

CITY OF MEADOW VALE

Ordinance #3, Series 2002-2003

AN ORDINANCE REPEALING AND REPLACING ALL CITY ORDINANCES RELATING TO

- (1) TRAFFIC CONTROL AND VEHICULAR PARKING;
- (2) PUBLIC NUISANCES;
- (3) JUVENILE CURFEW;
- (4) DISCHARGE OF WATER ONTO PUBLIC ROADWAYS; AND
- (5) ANIMALS

WHEREAS, the City of Meadow Vale desires to repeal and replace the ordinances most often utilized by the Meadow Vale Police Department in day to day enforcement,

AND WHEREAS, the City of Meadow Vale has reviewed those ordinances most often enforced by the Police Department, namely, all those involved with Traffic Control and Parking; Nuisance, Animals and Juvenile Curfew and has re-drafted same,

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MEADOW VALE, KENTUCKY:

SECTION I: All City of Meadow Vale ordinances concerning Traffic Control and Parking; Nuisances and Juvenile Curfew are hereby repealed and replaced as follows:

CHAPTER 6 - PENALTIES

SECTION 1: Criminal

- (a) Any person who shall violate any provision of this ordinance shall be fined not less than \$ 35 or more than \$100.
- (b) Where Kentucky Revised Statutes mandates a fine higher than that stipulated herein the fine contained in Kentucky Revised Statutes shall apply.
- (c) Any continuing violation of this Ordinance shall be considered a separate and distinct offense for each day on which a violation occurs or continues, and a separate penalty may be imposed therefor.

SECTION 2: Civil

- (a) Any person who shall violate any provision of this ordinance shall subject the offender to a civil penalty in an amount equal to two times the minimum fine prescribed in this ordinance, with a minimum penalty of \$35 for each violation.
- (a) The civil penalty provided herein may be recovered by the City in a civil action in the nature of a debt if the offender does not pay the penalty within twenty (20) days after the offender has been cited for the ordinance violation. As herein, cited shall mean notified of the violation and penalty in writing by an elected or appointed official of the City or the official attorney of the City. The civil penalty

may be used as an alternative to or in conjunction with the criminal penalties authorized herein.

SECTION 3: Towing

- (a) Any vehicle found in violation of the traffic control and parking provisions herein is subject to towing and impoundment, at the owner's cost. Prior to impoundment the City must attempt to ascertain the identity of the owner of such vehicle through the State transportation Cabinet and within ten (10) business days of the removal shall, by certified mail, attempt to notify the registered owner of said vehicle of the location of the vehicle the specific violation, the intended action of the City and the requirements to secure the release of said vehicle if impounded. Any person engaged in the business of storing or towing said vehicles shall have a lien on the motor vehicle for the reasonable or agreed upon charges for storing or towing.
- (b) The following procedures shall be followed for impounding a vehicle:
 - 1.) The first violation will result in a written warning issued by the Chief of Police or his or her designated agent to the registered owner of the vehicle.
 - 2.) The second violation of the same provision will result in the fine and/or civil penalty set forth by this ordinance, issued by the Chief of Police or his or her designated agent to the registered owner of the vehicle.
 - 3.) The third violation of the same provision will result in the fine and/or civil penalty set forth by this ordinance, issued by the Chief of Police or his or her designated agent, and the vehicle will be towed at the expense of the owner of the vehicle.
 - i. Each subsequent offense by the same vehicle will have the same result as that referenced in Paragraph 3.
- (c) The Chief of Police or his or her designated agent shall release a vehicle to its legal owner without fine if the city police have determined that the vehicle was stolen.
- (d) Any vehicle remaining in the possession of the contracted tow lot to which it has been delivered and with which it has remained for a period of sixty (60) days without being reclaimed by the rightful owner thereof, and without the payment of the towing and storage charges thereon, may after authorization of the Chief of Police or his or her designated agent, be sold to pay the towing and storage. The advertisement of the proposed sale shall be published once a week for three (3) successive weeks as set forth in K.R.S. 424.130(3). The last advertisement shall be made at least seven (7) days before sale is held. Notice of the sale shall be sent by registered mail to the owner of the motor vehicle, and to any other person known to have any interest therein, addressed to the person at their last known address at least ten (10) days before the sale is held.

- 1.) The owner of any motor vehicle may sign a waiver of notice of sale and waiting period and permit the tow lot to sell the motor vehicle whenever he or she deems it proper and necessary.
- (e) No vehicle shall be released by the tow lot except on written order from the Chief of Police or his or her designated agent.

SECTION 4: Enforcement

- (a) Any violation of any of these ordinance shall subject the offender to fines, penalties, and forfeitures that may be imposed by law, and the City may secure injunctions and abatement orders, when appropriate, to insure compliance with its ordinances as authorized by KRS 83A.065.
- (b) This ordinance may be enforced by Meadow Vale Police Officers or in combination of the remedies authorized by this ordinance.