150    5

151 to 200    6

201 to 300    7

301 to 400    8

401 to 500    9

501 to 1,000    2% of total

Over 1,000    20 plus 1 for each 200 over 1,000

(C) Accessible parking spaces for a person with a disability or a temporary disability shall be located as close as possible to elevators, ramps, walkways, and entrances. Parking spaces shall be located so that the person with a disability or a temporary disability is not compelled to wheel or walk behind parked cars to reach entrances, ramps, walkways and elevators.

(1994 Jeff. Code, § 72.02) (Jeff. Ord. 4-1979, adopted and effective 3-27-1979; Jeff. Am. Ord. 4-1986, adopted and effective 5-13-1986; Jeff. Am. Ord. 27-2002, adopted and effective 10-8-2002; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005) Penalty, see § 72.006

### **§ 72.003 SPECIAL PERMIT AND LICENSE PLATE PARKING.**

(A) Pursuant to state law, the Jefferson County Clerk shall issue a qualified person with a disability or a temporary disability an accessible parking placard. The Jefferson County Clerk is hereby authorized to formulate rules and regulations necessary to implement the accessible parking permit program.

(B) Pursuant to state law, vehicle operators with a Purple Heart license issued by any county clerk in Kentucky are entitled to the parking privileges set forth in § 72.004(B).

(1994 Jeff. Code, § 72.03) (Jeff. Ord. 4-1979, adopted and effective 3-27-1979; Jeff. Am. Ord. 4-1986, adopted and effective 5-13-1986; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005; Lou. Metro Am. Ord. No. 203-2015, approved 11-24-2015)

### **§ 72.004 PARKING WITH SPECIAL PERMITS FOR PERSONS WITH A DISABILITY AND PERSONS WITH A PURPLE HEART LICENSE PLATE.**

(A) Any other provision to the contrary notwithstanding, a motor vehicle bearing an accessible parking placard when operated by a person with a disability or a temporary disability or when transporting a person with a disability or a temporary disability may be parked in an accessible parking place or when parked where any parking limit is imposed may be parked for two hours in excess of such parking limit. Such motor vehicle may be parked in a loading zone for that period of time necessary to permit entrance or exit of the handicapped person from the building or entrance or exit of a person with a disability or a temporary disability from the parked vehicle, but in no circumstances longer than 30 minutes. This subchapter shall neither permit parking in a no stopping or no parking zone nor where parking is prohibited for the purpose of creating a fire lane or to accommodate heavy traffic during morning, afternoon, or evening hours, nor permit a motor vehicle to be parked in such a manner as to constitute a traffic hazard.

(B) An operator of a motor vehicle displaying a Purple Heart license plate issued by a Kentucky county clerk office may park his or her vehicle, without charge for two hours, at a metered parking space in Louisville Metro. This section does not exempt said vehicles from complying with any other state laws or ordinances, including, but not limited to zones that prohibit stopping, parking, or standing of all vehicles; parking time limitations; street sweeping; restrictions of parking spaces; or the parking rules related to the operation of a street vending business. This section does not require Louisville Metro Government to designate specific parking spaces for vehicles displaying a Purple Heart license plate.

(1994 Jeff. Code, § 72.04) (Jeff. Ord. 4-1979, adopted and effective 3-27-1979; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005; Lou. Metro Am. Ord. No. 203-2015, approved 11-24-2015) Penalty, see § 72.006

### **§ 72.005 FALSIFICATION OF SPECIAL PARKING PERMIT; UNAUTHORIZED USE.**

(A) No person shall make any false statement in an application for an accessible parking permit.

(B) No person shall make, issue, or knowingly use any imitation or counterfeit of an accessible parking permit.

(C) No person shall display or cause or permit to be displayed upon any vehicle such permit knowing it to be fictitious or issued for another person.

(D) No unauthorized person shall knowingly possess an accessible parking permit for a person with a disability or a temporary disability.

(1994 Jeff. Code, § 72.05) (Jeff. Ord. 4-1979, adopted and effective 3-27-1979; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005) Penalty, see § 72.006

**§ 72.006 PENALTY.**

(A) Any person or business that violates § 72.002 shall be fined not less than \$100 or more than \$250. Each day that said person or business is in violation shall constitute a separate offense.

(B) An owner/lessor, be it a person or business, shall be deemed to be notified of the violation of § 72.002 30 days after the lessee of the property in question is notified by certified mail, return receipt requested, of said violations by any law enforcement agency or official charged with the enforcement of this subchapter.

(C) The owner of any vehicle parked in an accessible parking area without a duly issued permit shall be fined in accordance with state law.

(D) The owner of any vehicle marked with a special parking permit which is not being used for the benefit of a disabled or temporarily disabled person, or while being used for the benefit of a person with a disability or a temporary disability exceeds the time limit set out above, shall be fined in accordance with state law.

(E) The owner of any vehicle parked in an accessible parking area with an expired accessible parking permit shall be fined not less than \$100 nor more than \$250.

(1994 Jeff. Code, § 72.06) (Jeff. Ord. 4-1979, adopted and effective 3-27-1979; Jeff. Am. Ord. 4-1986, adopted and effective 5-13-1986; Jeff. Am. Ord. 27-2002, passed 10-8-2002; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005)

**§ 72.007 ENFORCEMENT.**

Enforcement of this subchapter shall be by citation issued by sworn peace officers, duly elected constables of the Jefferson County, Metro Government, or PARC.

(1994 Jeff. Code, § 72.07) (Jeff. Ord. 4-1979, adopted and effective 3-27-1979; Jeff. Am. Ord. 4-1986, adopted and effective 5-13-1986; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005)

**OBSTRUCTIONS****§ 72.020 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CENTRAL TRAFFIC DISTRICT.** The area bounded on the north by Washington Street, on the south by Broadway, on the east by Hancock Street, and the west by 9th Street, each of the above named streets being included within this area.

**HIGHWAY.** Any road, street, avenue, alley, boulevard, court or bridge, viaduct or trestle and the approaches to them and includes off-street parking facilities for public use, whether publicly- or privately-owned.

**IMPOUNDMENT.** The seizure of a vehicle either by towing the vehicle to the City Tow Lot, or by immobilization of a vehicle by means of a device, which locks onto a vehicle wheels and prevents its removal affixed by the Metro Government or an entity contracted by Metro Government for enforcement of parking regulations on behalf of Metro Government.

**LOUISVILLE.** Louisville/Jefferson County Metro Government.

**PARKING LOTS.** All parking areas and approaches to same, including but not limited to: parks, shopping centers, restaurants, entertainment centers, taverns, car-washes, banking or like facilities, which are either publicly- or privately-owned, operated or controlled.

**ROADWAY.** That portion of a highway designed or ordinarily used for vehicular travel, including the berm, shoulder or any adjacent thereto.

(1994 Jeff. Code, § 72.20) (Jeff. Ord. 5-1986, adopted and effective 5-13-1986; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005; Lou. Metro Am. Ord. No. 40-2012, approved 3-19-12 and effective 5-3-2012)

### **§ 72.021 UNLAWFUL CONDUCT UPON HIGHWAYS, ROADWAYS, OR PARKING LOTS.**

It shall be unlawful for any person upon the highways, roadways, or parking lots within Metro Government to:

(A) Operate, cruise, stop, park or leave standing a vehicle in such a manner so as to impede vehicular or pedestrian traffic (except as by police order or during emergencies as defined in KRS 189.450); or

(B) Enter upon or remain on the highways, roadways or parking lots contrary to the terms and conditions of the owner, agent, lessee or attendant. It shall be prima facie evidence of a violation of this section to enter or remain where there is a conspicuously displayed sign giving notice when persons or vehicles may not enter or remain thereupon.

(1994 Jeff. Code, § 72.21) (Jeff. Ord. 5-1986, adopted and effective 5-13-1986; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005) Penalty, see § 72.023

***Cross-reference:***

*For provisions concerning obstruction of traffic, see § 71.02*

### **§ 72.022 REMOVAL OF VEHICLE BY OWNER OF PRIVATE PARKING LOT.**

(A) Any owner, agent, lessee, or attendant of a parking lot may remove any vehicle present on the property in violation of this subchapter. Any person engaged to remove such vehicle shall have a lien on the vehicle in accordance with KRS 376.275 and 189.725.

(B) The signs referred to in § 72.021(B) shall further state the name of the current owner, agent, lessee, attendant or other person responsible for the property; the ordinance number and series herein.

(1994 Jeff. Code, § 72.22) (Jeff. Ord. 5-1986, adopted and effective 5-13-1986; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005)

### **§ 72.023 PENALTY.**

Any person violating any provision of §§ 72.020 through 72.022 shall be fined not less than \$25 nor more than \$500, or imprisoned for no more than 50 days in jail.

(1994 Jeff. Code, § 72.23) (Jeff. Ord. 5-1986, adopted and effective 5-13-1986; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005)

## **PARKING GENERALLY**

### **§ 72.030 AUTHORITY OF CHIEF OF POLICE.**

Except as provided in § 72.082(C), the Chief of Police shall be in charge of the enforcement of ordinances related to traffic, towing, parking, and the collection of all fines, penalties, towing fees, and impoundment charges relating thereto. The Chief of Police may delegate some or all of the responsibilities of the Chief of Police under this chapter to other Metro Government departments or offices. The Chief of Police may promulgate regulations and procedures to carry out his or her responsibilities under this chapter.

(1999 Lou. Code, § 75.01) (Lou. Ord. No. 207-1988, approved 7-29-1988; Lou. Am. Ord. No. 163-1998, approved 8-4-1998; effective 12-1-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005)

### **§ 72.031 PARKING OUTSIDE TRAILER PARK; PERMIT AND FEE.**

It shall be a parking violation within the limits of Metro Government for any person to park any trailer coach, motor home of any kind as defined in § 115.290 on any street, alley, highway, or other public place except while loading or unloading.

(1999 Lou. Code, § 75.02) (Lou. Ord. No. 163-1998, approved 8-4-1998, effective 12-1-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005)

### **§ 72.032 UNATTENDED VEHICLES; LOCKING AND BRAKING.**

It shall be a parking violation for any person driving or in charge of a motor vehicle to permit it to stand unattended without stopping the engine, locking the ignition, and removing the key, or when standing on any perceptible grade without setting the brake thereon and turning the front wheels to the curb.

(1999 Lou. Code, § 75.03) (Lou. Ord. No. 163-1998, approved 8-4-1998, effective 12-1-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005)

### **§ 72.033 OBSTRUCTIONAL PARKING; DOUBLE PARKING.**

(A) (1) It shall be a parking violation for any person to leave any commercial or industrial vehicle, bus, or any other vehicle or trailer in or on any public way within Metro Government either during the day or night, except while the vehicle is being loaded or unloaded and such loading or unloading operation is actually taking place or while the cab of the vehicle is occupied by the driver thereof.

(2) For purposes of § 72.033(A)(1), bus means any motor vehicle designed primarily for the transportation of passengers and having a seating capacity in excess of nine passengers including the driver.

(B) It shall be a parking violation for any person to stop or park any vehicle on the roadway side of any other vehicle stopped or parked at the edge or curb of a street.

(1999 Lou. Code, § 75.05) (Lou. Ord. No. 51-1980, approved 4-11-1980; Lou. Am. Ord. No. 207-1988, approved 7-29-1988; Lou. Am. Ord. No. 163-1998, approved 8-4-1998, effective 12-1-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005)  
Penalty, see § 72.999

### **§ 72.034 MANNER OF PARKING.**

(A) It shall be a parking violation for the operator of any vehicle to stop or park the vehicle in a manner other than with its right-hand side toward and parallel with the curb, except that where parking is permitted on the left side of a one-way street, the left-hand side shall be so parked, and except for commercial loading and unloading on one-way streets.

(B) No vehicle shall be parked or left standing on any street unless its two right wheels are within six inches of and parallel with the curb, except that on one-way streets where parking is permitted on the left side the two left wheels are to be within six inches of and parallel with the curb.

(C) No vehicle shall be backed to the curb on any street, except that trucks may do so when loading and unloading provided that such loading, unloading, and delivery of property and material shall not consume more than 30 minutes, or unless expressly permitted to do so by duly authorized pavement markings and signage. Such backing of trucks is prohibited at all times and on all streets in Metro Government where any truck so backed interferes with the use of the roadway of moving vehicles or buses or occupies road space within ten feet of the center line of the street.

(D) The Director of Works may establish diagonal parking at certain places, requiring the parking of vehicles at a certain angle to the curb and within a certain portion of the roadway adjacent thereto. However, diagonal parking shall not be established where the roadway space required therefore would be within ten feet of the centerline of any street. The Director of Works shall designate such places by suitable

signs, and shall indicate by markings on the pavement the required angle and the width of the roadway space within which such vehicle shall park.

(E) It shall be a parking violation for the operator of any vehicle to so park such vehicle that any part thereof shall extend beyond the lines marking the side or the rear of the space assigned for one vehicle.

(1999 Lou. Code, § 75.06) (Lou. Ord. No. 144-1982, approved 8-11-1982; Lou. Am. Ord. No. 207-1988, approved 7-29-1988; Lou. Am. Ord. No. 163-1998, approved 8-4-1998, effective 12-1-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005) Penalty, see § 72.999

### **§ 72.035 LIMITATIONS OF STOPPING AND PARKING.**

It shall be a parking violation 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:

(A) 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 § 72.034.

(B) Within an intersection.

(C) On a sidewalk.

(D) Within four feet of a public or private driveway.

(E) Within ten feet of a fire hydrant.

(F) Within a crosswalk.

(G) Alongside or opposite any street excavation or obstruction when stopping or parking would obstruct traffic.

(H) Close enough to any railroad track so as to obstruct the movement of locomotives or cars.

(I) Within any part of an alley within the central traffic district.

(J) On that portion of public property located between the sidewalk and the curb-line of the street or, where there are no sidewalks, off of any paved area.

(K) Within any area marked as a TARC zone.

(L) Within any area where official signs prohibit parking and stopping.

(M) In front of sidewalk ramps provided for persons with disabilities.

(N) On each corner and all eight sides of an intersection, within 30 feet from the beginning and/or ending of any intersection, flashing beacon, stop sign, or traffic control signal located at the side of a roadway.

(1999 Lou. Code, § 75.07) (Lou. Ord. No. 46-1969, approved 3-4-1969; Lou. Am. Ord. No. 207-1988, approved 7-29-1988; Lou. Am. Ord. No. 163-1998, approved 8-4-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005; Lou. Metro Am. Ord. No. 40-2012, approved 3-19-12 and effective 5-3-2012) Penalty, see § 72.999

### **§ 72.036 RESTRICTIONS AND PROHIBITIONS ON DESIGNATED STREETS.**

(A) 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.

(B) The provisions of this section imposing a time limit on parking shall not relieve any person from his or her duty to observe other and more restrictive provisions prohibiting or limiting the stopping or parking of vehicles in specific places or at specified times.

(C) When signs are erected in compliance with the provisions of subsection (F) below giving notice thereof, no person shall park a vehicle at any time on any street so marked by official signs.

(D) When a curb has been painted in compliance with the provisions of subsection (F) below, no person shall park a vehicle at any time at or adjacent to any curb so marked.

(E) When signs are erected in compliance with the provisions of subsection (F) below, in each block giving notice thereof, no person shall park a vehicle between the hours specified by official signs on any day except Sundays on any street so marked.

(F) (1) The Director of Works 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 handicapped parking, it shall be the duty of the Director of Works to erect appropriate signs giving notice thereof. However, in lieu of erecting such signs or in conjunction therewith, the Director of Works may cause the face and top of a curb or curbs at or adjacent to which parking is prohibited at all times to 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.

(G) When signs are erected in compliance with subsection (F) above in each block giving notice thereof, no person shall park a vehicle for a time longer than specified on official signs any day except Sunday and on any street so marked.

(1999 Lou. Code, § 75.08) (Lou. Ord. No. 47-1979, approved 3-16-1979; Lou. Am. Ord. No. 144-1982, approved 8-11-1982; Lou. Am. Ord. No. 207-1988, approved 7-29-1988; Lou. Am. Ord. No. 163-1998, approved 8-4-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005) Penalty, see § 72.999

### **§ 72.037 PARKING RESTRICTED TO ALLOW STREET CLEANING.**

The Director of Public Works and Assets or designee(s) is authorized to designate daily street cleaning areas, and shall provide suitable signs and markings on the street to be cleaned, restricting parking on that particular day. It shall be a parking violation for the operator of any vehicle to stop or park on any street so designated.

(1999 Lou. Code, § 75.09) (Lou. Ord. No. 144-1982, approved 8-11-1982; Lou. Am. Ord. No. 207-1988, approved 7-29-1988; Lou. Am. Ord. No. 163-1998, approved 8-4-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005; Lou. Metro Am. No. Ord. 40-2012, approved 3-19-12 and effective 5-3-2012) Penalty, see § 72.999

### **§ 72.038 LOADING AND UNLOADING; LOADING ZONE FEES.**

(A) It shall be a parking violation for the operator of any vehicle, including permittees under this section, to park the vehicle for a period of time longer than is necessary for the loading and unloading of passengers or property. Such vehicles must have flashers in operation when engaged in this activity. The loading, unloading, or delivery of property or materials shall be only from or to private vehicles authorized by permit, commercial vehicles licensed as such, and actually in good faith being used for purposes of delivery, and shall not consume more than 30 minutes in any area where parking is regulated or restricted parking, the following:

(1) Within an alley in such a manner or under such conditions as to leave available at least ten feet of the width of the roadway for the free movement of vehicular traffic, or within an alley in such a position as to keep clear the driveway entrance to any abutting property.

(2) In any loading zone all days except Sunday.

(3) At parking meters.

(4) At no parking zones marked by a sign or yellow painted curb.

(B) Stopping a vehicle for parking or loading or unloading, unless the vehicle displays an official permit for purposes of use in areas listed below as (1), (2), (3), and (4), is prohibited in the following areas:

(1) Officially established taxicab stands.

(2) TARC stops.

(3) Horse carriage stops.

(4) Parking zones marked for use by a person with a disability or a temporary disability.

(5) Fire lanes.

(6) No stopping zones.

(7) Peak-hour restricted zones designated by signs.

(8) Areas temporarily restricted by means of signs, bagging of meters, or bagging of loading zone signs during special events.

(9) At any place within 15 feet of a point on the curb directly in front of the center of the entrance to any public building, church, school, theater, or any building used for public assembly during the hours while such building is used and open to the public.

(C) The Director of Public Works is authorized and required to determine the exact location and lengths of loading zones and to indicate such loading zones by suitable markings or signs. No persons other than those authorized by the Director of Public Works shall erect any such sign or shall place such markings.

(D) Loading zones shall be established in accordance with the following rules:

(1) No more than 25% of the total curb length of any block shall be reserved for loading zones within the central traffic district, or in any business district, except that the entire curb frontage may be so reserved provided that there have been filed with the Director of Public Works applications for the establishment of loading zones by the owners of the buildings or business.

(2) Curb space not to exceed 100 feet may be reserved temporarily or in an emergency at any place where required for public safety or convenience.

(3) Within the above limitations the Director of Public Works may establish loading zones at the entrance of office buildings, department stores, and other private buildings on written application therefore by the owners of such businesses or their representatives. The Director of Public Works shall have the power to issue or refuse permits for such loading zones, and in deciding all such applications shall consider primarily the relationship of the loading zones applied for and the public safety and convenience.

(4) Every such permit when issued shall be for a period of not exceeding one year and the Director of Public Works shall have the power either to renew the permit or to revoke it at any time or cause deemed sufficient to him or her in the exercise of a reasonable and sound discretion.

(5) Whenever such a permit has been issued or renewed by the Director of Public Works for a period of one year, the applicant therefore shall pay to the Director a permit fee as established by the Director of Public Works. The permit fee for a permit issued or renewed for a period of less than one year shall be the

same proportion of a full year's permit fee as the number of days for which the permit is issued or renewed bears to the number of days in a year, which fee shall be paid to the Director of Public Works.

(6) The Director of Public Works is responsible for posting appropriate signs and markings to indicate designated loading zones.

(1999 Lou. Code, § 75.10) (Lou. Ord. No. 144-1982, approved 8-11-1982; Lou. Am. Ord. No. 309-1987, passed 10-29-1987; Lou. Am. Ord. No. 207-1988, approved 7-29-1988; Lou. Am. Ord. No. 160-1990, approved 6-29-1990; Lou. Am. Ord. No. 163-1998, approved 8-4-1998; Lou. Am. Ord. No. 0116-2001, approved 10-12-2001; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005) Penalty, see § 72.999

### **§ 72.039 ALL NIGHT PARKING; ABANDONED AND JUNKED VEHICLES.**

(A) It shall be a parking violation for anyone to park in any one place any vehicle on any of the public ways of Metro Government for a period of 24 hours or longer.

(B) A vehicle parked in one place upon a public way for three consecutive days, after being marked with a warning, shall be deemed abandoned and shall be subject to all existing regulations of Metro Government pertaining to motor vehicles.

(C) (1) Junked vehicle means any vehicle which is inoperative or reasonably appears to be inoperative; wrecked; dismantled; partially dismantled; or discarded. Conditions which may indicate that a motor vehicle is "junked" include, but not limited to extensively rusted, or without all properly inflated tires, windshields, window glass, major chassis components, brake lights, or without any other vehicle component required by law or with an expired license plate or registration tag or without a license plate or registration tag.

(2) A junked vehicle located on a public way shall be deemed a public nuisance.

(3) It shall be a parking violation for any person or persons to cause or allow a junked vehicle to be placed, located, maintained, or to exist upon the public way.

(4) Any junked vehicle located on the public way is subject to being removed pursuant to § 72.128.

(D) It shall be a parking violation to park or store upon a public way any device, which is not capable of being driven under its own power (self-propelled), or which cannot legally be operated on public ways. Such devices include but are not limited to trailers and boats. Any such device parked on the public way is subject to being removed pursuant to § 72.128.

(E) It shall be a parking violation to park or upon a public way any with an expired license plate or registration tag or without a license plate or registration tag.

(1999 Lou. Code, § 75.11) (Lou. Ord. No. 51-1980, approved 4-11-1980; Lou. Am. Ord. No. 161-1985, approved 7-12-1985; Lou. Am. Ord. No. 207-1988, approved 7-29-1988; Lou. Am. Ord. No. 88-1994, approved 6-29-1994; Lou. Am. Ord. No. 163-1998, approved 8-4-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005) Penalty, see § 72.999

#### ***Cross reference:***

*Removal of abandoned vehicles, see §§ 72.128 et seq.*

*Obstructional parking; double parking, for regulation of parking by any commercial or industrial vehicle, bus, or any other vehicle or trailer, see § 72.033*

### **§ 72.040 PARKING ON PARADE ROUTE.**

(A) Whenever in the judgment of the Chief of Police it is necessary, the Chief of Police may prohibit or restrict the parking of vehicles along a street or part thereof constituting a part of the route of a parade or procession, erect temporary traffic signs to that effect, and prohibit and prevent such parking.

(B) It shall be a parking violation to park or leave unattended any vehicle in violation of such signs or directions.

(1999 Lou. Code, § 75.12) (Lou. Ord. No. 207-1988, approved 7-29-1988; Lou. Am. Ord. No. 163-1998, approved 8-4-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005) Penalty, see § 72.999

#### **§ 72.041 PARKING ON OFF-STREET FACILITY.**

It shall be a parking violation for the driver of a motor vehicle to park or abandon the vehicle or drive on or otherwise trespass on another's property, or on an area developed as an off-street parking facility, without the consent of the owner, lessee, or person in charge of any such property or facility. If at any time a vehicle is parked, abandoned, or otherwise trespasses in violation of the provisions of this section, the Chief of Police, or a designee of the Chief, on written complaint of the owner, lessee, or person in charge, shall remove or cause to be removed the vehicle in accordance with the provisions of § 72.128.

(1999 Lou. Code, § 75.13) (Lou. Ord. No. 268-1968, approved 11-13-1968; Lou. Am. Ord. No. 207-1988, approved 7-29-1988; Lou. Am. Ord. No. 230-1988, approved 8-17-1988; Lou. Am. Ord. No. 162-1990, approved 7-16-1990; Lou. Am. Ord. No. 163-1998, approved 8-4-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005) Penalty, see § 72.999

#### **§ 72.042 PARKING ON THE WHARF.**

It shall be a parking violation for any person to park any vehicle on the wharf of Metro Government except as directed by the Director of Public Works or the Waterfront Development Corporation, which directions shall be either by signs or by markings of the wharf or by a combination of signs and markings.

(1999 Lou. Code, § 75.14) (Lou. Ord. No. 164-1962, approved 8-29-1962; Lou. Am. Ord. No. 207-1988, approved 7-29-1988; Lou. Am. Ord. No. 163-1998, approved 8-4-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005) Penalty, see § 72.999

#### **§ 72.043 LIBRARY PARKING AND TRAFFIC.**

(A) The driving or operating of any vehicle over the driveway in front of the Louisville Free Public Library between Third Street and Fourth Street and north of York Street is prohibited to all persons except those using the Library or having business with the Library.

(B) All vehicles shall proceed over this driveway from east to west and all driving over it from west to east is prohibited.

(C) No vehicle shall be parked on this driveway except vehicles which are hereby permitted to drive on it and these shall be parked on the south side of the driveway only and at the points indicated by signs only, and shall not remain parked longer than 45 minutes.

(D) This section shall be enforced by the police of Metro Government, by any private police employed by the Louisville Free Public Library in accordance with the laws governing private police, or by PARC.

(1999 Lou. Code, § 75.16) (Lou. Ord. No. 207-1988, approved 7-29-1988; Lou. Am. Ord. No. 163-1998, approved 8-4-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005) Penalty, see § 72.999

#### **§ 72.044 DISPLAY OF PARKED VEHICLE FOR SALE.**

It shall be a parking violation to park a motor vehicle displayed for sale or a motor vehicle on which demonstrations are being made on any street.

(1999 Lou. Code, § 75.17) (Lou. Ord. No. 194-1960, approved 10-12-1960; Lou. Am. Ord. No. 207-1988, approved 7-29-1988; Lou. Am. Ord. No. 163-1998, approved 8-4-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005) Penalty, see § 72.999

### **§ 72.045 PARKING FACILITIES THAT FORCE VEHICLES TO CROSS PUBLIC SIDEWALKS, CURBING, OR LANDSCAPING PROHIBITED.**

(A) It shall be a parking violation for owners and operators of off-street parking facilities to park, or allow to be parked, vehicles in their lots in such a manner as to force them to cross public sidewalks, curbing or landscaping. All parking spaces shall have concrete wheel stops not less than six inches in height and six feet in length fixed to the ground and placed so as to prevent parked vehicles from crossing property lines into public rights-of-way. The wheel stop device shall be placed at least two and one-half feet back from the property line abutting public right-of-way, but in no case shall vehicles be allowed to intrude into the right-of-way. Only regularly authorized and constructed curb cuts and driveways permitted by the city shall be used for ingress and egress.

(B) A wheel stop device is not required when a guardrail or other suitable barrier is used to prevent the vehicle from intruding into public right-of-way.

(1999 Lou. Code, § 75.19) (Lou. Ord. No. 244-1984, approved 9-14-1984; Lou. Am. Ord. No. 207-1988, approved 7-29-1988; Lou. Am. Ord. No. 75-1989, approved 3-29-1990; Lou. Am. Ord. No. 163-1998, approved 8-4-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005) Penalty, see § 72.999

### **§ 72.046 EXEMPTION FOR ARMORED VEHICLES.**

(A) Armored vehicle means an armored or similarly protected vehicle designed for and in fact being used to safeguard, transport, deliver, or receive money, currency, precious metals, or other similar items of value.

(B) Parking restrictions imposed upon vehicles by this chapter, or elsewhere in the Code of Ordinances shall not apply to armored vehicles while they are engaged in the activities for which such vehicles are designed.

(1999 Lou. Code, § 75.20) (Lou. Ord. No. 260-1985, approved 10-14-1985; Lou. Am. Ord. No. 207-1988, approved 7-29-1988; Lou. Am. Ord. No. 163-1998, approved 8-4-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005)

### **§ 72.047 PARKING OF BUSES.**

It shall be a parking violation for any person within Metro Government to permit or allow more than 50 buses to be housed or kept at any time at a bus compound, bus maintenance facility, or bus storage or parking area adjacent to property zoned or used for residential purposes. Bus shall be defined as any motor vehicle designed primarily for the transportation of passengers and having a seating capacity in excess of nine passengers including the driver.

(1999 Lou. Code, § 75.21) (Lou. Ord. No. 183-1994, approved 10-17-1994; Lou. Am. Ord. No. 163-1998, approved 8-4-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005)

### **§ 72.048 RESERVED.**

### **§ 72.049 PARKING IN PARKS.**

It shall be a parking violation for any person to park any motor vehicle in or on any section of any public park, playground, play lot, or tot lot within the Metro Government not designed as a parking area or designed and regularly maintained as a roadway. However, nothing contained in this section shall be construed as prohibiting the parking of a motor vehicle parallel to a designated and regularly maintained roadway in any such park or playground where at least two wheels of the motor vehicle are resting on such roadway.

(1999 Lou. Code, § 75.14) (Lou. Ord. No. 207-1988, approved 7-29-1988; Lou. Am. Ord. No. 163-1998, approved 8-4-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-

2005, approved 5-17-2005) Penalty, see § 72.999

## **TOW LOTS**

### **§ 72.060 METRO GOVERNMENT TOW LOTS.**

The Metro Government tow lot, known as the Vehicle Impoundment Division, shall be under the direction of the Director of Public Works. The Metro Government tow lot shall be maintained and operated on a 24-hour basis and shall have storage facilities to take care of all vehicles towed by Metro Government wreckers and contract wreckers employed by the Director of Public Works or PARC on behalf of Metro Government. The tow lot shall be secured as to preclude tampering with vehicles stored at the tow lot. Tow lot personnel shall exercise reasonable care to prevent damage accruing to any vehicle in their custody.

(1999 Lou. Code, § 75.23) (Lou. Ord. No. 108-1968, approved 5-29-1968; Lou. Am. Ord. No. 207-1988, approved 7-29-1988; Lou. Am. Ord. No. 163-1998, approved 8-4-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 197-2003, approved 10-28-2003; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005)

### **§ 72.061 REMOVAL OF VEHICLE BY OWNER-OPERATOR.**

(A) (1) An abandoned or illegally parked vehicle may be removed by the owner or operator of the vehicle at any time prior to being impounded or the vehicle becoming physically attached to a Metro Government wrecker or contract wrecker employed by the Louisville Metro Police Department on behalf of Metro Government.

(2) After a vehicle has been physically attached to a Metro Government wrecker or contract wrecker employed by the Louisville Metro Police Department on behalf of Metro Government, but before the wrecker has left the scene, the owner or operator of the vehicle may take possession of the vehicle unless the vehicle has already been impounded by placement of an immobilization device. The wrecker driver shall issue a release to the owner or operator. Such release shall be in the form of a receipt furnished by the Vehicle Impoundment Division and signed by the driver of the wrecker acknowledging the release of the vehicle from the tow truck before actual towing.

(B) Neither the removal of a vehicle by an owner or operator as referred to in subsection (A)(1) nor the issuance of the release referred to in subsection (A)(2) shall be construed as relieving the owner or operator of any such vehicle from responsibility for any violation of the traffic code with which the owner or operator may be charged.

(1999 Lou. Code, § 75.25) (Lou. Ord. No. 108-1968, approved 5-29-1968; Lou. Am. Ord. No. 70-1978, approved 8-1-1978; Lou. Am. Ord. No. 155-1978, passed 2-13-1979; Lou. Am. Ord. No. 207-1988, approved 7-29-1988; Lou. Am. Ord. No. 235-1988, approved 8-17-1988; Lou. Am. Ord. No. 162-1990, approved 7-16-1990; Lou. Am. Ord. No. 163-1998, approved 8-4-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 197-2003, approved 10-28-2003; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005; Lou. Metro Am. Ord. No. 40-2012, approved 3-19-12, effective 5-3-2012)

### **§ 72.062 TOWING AND CUSTODIAN CARE CHARGES.**

(A) A towing charge of \$85 for each hour or fraction of an hour required for towing shall be made for each motor vehicle. Where it is necessary to use more than one wrecker in moving or recovering a vehicle, an additional charge of \$85 per hour or fraction of an hour shall be assessed for each additional wrecker used. Where it is necessary to use additional equipment in moving or recovering a vehicle, such as a dolly, an additional charge of \$25 shall be assessed for each additional piece of equipment used. However, if the additional wrecker or equipment is furnished by contract wrecker employed by Metro Government for Metro Government or for a private person the charge made shall be the actual cost of the equipment to Metro Government but not less than \$85 per hour or fraction thereof for a wrecker and not less than \$25 per hour or fraction thereof for additional equipment.

(B) The Metro Government tow lot shall charge \$10 as a handling charge on all passenger cars, pick-up trucks, vans and motorcycles plus a storage charge of \$10 for each of the first seven days or fraction thereof the vehicle is retained in storage and a charge of \$5.00 per day for each additional day the vehicle remains in storage.

(C) For all other vehicles, the Metro Government tow lot shall charge \$20 as a handling charge, plus a storage charge of \$15 for each of the first seven days the vehicle is retained in storage and a charge of \$7.50 per day for each additional day the vehicle remains in storage.

(D) The Cabinet Secretary for Public Works and Services shall set all towing charges in writing. The fees set forth in this section are the initial fees and hereinafter the Cabinet Secretary for Public Works and Services may raise the fees no more than 10% each year.

(E) The owner of the vehicle shall pay all charges, including any parking citations that have become final, before the vehicle is released. The Cabinet Secretary, or a named designee, shall collect all towing and storage charges, and citation fees from the owner of any such vehicle. Upon payment of all charges and presentation of proper identification and proof of ownership, the Cabinet Secretary, or a named designee, shall authorize release to the owner, or the owner's authorized designee, of any such vehicle.

(F) The Vehicle Impoundment Division shall account for and remit all charges so collected to the Metro Government Finance Cabinet at least every 72 hours.

(1999 Lou. Code, § 75.26) (Lou. Ord. No. 70-1978, approved 8-1-1978; Lou. Am. Ord. No. 120-1979, approved 9-6-1979; Lou. Am. Ord. No. 71-1980, approved 5-20-1980; Lou. Am. Res. 233, approved 11-14-1980; Lou. Am. Ord. No. 199-1986, approved 6-26-1986; Lou. Am. Ord. No. 207-1988, approved 7-29-1988; Lou. Am. Ord. No. 231-1988, approved 8-17-1988; Lou. Am. Ord. No. 210-1989, approved 8-1-1989; Lou. Am. Ord. No. 160-1990, approved 7-16-1990; Lou. Am. Ord. No. 162-1990, approved 7-16-1990; Lou. Am. Ord. No. 163-1998, approved 8-4-1998, effective 12-1-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 197-2003, approved 10-28-2003; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005)

### **§ 72.063 SUPPLEMENTAL EMERGENCY WRECKER SERVICE.**

(A) The Director of Public Works and PARC may contract with independent wreckers and award contracts for independent wreckers to furnish supplementary emergency wrecker services to Metro Government. These services shall be performed on a 24-hour basis in addition to Metro Government wreckers. The Director of Public Works shall determine the necessary qualifications for any independent contract wrecker. The wreckers shall be equipped to perform the services with efficiency and to conform with the towing charges set forth in writing by the Director of Public Works. The wrecker is to protect Metro Government by furnishing to the Director of Public Works evidence of insurance fully covered as to public liability, property damage, cargo, workman's compensation, and any other insurance necessary in the performance of its duties, in a form and with limits of liability satisfactory to the Director of Works.

(B) Metro Government-owned wreckers shall in all respects be given priority over contract wreckers in responding to PARC enforcement requirements. The Director of Public Works and PARC may utilize contract wreckers only if, at the time wreckers are required by PARC, Metro Government-owned wreckers are in use or otherwise not available to PARC.

(1999 Lou. Code, § 75.27) (Lou. Ord. No. 108-1968, approved 5-29-1968; Lou. Am. Ord. No. 207-1988, approved 7-29-1988; Lou. Am. Ord. No. 163-1998, approved 8-4-1998, effective 12-1-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 197-2003, approved 10-28-2003; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005)

### **§ 72.064 RELEASE OF VEHICLE FROM VEHICLE IMPOUNDMENT DIVISION.**

No motor vehicle shall be released by the Vehicle Impoundment Division except on written order from the Cabinet Secretary for Public Works and Services, or a named designee.

(1999 Lou. Code, § 75.30) (Lou. Ord. No. 108-1968, approved 5-29-1968; Lou. Am. Ord. No. 207-1988, approved 7-29-1988; Lou. Am. Ord. No. 232-1988, approved 8-17-1988; Lou. Am. Ord. No. 163-1998, approved 8-4-1998, effective 12-1-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 197-2003, approved 10-28-2003; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005)

### **§ 72.065 REMOVAL OF IMMOBILIZING DEVICE UNLAWFUL.**

It is unlawful for any person to attempt or to remove, damage, destroy, or tamper with an immobilizing device affixed to a vehicle by Metro Government or an entity contracted by Metro Government for enforcement of parking regulations on behalf of Metro Government. Vehicles impounded by use of an immobilizing device shall be released in the same manner provided in § 72.064. To the extent that any conduct declared unlawful under this section also constitutes a violation of any valid and applicable state law, then such unlawful conduct shall be punishable as provided by state law.

(Lou. Metro Ord. No. 40-2012, approved 3-19-12 and effective 5-3-2012) Penalty, see § 72.999

## **PARKING METERS**

### **§ 72.080 DEFINITIONS.**

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**PARC.** The City of Louisville Parking Authority of River City, Inc.

**PARK or PARKING.** The stopping or standing of a vehicle, whether occupied or not, on a street otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers, or in obedience to traffic regulations, signs, or signals, or an involuntary stopping of the vehicle by reason of causes beyond the control of the operator of the vehicle. These terms shall not include commercially licensed vehicles actually engaged in loading or unloading property or materials.

**PARKING METER.** A coin or card operated device directly adjacent to a parking space that registers the amount of time purchased for the parking of a motor vehicle.

**PARKING METER HOOD.** A paper or canvas covering used to cover a parking meter head to indicate to the public that parking is not permitted at the parking space.

**PARKING SPACE.** The space or the section of the street adjacent to the curb or alongside of and adjacent to a parking meter.

**VEHICLE.** Any device in, on, or by which any person or property is or may be transported on a street or highway, except those operated on rails or tracks.

(1999 Lou. Code, § 75.33) (Lou. Ord. No. 394-1986, approved 12-30-1986; Lou. Ord. No. 102-1987, approved 4-16-1987; Lou. Am. Ord. No. 207-1988, approved 7-29-1988; Lou. Am. Ord. No. 163-1998, approved 8-4-1998, effective 12-1-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005)

### **§ 72.081 INSTALLATION AND MAINTENANCE OF METERS.**

(A) The Assistant Director of PARC is authorized and directed to install parking meters on any street or portion thereof in Metro Government and where the Department of Public Works has determined that parking will not impede a reasonable flow of traffic.

(B) When parking meters have been installed, the regulation, control, operation, and use provided for in this subchapter and the maintenance and replacement of the meters and any and all street markings provided for herein shall be the responsibility of the Assistant Director of PARC except where the

Department of Public Works determines that parking in the location where meters are located impedes the flow of traffic on the street.

(C) It shall be unlawful for any person, firm, or corporation to remove installed parking meters from any location within the jurisdiction of Metro Government.

(D) Requests for removal shall be submitted to and authorized by the Assistant Director of PARC. An authorized agent of PARC shall conduct removal of meters.

(E) It shall be unlawful for any person to place, maintain, or display any unauthorized sign, marking, or device which purports to be or is an imitation of or resembles a sign, marking, or device used by PARC or the Director of Public Works to direct permissible or impermissible parking, or which conceals or hides from view or interferes with the effectiveness of any PARC control over parking. Every such prohibited sign, marking, or device is declared to be a public nuisance and PARC or the Director of Public Works is empowered to remove it or cause it to be removed.

(1999 Lou. Code, § 75.34) (Lou. Ord. No. 394-1986, approved 12-30-1986; Lou. Am. Ord. No. 102-1987, approved 4-16-1987; Lou. Am. Ord. No. 207-1988, approved 7-29-1988; Lou. Am. Ord. No. 163-1998, approved 8-4-1998, effective 12-1-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005) Penalty, see § 72.999

### **§ 72.082 PARKING FEE RATES AND ZONES.**

(A) The Assistant Director of PARC is authorized to set and regulate, all parking meter fee rates in Metro Government and to prescribe those zones as the Assistant Director may deem suitable within which those rates shall be applicable.

(B) The Assistant Director of PARC is authorized to determine on which days of the week, and during which times of the day the rates shall be applicable.

(C) In addition to the traffic code enforcement authority given to the Division of Police, in § 70.04, authority to enforce all parking regulations and ordinances as set forth in the traffic code is vested in PARC.

(1999 Lou. Code, § 75.35) (Lou. Ord. No. 394-1986, approved 12-30-1986; Lou. Am. Ord. No. 102-1987, approved 4-16-1987; Lou. Am. Ord. No. 207-1988, approved 7-29-1988; Lou. Am. Ord. No. 163-1998, approved 8-4-1998, effective 12-1-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005)

### **§ 72.083 PARKING IN METERED PARKING SPACE.**

(A) It shall be a parking violation for any vehicle to be or remain parked within a metered parking space while the parking meter for such parking space displays red indicator that denotes time expired.

(B) It shall be a parking violation for any vehicle to be or remain parked within a metered parking space while the parking meter for such parking space displays the a yellow indicator which denotes meter is operable.

(C) The fact that a vehicle is parked in a metered parking space with a yellow or red violation indicator displayed in the parking meter shall be prima facie evidence that the vehicle is parked in violation of this section.

(D) It shall be a parking violation to park at a meter beyond the maximum time allotted and specified, "feeding the meter" is prohibited.

(E) An official parking permit issued by PARC shall only allow the holder of the parking permit to park at a meter without paying, and will be subject to all other restrictions imposed on the parking site. An official parking permit issued by PARC does not allow parking in any zone or in any fashion in which parking is prohibited under this chapter.

(F) It shall be a parking violation for any vehicle to be or remain parked within a metered parking space while the parking meter for such parking space is otherwise inoperable, or does not accept payment during the hours within which it should accept payment.

(1999 Lou. Code, § 75.36) (Lou. Ord. No. 394-1986, approved 12-30-1986; Lou. Am. Ord. No. 102-1987, approved 4-16-1987; Lou. Am. Ord. No. 206-1988, approved 7-29-1988; Lou. Am. Ord. No. 207-1988, approved 7-29-1988; Lou. Am. Ord. No. 162-1990, approved 7-16-1990; Lou. Am. Ord. No. 163-1998, approved 8-4-1998, effective 12-1-1998; Lou. Am. Ord. No. 77-1999, approved 6-25-1999; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005) Penalty, see § 72.999

#### **§ 72.084 PROCEEDS FROM METER OPERATION.**

It shall be the duty of the Assistant Director of PARC to make or provide for the regular collections of money deposited in the parking meters, and to remove or to provide for the removal of the sealed receptacles containing the coins deposited in the meters, and to deliver or to provide for the delivery of the receptacles with the seals unbroken to an authorized agent designated banking facility for counting and delivery to the Trustee for the bonds issued by PARC, for deposit into the Current Revenue Fund established under the original Trust Indenture dated July 1, 1977. Funds generated from use of meter hoods pursuant to § 72.085 shall also be applied to the PARC bond account.

(1999 Lou. Code, § 75.37) (Lou. Ord. No. 394-1986, approved 12-30-1986; Lou. Am. Ord. No. 102-1987, approved 4-16-1987; Lou. Am. Ord. No. 207-1988, approved 7-29-1988; Lou. Am. Ord. No. 163-1998, approved 8-4-1998, effective 12-1-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005)

#### **§ 72.085 USE OF METER HOODS.**

(A) The Assistant Director of PARC is authorized to issue a permit for parking meter hoods to be used to cover parking meters temporarily as an aid to carrying on actual construction or maintenance work, civic functions, traffic control, or vending of wares pursuant to valid permit issued by authority of § 115.350.

(B) Any person, firm, or corporation who wishes to utilize parking meter hoods for any of the above-mentioned reasons, shall apply for a permit from the Assistant Director of PARC.

(C) Before issuance of permit, permittee shall pay a fee set by the Assistant Director of PARC to cover reasonable administrative costs of the hood permit program, and to recover lost parking meter revenue.

(D) The Assistant Director of PARC is authorized to set policies and regulations, including a fee schedule, for the use of meter hoods. These policies and regulations shall be in writing and available to the public at the office of the Assistant Director.

(1999 Lou. Code, § 75.38) (Lou. Ord. No. 394-1986, approved 12-30-1986; Lou. Am. Ord. No. 102-1987, approved 4-16-1987; Lou. Am. Ord. No. 207-1988, approved 7-29-1988; Lou. Am. Ord. No. 163-1998, approved 8-4-1998, effective 12-1-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005)

## **SNOW EMERGENCY**

#### **§ 72.100 ANNOUNCEMENT OF SNOW EMERGENCY.**

(A) (1) Whenever the Mayor, pursuant to recommendation from any or all of the directors of the Departments of Public Works, Solid Waste Management and Services, and Metro Parks, finds that falling snow, sleet, or freezing rain will likely create a hazardous traffic condition, or, whenever the official weather forecast indicates impending snow, sleet, or freezing rain, the Mayor is authorized to prohibit parking on designated routes pursuant to an established snow emergency plan.

(2) The prohibition of parking announced by the Mayor under the authority of this section shall specify the effective time of the prohibition, which shall be no earlier than one hour from the time of the announcement, and shall remain in effect until the Mayor announces the termination of the snow emergency, in part or in whole.

(3) After the effective time of the prohibition, no person shall park any vehicle or permit any vehicle to remain parked on a snow emergency route. However, if a fall of snow, sleet, or freezing rain occurs after 11:00 p.m. and prior to 6:00 a.m., if the Mayor has not announced a snow emergency prior to 11:00 p.m., a vehicle parked on a snow emergency route may remain so parked until 7:00 a.m. following that fall.

(B) Each snow emergency parking restriction shall be announced by the Mayor between the hours of 6:00 a.m. and 11:00 p.m. Metro Government shall prepare news releases or notify news media in an effort to have announcements of the snow emergency made by broadcast or telecast from no fewer than two radio or television stations with normal operating range covering Metro Government, as well as through newspapers of general circulation.

(C) The Mayor's office shall make or cause to be made a record of the date and time when snow emergencies are announced and the date and time when they are terminated, either in part or in whole, in accordance with § 72.101.

(D) Other details of city procedures for removal of snow and ice shall be devised and implemented by the Director of Solid Waste Management and Services. These regulations and procedures shall be published and distributed to the Departments of Public Works, Metro Parks, and Solid Waste Management and Services. The Department of Public Works and Metro Parks Department shall assist the Solid Waste Management and Services Department in implementation of any snow removal plan.

(1999 Lou. Code, § 75.48) (Lou. Ord. No. 323-1968, approved 12-27-1968; Lou. Ord. No. 144-1982, approved 8-11-1982; Lou. Ord. No. 381-1986, approved 12-15-1986; Lou. Ord. No. 207-1988, approved 7-29-1988; Lou. Am. Ord. No. 163-1998, approved 8-4-1998, effective 12-1-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005) Penalty, see § 72.999

### **§ 72.101 TERMINATION OF EMERGENCY.**

Whenever the Mayor shall find that some or all of the conditions that gave rise to the snow emergency no longer exist, the Mayor shall declare the emergency terminated, in part or in whole, effective immediately upon announcement. If the announcement is made other than between 6:00 a.m. and 11:00 p.m., it shall be repeated between those hours.

(1999 Lou. Code, § 75.49) (Lou. Ord. No. 323-1968, approved 12-27-1968; Lou. Ord. No. 144-1982, approved 8-11-1982; Lou. Ord. No. 381-1986, approved 12-15-1986; Lou. Ord. No. 207-1988, approved 7-29-1988; Lou. Am. Ord. No. 163-1998, approved 8-4-1998, effective 12-1-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005)

### **§ 72.102 SNOW EMERGENCY ROUTES.**

The term snow emergency route shall mean any route designated by the Mayor during a snow emergency, and all streets listed in § 76.08 as a Snow Emergency Route. On that street or highway designated as a snow emergency route, the Director of Public Works shall post special signs to this effect.

(1999 Lou. Code, § 75.50) (Lou. Ord. No. 323-1968, approved 12-27-1968; Lou. Ord. No. 144-1982, approved 8-11-1982; Lou. Ord. No. 381-1986, approved 12-15-1986; Lou. Ord. No. 207-1988, approved 7-29-1988; Lou. Am. Ord. No. 163-1998, approved 8-4-1998, effective 12-1-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005) Penalty, see § 72.999

## **PARKING CITATION ENFORCEMENT**

### **§ 72.120 PARKING CITATION ENFORCEMENT.**

This subchapter may be cited as the "Parking Citation Enforcement Ordinance."

(1999 Lou. Code, § 75.100) (Lou. Ord. No. 244-1997, approved 12-2-1997; Lou. Am. Ord. No. 30-1998, approved 3-2-1998, effective 6-1-1998; Lou. Am. Ord. No. 108-1998, approved 5-29-1998, effective 12-1-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005)

### **§ 72.121 CIVIL ENFORCEMENT.**

(A) Metro Government hereby elects to enforce its parking ordinances as civil violations, pursuant to the provisions of KRS 82.605.

(B) Metro Government's parking ordinances shall be enforced pursuant to the procedures set forth in KRS 82.600 through 82.640.

(1999 Lou. Code, § 75.101) (Lou. Ord. No. 244-1997, approved 12-2-1997; Lou. Am. Ord. No. 30-1998, approved 3-2-1998, effective 6-1-1998; Lou. Am. Ord. No. 108-1998, approved 5-29-1998, effective 12-1-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005)

### **§ 72.122 HEARING BOARD ESTABLISHED.**

(A) There is established the Parking Citation Enforcement Hearing Board; said Board shall be composed of one or more persons who shall serve a term of one year and shall be appointed by PARC Board President.

(B) Every hearing officer presiding over hearings must meet the following minimal educational and/or experience requirements: Possess the knowledge, skill, and mental development equivalent to the completion of four years of college, preferably with courses in public administration, business administration, communications, counseling.

(C) Every hearing officer presiding over hearings must possess the following knowledge, skills and abilities:

- (1) Working knowledge of the English language, including composition and grammar;
- (2) Working knowledge of the Metro Government ordinances related to parking;
- (3) Working knowledge of standard office practices and procedures;
- (4) Ability to effectively communicate technical information both orally and in writing;
- (5) Ability to deal tactfully with the general public, attorneys, and service providers;
- (6) Ability to prepare concise and factual reports on hearing findings;
- (7) Ability to conduct hearings, obtains, and analyzes necessary information;
- (8) Possession of a valid Kentucky driver's license.

(1999 Lou. Code, § 75.102) (Lou. Ord. No. 244-1997, approved 12-2-1997; Lou. Am. Ord. No. 30-1998, approved 3-2-1998, effective 6-1-1998; Lou. Am. Ord. No. 108-1998, approved 5-29-1998, effective 12-1-1998; Lou. Am. Ord. No. 254-1998, approved 11-17-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 21-2003, approved 2-28-2003; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005)

### **§ 72.123 CITATION OF IMPROPERLY PARKED VEHICLE.**

If any motor vehicle is found parked, standing or stopped in violation of parking ordinance enacted by Metro Government, the vehicle may be cited for the appropriate parking violation. The citing officer shall note the vehicle's registration number and any other information concerning the vehicle that will identify it and, if the driver is not present, shall conspicuously affix to the vehicle a notice of the parking violation.

(1999 Lou. Code, § 75.103) (Lou. Ord. No. 244-1997, approved 12-2-1997; Lou. Am. Ord. No. 30-1998, approved 3-2-1998, effective 6-1-1998; Lou. Am. Ord. No. 108-1998, approved 5-29-1998, effective 12-1-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005)

### **§ 72.124 PARKING VIOLATION NOTICE.**

(A) The form of the notice of the parking violation shall be designated by Metro Government, but shall contain in substance the following information:

(1) A statement that the notice represents 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 herein;

(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;

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

(5) A statement of the options provided herein for responding to the notice and the procedures necessary to exercise these options.

(B) 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 herein.

(C) "Parking ordinance" means an ordinance regulating parking, standing, or stopping upon the public streets or ways within Metro Government, except for § 72.004, which shall be enforced in accordance with state law.

(1999 Lou. Code, § 75.104) (Lou. Ord. No. 244-1997, approved 12-2-1997; Lou. Am. Ord. No. 30-1998, approved 3-2-1998, effective 6-1-1998; Lou. Am. Ord. No. 108-1998, approved 5-29-1998, effective 12-1-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005)

### **§ 72.125 RESPONSE TO NOTICE REQUIRED.**

(A) Any person who receives notice of a parking violation shall respond to such notice as provided in this section within seven days of the date of the notice, by either paying the fine set forth in the notice or requesting a hearing pursuant to these procedures.

(B) If the owner of a vehicle cited for a parking violation has not responded to the notice within seven days as provided in subsection (A) of this section, Metro Government shall send a second notice by U.S. 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 these procedures within 15 days of the date of the notice, the owner shall be deemed to have waived his or her 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.

(1999 Lou. Code, § 75.105) (Lou. Ord. No. 244-1997, approved 12-2-1997; Lou. Am. Ord. No. 30-1998, approved 3-2-1998, effective 6-1-1998; Lou. Am. Ord. No. 108-1998, approved 5-29-1998, effective 12-1-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005)

### **§ 72.126 APPEAL FROM NOTICE OF VIOLATION TO PARKING CITATION ENFORCEMENT HEARING BOARD.**

(A) Any person cited for a parking violation may contest the determination that a violation occurred by requesting in writing a hearing before the Parking Citation Enforcement Hearing Board. The appellant shall post a bond or make similar payment equal to the amount of the citation along with the written appeal. No less than seven days prior to the date set for the hearing, the Parking Citation Enforcement 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.

(B) The Parking Citation Enforcement Hearing 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.

(C) At the hearing, after consideration of the evidence, the Parking Citation Enforcement 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 Parking Citation Enforcement Hearing Board shall uphold the citation and order the owner to pay the citation within seven days. A copy of such 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.

(1999 Lou. Code, § 75.106) (Lou. Ord. No. 244-1997, approved 12-2-1997; Lou. Am. Ord. No. 30-1998, approved 3-2-1998, effective 6-1-1998; Lou. Am. Ord. No. 108-1998, approved 5-29-1998, effective 12-1-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005)

### **§ 72.127 VIOLATION; APPEAL FROM HEARING BOARD TO DISTRICT COURT.**

(A) An appeal from the Parking Citation Enforcement Hearing Board's determination may be made to the Civil Division of Jefferson 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 Metro Government to establish that a violation occurred. If the Court finds that a violation occurred, the owner shall be ordered to pay to Metro Government all fines, fees and penalties occurring as of the date of the judgment. If the court finds that a violation did not occur, Metro Government shall be ordered to dismiss the citation and the plaintiff shall be authorized to recover his costs.

(B) The judgment of the Jefferson District Court may be appealed to the Jefferson Circuit Court, in accordance with the Rules of Civil Procedure.

(1999 Lou. Code, § 75.107) (Lou. Ord. No. 244-1997, approved 12-2-1997; Lou. Am. Ord. No. 30-1998, approved 3-2-1998, effective 6-1-1998; Lou. Am. Ord. No. 108-1998, approved 5-29-1998, effective 12-1-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005)

### **§ 72.128 IMPOUNDMENT OF VEHICLES IMPROPERLY PARKED.**

(A) Metro Government may impound a motor vehicle parked, stopped or standing upon a street or public way within its jurisdiction in violation of an ordinance or statute prohibiting parking, stopping or standing in the location, manner or at the time the vehicle is cited or for any other lawful reason.

(B) No vehicle shall be parked on any public way within Jefferson County which vehicle has accumulated three unpaid parking citations which are not under appeal and as to which notice has been issued pursuant to KRS 82.615(2).

(C) Metro Government, in addition to the fines levied for the parking or traffic offense, may by ordinance impose reasonable towing, handling and storage charges upon an impounded vehicle.

(D) Metro Government may condition the release of an impounded vehicle upon the payment of the any outstanding unpaid citations that have become final, towing, handling, and storage charges imposed thereon, unless the owner or other person entitled to possession challenges the validity of the impoundment pursuant to § 72.129. A vehicle may be released to the owner or other person entitled to possession only upon proof of ownership or right to possession. Metro Government 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.

(1999 Lou. Code, § 75.108) (Lou. Ord. No. 244-1997, approved 12-2-1997; Lou. Am. Ord. No. 30-1998, approved 3-2-1998, effective 6-1-1998; Lou. Am. Ord. No. 108-1998, approved 5-29-1998, effective 12-1-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005; Lou. Metro Am. Ord. No. 40-2012, approved 3-19-12 and effective 5-3-2012)

### **§ 72.129 APPEAL OF VEHICLE IMPOUNDMENT TO PARKING CITATION ENFORCEMENT HEARING BOARD.**

(A) The owner of a motor vehicle that has been impounded pursuant to this section, or other person entitled to possession, may challenge the validity of such impoundment and request in writing a hearing before the Parking Citation Enforcement Hearing Board. The hearing shall be conducted within ten business days of the date of the request, unless the owner or other person entitled to possession waives the limitation or Metro Government shows good cause for such delay. Metro Government 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 \$150, 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 such person requests or agrees to a continuance.

(B) No less than five days prior to the date set for the hearing, Metro Government 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 held within 72 hours of the date of the request as provided in § 72.129, the person requesting the hearing shall be informed at the time of his or her request, or as soon thereafter as a 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.

(D) At the hearing, after consideration of the evidence, the Parking Citation Enforcement Hearing 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, with the exception of final outstanding citations paid, 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 and fees accruing thereto. If bond has been posted as security for release of the vehicle, said bond shall be forfeited to Metro Government. Any fines or fees in excess of the amount of the bond posted shall be ordered to be paid by the owner of the vehicle to Metro Government. The Parking Citation Enforcement Hearing Board shall furnish the owner or person appearing on the owner's behalf with a copy of its order.

(E) The Parking Citation Enforcement Hearing 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.

(1999 Lou. Code, § 75.109) (Lou. Ord. No. 244-1997, approved 12-2-1997; Lou. Am. Ord. No. 30-1998, approved 3-2-1998, effective 6-1-1998; Lou. Am. Ord. No. 108-1998, approved 5-29-1998, effective 12-1-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005; Lou. Metro Am. Ord. No. 40-2012, approved 3-19-12 and effective 5-3-2012)

### **§ 72.130 IMPOUNDMENT; APPEAL FROM HEARING BOARD TO DISTRICT COURT.**

(A) An appeal from the Parking Citation Enforcement Hearing Board's determination may be made to the Civil Division of Jefferson 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 Metro Government 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, Metro Government 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.

(B) The judgment of the Jefferson District Court may be appealed to the Jefferson Circuit Court, in accordance with the Rules of Civil Procedure.

(1999 Lou. Code, § 75.110) (Lou. Ord. No. 244-1997, approved 12-2-1997; Lou. Am. Ord. No. 30-1998, approved 3-2-1998, effective 6-1-1998; Lou. Am. Ord. No. 108-1998, approved 5-29-1998, effective 12-1-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005)

### **§ 72.131 IMPOUNDMENT; RESPONSE TO NOTICE REQUIRED.**

If within ten business days of impoundment a motor vehicle impounded by Metro Government has not been claimed, or a hearing has not been requested pursuant to these procedures, notice shall be mailed by certified mail to the registered owner, if known and lien holders of record, if any, affording the parties the right within ten days from the date of notice to claim the vehicle or request a hearing pursuant to KRS 82.625. The notice shall state that, if no hearing is requested, the vehicle shall be deemed abandoned unless the charges thereon are paid within 45 days of receipt of notice.

(1999 Lou. Code, § 75.111) (Lou. Ord. No. 244-1997, approved 12-2-1997; Lou. Am. Ord. No. 30-1998, approved 3-2-1998, effective 6-1-1998; Lou. Am. Ord. No. 108-1998, approved 5-29-1998, effective 12-1-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005)

### **§ 72.132 IMPOUNDMENT; ESCHEAT TO METRO GOVERNMENT IF NO RESPONSE TO NOTICE.**

(A) After 45 days from the date of notice required by § 72.131 an impounded motor vehicle shall be deemed abandoned and the vehicle shall escheat to Metro Government.

(B) If the vehicle is judged suitable for use, Metro Government may obtain a certificate of registration and ownership from the Jefferson 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. If the vehicle is not suitable for use it may be sold for its scrap or junk value.

(1999 Lou. Code, § 75.112) (Lou. Ord. No. 244-1997, approved 12-2-1997; Lou. Am. Ord. No. 30-1998, approved 3-2-1998, effective 6-1-1998; Lou. Am. Ord. No. 108-1998, approved 5-29-1998, effective 12-1-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005)

### **§ 72.133 METRO GOVERNMENT LIEN ON VEHICLES IMPOUNDED.**

Metro Government shall possess a lien on a motor vehicle impounded, pursuant to KRS 82.625 for all fines, penalties, and towing, handling, and storage charges and fees imposed thereupon. Such lien shall be superior to and have priority over all other liens thereupon.

(1999 Lou. Code, § 75.113) (Lou. Ord. No. 244-1997, approved 12-2-1997; Lou. Am. Ord. No. 30-1998, approved 3-2-1998, effective 6-1-1998; Lou. Am. Ord. No. 108-1998, approved 5-29-1998, effective 12-1-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005)

### **§ 72.134 NO EFFECT ON SECURITY INTEREST IN VEHICLE.**

Nothing in these provisions shall otherwise affect the rights or obligations between the owner of the motor vehicle and those persons who claim a security interest therein.

(1999 Lou. Code, § 75.114) (Lou. Ord. No. 244-1997, approved 12-2-1997; Lou. Am. Ord. No. 30-1998, approved 3-2-1998, effective 6-1-1998; Lou. Am. Ord. No. 108-1998, approved 5-29-1998, effective 12-1-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005)

## **RESIDENTIAL PERMIT PARKING PROGRAM**

### **§ 72.200 TITLE.**

This Chapter of the Louisville/Jefferson County Metro Government Code of Ordinances may be referred to as the "Residential Parking Permit Program Ordinance" of Metro Government.

(Lou. Metro Ord. No. 201-2004, approved 12-28-2004; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005; Lou. Metro Am. Ord. No. 106-2005, approved 8-2-2005)

### **§ 72.201 FINDINGS AND DECLARATIONS.**

(A) *In general.* The Mayor and Metro Council find and declare that serious adverse conditions in certain areas and neighborhoods of Louisville result from motor-vehicle congestion, particularly long-term parking of motor vehicles on the streets of those areas and neighborhoods by nonresidents.

(B) *Program intent.* The permit parking program established by this subchapter is intended:

(1) To reduce hazardous traffic conditions resulting from the use of streets within these areas or neighborhoods by nonresidents;

(2) To protect these areas and neighborhoods from polluted air;

(3) To protect these areas and neighborhoods from excessive noise, trash and refuse caused by the entry of nonresident vehicles;

(4) To protect the residents of these areas and neighborhoods from unreasonable burdens in gaining access to their residences;

(5) To preserve the character of these areas as residential areas and neighborhoods;

(6) To preserve the value of the property in these areas and neighborhoods;

(7) To preserve the safety of children and other pedestrians;

(8) To encourage the use of public transportation, and parking facilities;

(9) To promote efficiency in the maintenance of streets in these residential districts in a clean and safe condition;

(10) To forestall dangers arising from the blocking of fire lanes, hydrants and other facilities required by emergency vehicles, both in reaching victims and in transporting them to hospitals; and

(11) For the peace, good order, comfort, convenience, and welfare of the inhabitants of Louisville.

(Lou. Metro. Ord. No. 201-2004, approved 12-28-2004; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005; Lou. Metro Am. Ord. No. 106-2005, approved 8-2-2005)

### **§ 72.202 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BLOCK FACE.** One side of the street between two consecutive intersections, from curb to curb.

**LOUISVILLE.** The location within the geographical boundaries of the Louisville/Jefferson County Metro Government.

**METRO GOVERNMENT.** The political entity, Louisville/Jefferson County Metro Government.

**NEIGHBORHOOD ADVOCATE.** The person or persons that originally petition PARC for an RPPP as provided in § 72.203(B).

**PARC.** The Parking Authority of River City, Inc.

**PARKING MANAGEMENT PLAN.** The plan developed by PARC to establish and set guidelines for a Residential Parking Zone.

**PERMIT.** The permission granted by PARC, represented by a decal or window hanger, allowing the holder to park within an RPZ.

**PROPERTY OWNER.** The owner of record of a piece of property within the proposed RPPP area, as listed on the records of the Jefferson County Property Valuation Administrator.

**RPZ.** A Residential Parking Zone with a list of streets and sections of streets designated in this subchapter, for restricted parking by residential parking permit only at designated times.

**RPPP.** The Residential Permit Parking Program.

**VERIFIABLE REQUEST.** A document containing a list of the property owners within the Residential Parking Zone, obtained from the Property Valuation Administrator, with the address of the property in the Residential Parking Zone, the mailing address of the property owner, and the printed name, signature, and phone number of the property owner that has voted.

(Lou. Metro Ord. No. 201-2004, approved 12-28-2004; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005; Lou. Metro Am. Ord. No. 106-2005, approved 8-2-2005)

### **§ 72.203 APPLICATION AND PETITION FOR RESIDENTIAL PARKING PROGRAM.**

(A) *In general.*

(1) To qualify for the RPPP, an area or neighborhood must meet the criteria set forth in this subchapter, and any additional criteria that PARC establishes, consistent with the guidelines and standards of this subchapter.

(2) Residential permit parking areas may be established only in accordance with the procedures set forth herein.

(B) *Petition for study.*

(1) In order for an area to be considered for an RPZ, any person serving as a Neighborhood Advocate must submit a petition to PARC to investigate the need for the RPZ. The Neighborhood Advocate shall collect signatures of at least 60 percent of the property owners within the defined proposed area for the RPZ, via written verifiable vote and signatures. The property owners must agree to the RPZ as proposed, and indicate their approval by one vote per property owner. If a property owner owns multiple properties within the zone the property owner will be afforded one vote per property owned. If a property owner does not respond, the Neighborhood Advocate must provide PARC verification that all reasonable means to reach the property owner have been exhausted. At a minimum three verifiable attempts:

(a) Certified letter is sent to the address of the property owner as listed from the Property Valuation Records.

(b) For any property for which a return receipt is not received from first certified letter, a subsequent certified letter is sent to the address of the property owner as noted on the tax assessment records.

(c) Neighborhood Advocate forwards a final notice to all property owners who have yet to respond to the address of the property owner as noted on their tax assessment. Letter must be sent via certified mail advising that failure to respond will result in the property owner forfeiting their right to vote.

(2) Any property owner who chooses to abstain from voting will not be included in the required 60 percent. All votes shall be obtained and forwarded to PARC within 120 days or less.

(3) Request will only be considered for areas that contain at least ten adjacent block faces.

(4) The boundaries of and the streets within the proposed permit parking area must be clearly identified on each page of the request.

(5) A cover letter explaining the reason for the request, the boundaries of streets within the proposed permit parking area, and who is eligible to vote, shall accompany the request.

(Lou. Metro Ord. No. 201-2004, approved 12-28-1004; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005; Lou. Metro Am. Ord. No. 106-2005, approved 8-2-2005)

#### **§ 72.204 RESIDENT PARKING PROGRAM REVIEW PROCESS.**

(A) Upon receipt of a valid verified request, PARC shall conduct a parking study within the area identified in the petition.

(1) An RPZ will not be considered for implementation unless the results of the study demonstrate that at least 90 percent of the curb spaces in the defined area of the RPZ are utilized during peak periods.

(B) PARC shall schedule a meeting with the Neighborhood Advocate for a technical review of the issues to be considered in the creation of an RPZ.

(C) After PARC's technical review:

(1) The Neighborhood Advocate shall schedule a neighborhood meeting to determine the issues and needs of the neighborhood, and to identify problems and possible solutions that could be achieved by the implementation of an RPZ. Such identification may include:

(a) The boundaries of the RPZ;

(b) Effective date of the RPZ;

(c) Types of businesses and institutions within RPZ;

(d) Types of meetings or events held within RPZ;

(e) Temporary and special permit issuance requirements; and

(f) Limitations on permit issuance.

(2) The Neighborhood Advocate shall provide notice of the neighborhood meeting in accordance with the provisions of KRS Chapter 424, and also shall provide written notice of the neighborhood meeting, at least seven days prior to the scheduled meeting to PARC, to the Council Member(s) of the District(s) in which the RPZ is proposed, and shall post notice at the location of the meeting.

(D) PARC shall utilize the information gathered from the neighborhood meeting to establish a Parking Management Plan for the RPZ, and subsequently shall hold a meeting with the neighborhood to discuss the Plan, RPZ boundaries, time restrictions and other requirements. Written notice of the meeting shall be provided by PARC in accordance with the requirements set forth in subsection (C)(2), above.

(Lou. Metro Ord. No. 201-2004, approved 12-28-2004; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005; Lou. Metro Am. Ord. No. 106-2005, approved 8-2-2005)

## **§ 72.205 PARKING MANAGEMENT PLAN - DEVELOPMENT AND IMPLEMENTATION.**

(A) *PARC to develop; considerations.*

(1) PARC shall use the results of the parking study to design a Parking Management Plan designed to solve the identified problems.

(2) Special attention will be given to the definition of a permit-area boundary and to the impact upon various population groups in designing the Parking Management Plan. Alternatives to an RPZ also will be considered, including, but not limited to, parking time limits, special meter zones, one-way streets, installation of parking meters, and alternate-side-of-the-street parking.

(B) *Review by Metro Development Agency, others.*

(1) PARC shall transmit the proposed Parking Management Plan to the Metro Development Agency for review.

(2) The Metro Development Agency shall review the economic impact of the Parking Management Plan on the nonresidential uses in the affected area. Such analysis shall, among other things, consider the adequacy of available and future off-street parking for these uses.

(3) If special districts, historic areas or other special designations exist within, or near the area proposed to be covered by the Parking Management Plan, the Metro Development Agency shall notify the appropriate Metro Government agencies for their comments.

(4) All comments shall be returned to PARC within 30 days of its transmittal.

(C) *Public comments.*

(1) PARC shall present the Parking Management Plan at a public meeting held in accordance with a formal set of procedures adopted by PARC, in order to obtain public response to the proposed plan.

(2) Notice of the public meeting shall be made in accordance with KRS Chapter 424, as well as posting notice of the meeting at the site of the meeting. Written notice of the public meeting also shall be sent to the Mayor and members of the Metro Council, to Metro Government agencies affected by the Plan, and to any identified community organizations representing the affected area. Such organizations may register with PARC at any time following the initial petition for inclusion within the RPPP.

(3) PARC may seek additional comment on the proposed Plan from the neighborhood, Metro Council members, and/or Metro agencies before a final decision is made.

(D) *Adoption and implementation of Parking Management Plan.*

(1) Based upon information collected and reviewed, if PARC's written findings of fact support a conclusion that the Parking Management Plan is in compliance with this subchapter, and that all required steps of creating an RPZ have been met, PARC shall create a Parking Management Plan to be included in the RPPP.

(2) The Parking Management Plan shall include, at a minimum:

- (a) The boundaries of the RPZ;
- (b) Parking time restrictions;
- (c) Effective date of the RPZ; and
- (d) Any other limitations on permit issuance.

(E) *Written notice.* PARC shall provide written notice to all property owners within the RPZ of the RPZ boundaries, permit application/renewal process, cost, time restrictions, issuance of visitor/temporary/special permits, enforcement regulations, and the appeals process available if a citation for a violation of the restrictions of an RPZ is issued.

(F) *Posting signs.* At the direction of PARC, the Director of Public Works shall be responsible for posting signs to provide notice of the parking restrictions within the RPZ.

(Lou. Metro Ord. No. 201-2004, approved 12-28-2004; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005; Lou. Metro Am. Ord. No. 106-2005, approved 8-2-2005)

### **§ 72.206 RPZ PERMITS.**

(A) *Permit eligibility.*

(1) *Resident permits.*

(a) Resident permits may be issued to:

1. Each person with a primary residence within the RPZ, limited to one resident parking permit per motor vehicle owned by, and registered to the RPZ resident;
2. A vehicle regularly utilized by a person who owns, or leases commercial property, or is employed by a person or entity that owns or leases commercial property and actively engages in business activity within the RPZ;
3. Any vehicle utilized in the area by an institution, such as a church, school, or hospital, located wholly or partially within the RPZ. However, no more than one parking permit may be issued for each institution within an RPZ for a motor vehicle registered to, or under the control of, such an enterprise, unless PARC determines a greater number may be appropriate for the particular RPZ involved.

(b) *Information required on application.* Permits will be issued only to residents of an address within the RPZ, or as otherwise set forth herein. Final determination of eligibility will be made by PARC, based upon criteria clearly set forth within its rules and regulations. Each application for a parking permit shall contain at least the following information:

1. Applicant name and address;
2. Proof of residency deemed acceptable by regulation adopted by PARC;
3. Make, model and license tag number of motor vehicle(s) for which an application is made;
4. Proof of ownership of motor vehicle, or principal use by the applicant of the motor vehicle;
5. Vehicle registration that indicates registration within the area for which the permit is to be issued; and
6. Any other information required by a rule or regulation adopted by PARC pursuant to this subchapter.

(2) *Visitor permits.*

(a) Upon application of any resident of an RPZ, PARC shall issue a visitor parking permit to the resident for temporary use on a visitor's vehicle.

(b) No more than two visitor parking permits shall be issued to any one household/dwelling unit, at any one time. For the purposes of this regulation, the resident shall be the holder of the visitor permit, and shall be responsible for its use or misuse.

(c) Visitor permits are transferable between automobiles. No resident of the RPZ may use the visitor permits for their personal vehicles. A visitor permit may only be used during the time a visitor is visiting with or working for the resident at the resident's residence. It is the resident's responsibility to ensure that the visitor permit is obtained after each use.

(d) A visitor permit shall be displayed on or about the front windshield of the vehicle so as to be easily visible from outside the vehicle.

(e) PARC may issue regulations regarding the use of visitor permits in order to prohibit the abuse of such permits.

(3) *Special permits.*

(a) *Event permits.* Any person or persons who will be attending a special meeting or event within the boundaries of the RPZ may apply for an event permit. Such application will be reviewed by PARC to determine the applicable restrictions, including day/date/time of validity, which shall be prominently indicated upon the face of the permit. While the event period may be granted for certain days within a period of time, no permit shall be valid for a period of longer than one year.

(b) *Temporary permits.* Any person or persons requesting special exception from the residential neighborhood permit parking regulations for a one-day period only, may make such a request to PARC and may be granted a temporary one-day permit. There will be no fee for this permit. Any person will be limited to no more than four such temporary permits per 12-month period; any excess requests shall be charged as an event permit.

(B) *Decal required.* Resident permits shall be visibly displayed and permanently affixed to the vehicle in the lower left corner of the rear window or other location as determined by PARC. Visitor and special permits shall be visibly displayed by hanging the permit from the rearview mirror in the front windshield.

(C) *Replacement of permit.* If the make, model or license tag number of a permitted vehicle changes during the year, the applicant may bring in the new information to the parking enforcement office to obtain a replacement sticker. The permit previously issued to the permit holder immediately shall become void.

(D) *Change of residency.* If residents of a property change during the calendar year, the new resident(s) may complete a change of residency form and request application for permit. The permit(s) previously issued to the RPZ residents immediately shall become void upon application by the new resident(s).

(E) Fees.

(1) Resident Permit - \$20 per 12 months.

(2) Visitor Permit - \$10 per 12 months.

(3) Event Permit - \$10 per event period.

(4) Replacement Permit - \$5.00.

(5) Temporary Permit - No charge up to four times per 12-month period; additional requests charged as Special Permit.

(F) *Expiration of permits.* Permits will expire 12 months after the issuance date of the permit. The date of expiration will be clearly marked on all permits.

(G) *Appeals of decision denying parking permit.* Any person who has been denied a parking permit by PARC may appeal that decision in writing to the Metro Development Agency Director, or a designee of the Metro Development Agency. Such appeal shall be answered within ten days of receipt of said appeal, and the decision of the Metro Development Agency shall be final.

(Lou. Metro Ord. No. 201-2004, approved 12-28-2004; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005; Lou. Metro Am. Ord. No. 106-2005, approved 8-2-2005)

### **§ 72.207 RPPP PROVISIONS.**

(A) *PARC authority.* PARC shall have the authority to:

(1) Issue rules or regulations governing the issuance of permits, application for permits, or other matters necessary for the implementation of this subchapter, which shall be available upon request from its main office.

(2) Issue rules and regulations, and to enter into contracts regarding the enforcement of the restrictions for an RPZ.

(B) *Posting of RPZ.* Upon the adoption of an RPZ by PARC, at the direction of PARC, the Director of Public Works shall install appropriate signs to be erected in the RPZ, indicating prominently thereon the parking time limitation, period of the day for its application, and a phone number to call for assistance regarding the RPZ.

(C) *Funds derived from RPPP.* All revenue from the RPPP is dedicated to the cost of enforcing and administering the RPPP by PARC.

(Lou. Metro Ord. No. 201-2004, approved 12-28-2004; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005; Lou. Metro Am. Ord. No. 106-2005, approved 8-2-2005)

### **§ 72.208 MODIFICATION OF RPZ AREA.**

(A) *In general.* PARC may modify the area of an RPZ by adding or deleting part of the area of an RPZ upon petition of the property owners within the area to be added to, or deleted from, an RPZ.

(1) *Request process.*

(a) The Neighborhood Advocate shall collect signatures of at least 60 percent of the property owners within the defined proposed area for addition to, or deletion from the RPZ, via written verifiable request. The property owners must agree to the RPZ amendment as proposed, and indicate their approval by one vote per property owner. All votes and verified signatures shall be obtained and filed with PARC within 120 days or less of the initial signature on the request.

(b) Petitions will only be considered if the resulting area of a modified Residential Parking Zone contains at least ten adjacent block faces.

(c) The boundaries of and the streets within the proposed addition to or deletion from the RPZ must be clearly identified on each page of the petition.

(d) A cover letter explaining the reason for the request, containing the boundaries of streets within the proposed addition to, or deletion from the RPZ, and who is eligible to sign the petition, should accompany the petition.

(2) *Public comment.*

(a) PARC shall present the proposed modification of the RPZ's Parking Management Plan at a public meeting held in accordance with a formal set of procedures adopted by PARC, in order to obtain public response to the proposed modification of the area of an RPZ.

(b) Notice of the public meeting shall be made by PARC in accordance with KRS Chapter 424, as well as by posting notice at the site of the meeting. Written notice of the public meeting also shall be sent to the Mayor and members of the Metro Council, to Metro Government agencies affected by the modification plan, and to any identified community organizations representing the affected area.

(c) PARC may seek additional comment on the proposed plan before a decision is made on the final version of the Parking Management Plan.

(B) *Adoption of RPZ Modification Plan.* If PARC's written findings of fact, based upon the information presented, support a written conclusion that the modification to the RPZ Parking Management Plan is in compliance with this subchapter, and that all required steps of RPZ modification have been met, then PARC shall revise the Parking Management Plan for the RPZ.

(1) The modification of an RPZ shall include:

- (a) The new boundaries of the RPZ; and
- (b) The effective date of the modification of the RPZ.

(2) Upon the adoption of a modification to an RPZ by PARC, PARC shall notify the Director of Public Works to install or remove RPZ designation signs, as may be appropriate.

(Lou. Metro Ord. No. 201-2004, approved 12-28-2004; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005; Lou. Metro Am. Ord. No. 106-2005, approved 8-2-2005)

#### **§ 72.209 PARKING SPACE NOT GUARANTEED.**

Possession of any RPZ permit shall not guarantee or reserve the holder an on-street parking space.

(Lou. Metro Ord. No. 201-2004, approved 12-28-2004)

#### **§ 72.210 PARKING RESTRICTIONS.**

(A) All permitted vehicles must adhere to all state and local parking regulations.

(B) RPZ permits do not take precedence over No Stopping Zones, or any other temporary or permanent no parking zones posted by Louisville for tree removal, snow removal, street sweeping, TARC bus stops, utility work, or other actions deemed necessary by Metro Government.

(C) The restrictions of an RPZ shall not apply to any marked Metro Government vehicle or a marked emergency vehicle.

(Lou. Metro Ord. No. 201-2004, approved 12-28-2004; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005; Lou. Metro Am. Ord. No. 106-2005, approved 8-2-2005)

#### **§ 72.211 EXEMPTIONS.**

(A) The following vehicles shall be exempt from the parking restrictions imposed within the RPZ, as set forth herein:

(1) Any vehicle, including but not limited to, a clearly-marked delivery, emergency utility or service vehicle with appropriate commercial license plates, which is under the control of an individual providing service to a property located within the RPZ, while actually engaged in making pick-ups or deliveries of goods, wares, or merchandise from to any building or structure within the RPZ, or rendering emergency service to a resident within the RPZ. Identification of such vehicle is the responsibility of the driver of such vehicle.

(2) Emergency or utility vehicles identified in subsection (A)(1), above, shall be limited to parking within the RPZ for a period of no greater than two hours, unless said emergency utility vehicle has contacted PARC to identify the problem that prevents adherence to the parking restrictions.

(3) For purposes of this subchapter, service or delivery vehicles, including moving vans or trucks, that must be parked within the RPZ for longer than 24 hours must obtain a temporary permit. However, no parking is allowed on sidewalks, grass, or any non-parking areas.

(Lou. Metro Ord. No. 201-2004, approved 12-28-2004; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005; Lou. Metro Am. Ord. No. 106-2005, approved 8-2-2005)

### **§ 72.212 ENFORCEMENT.**

(A) *Violations.* The following shall constitute violations of the RPPP:

- (1) Display of an invalid or expired permit;
- (2) Display of a resident permit not registered to the vehicle in which it is displayed;
- (3) Parking a vehicle within an RPZ without a valid permit; and
- (4) Other violations may be set forth within PARC's rules and regulations for a particular RPZ.

(B) *Citation for violations.*

(1) Parking citations may be issued in accordance with the provisions of Chapter 72, Parking Regulations.

(2) All other enforcement provisions of Chapter 72 shall be applicable within an RPZ.

(C) *Appeal of citations.* Any person who receives a citation for a violation of the restrictions of an RPZ may file an appeal in accordance with the provisions of this Chapter, as set forth in the subchapter, Parking Citation Enforcement.

(Lou. Metro Ord. No. 201-2004, approved 12-28-2004; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005; Lou. Metro Am. Ord. No. 106-2005, approved 8-2-2005)

### **§ 72.213 REVIEW PROVISION.**

The RPPP shall be monitored and reviewed by the Metro Council. The Council may periodically re-evaluate the RPPP for its effectiveness and desirability, and may pass an ordinance to adjust or amend the RPPP. Additionally, for purposes of evaluating the reasonableness and effectiveness of this subchapter, only two RPPP's may be implemented within the Louisville Metro without further approval by the Metro Council.

(Lou. Metro Ord. No. 201-2004, approved 12-28-2004; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005; Lou. Metro Am. Ord. No. 106-2005, approved 8-2-2005; Lou. Metro Am. Ord. No. 25-2007, approved 3-12-2007)

### **§ 72.998 SEVERABILITY.**

If any provision of this chapter as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

(1994 Jeff. Code, § 10.07) (Jeff. Ord. 36-1994, adopted and effective 12-20-1994; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005)

### **§ 72.999 PENALTY.**

(A) (1) Except as provided by subsection (A)(3) below, the civil fine for each of the parking violations in this chapter shall be not less than \$20 and not more than \$100. Each day a parking violation continues shall be a separate and distinct offense.

(2) If the civil fine is paid within seven days of the date the parking citation was issued, the fine shall be discounted by not less than \$10 nor more than \$50. Payment of the discounted fine within seven days of the date the parking citation was issued shall constitute full payment of the fine for the parking violation. Payments received by Metro Government on or after the eighth day from the date the parking citation was issued must be for the full fine amount, plus any other applicable fees or penalties.

(3) Violations of § 72.033 or § 72.081 shall have a civil fine of not less than \$50 nor more than \$100 for each offense. Each day a parking violation continues shall be a separate offense. In addition, any violation of § 72.033 which continues for more than 24 hours, or violations by the same vehicle more than twice during any 30-day period, or violations by the same vehicle more than three times during a calendar year, shall cause the violating vehicle to be towed and the owner thereof shall be responsible for the towing charges pursuant to § 72.062(A).

(4) Violations of § 72.065 shall be a misdemeanor and punishable by a fine of not more than \$500, or no more than 365 days in jail, or both.

(B) The Assistant Director of PARC is authorized to raise the civil fines and discount rate provided in this section within the ranges set forth in subsection (A), upon reasonable necessity, subject to the Metro Council voiding any fine or discount rate increase.

(1999 Lou. Code, § 75.99) (Lou. Ord. No. 164-1962; Lou. Am. Ord. No. 14-1970, approved 2-12-1970; Lou. Am. Ord. No. 127-1971, approved 8-14-1971; Lou. Am. Ord. No. 159-1971, approved 10-27-1971; Lou. Am. Ord. No. 119-1979, approved 9-6-1979; Lou. Am. Ord. No. 131-1979, approved 9-28-1979; Lou. Am. Ord. No. 244-1984, approved 9-14-1984; Lou. Ord. No. 198-1986, approved 6-26-1986; Lou. Am. Ord. No. 381-1986, approved 12-15-1986; Lou. Am. Ord. No. 144-1987, approved 6-1-1987; Lou. Am. Ord. No. 309-1987, approved 10-29-1987; Lou. Am. Ord. No. 160-1990, approved 6-29-1990; Lou. Am. Ord. No. 163-1998, approved 8-4-1998, effective 12-1-1998; Lou. Am. Ord. No. 0126-2001, approved 10-12-2001; Lou. Am. Ord. No. 0147-2002, approved 12-26-2002; Lou. Metro Am. Ord. No. 64-2005, approved 5-17-2005; Lou. Metro Am. Ord. No. 40-2012, approved 3-19-12 and effective 5-3-2012)