

**CITY OF WALTON, KENTUCKY
ORDINANCE NO. 2019-12**

AN ORDINANCE OF THE CITY OF WALTON, KENTUCKY, AMENDING ORDINANCE 2019-07 AND SECTIONS 72.06 AND 150.35(D) OF THE WALTON CODE OF ORDINANCES IN ORDER TO PROVIDE THAT THE MAYOR AND FIRE CHIEF, AND THEIR DESIGNEES, SHALL BE AUTHORIZED AND DIRECTED TO ENFORCE THE PROVISION OF THAT ORDINANCE AND ADDITIONAL CITY ORDINANCES PERTAINING TO THE PROHIBITION OF PARKING IN FIRE LANES BY ISSUING CITATIONS AND ORDERING THE TOWING AND IMPOUNDING OF OFFENDING VEHICLES; AND PROVIDING FOR THE DISTRIBUTION OF ANY FUNDS COLLECTED AS FINES.

WHEREAS, by adoption of Ordinance 2019-07, among other things the City of Walton required pursuant to KRS 227.320, the owner of every parking lot containing space for ten (10) or more vehicles, and every operator of any business served thereby, shall provide the required fire lane open space and mark it in a manner that is approved by the Fire Chief; and

WHEREAS, said KRS 227.320, states that the authorities of any county, city, or other political subdivision shall enforce the fire lane requirements; and

WHEREAS, Sections 72.01 and 72.02 of the Walton Code of Ordinances prohibit the parking of motor vehicles in fire lanes; and

WHEREAS, Section 72.06 of the Walton Code of Ordinances provides that the County Sheriff's Office or other law enforcement agency is hereby authorized to have any vehicle found in violation of any parking ordinance, including parking in fire lanes, towed and impounded; and

WHEREAS, Section 72.99 of the Walton Code of Ordinances provides that any violation of a parking ordinance, including parking in fire lanes, is classified as a civil offense and subject to the City's Code Enforcement ordinances as an additional or supplemental means of obtaining compliance; and

WHEREAS, the City Council of the City of Walton, Kentucky now believes that the public safety, health and welfare of the City, its citizens and its visitors, would be well served by additionally authorizing the Fire Chief or the Mayor, and their designees, to issue citations for unlawful parking in fire lanes, and to order offending vehicles to be towed and impounded.

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

SECTION ONE

Ordinance 2019-07 and Section 150.35(D) of the Walton Code of Ordinances is hereby amended as follows:

(D) Pursuant To KRS 227.320, the owner of every parking lot containing space for ten (10) or more vehicles, and every operator of any business served thereby, shall provide the required fire lane open space and mark it in a manner that is approved by the Fire Chief.

(1) Sections 72.01 and 72.02 of the Walton Code of Ordinances prohibit the parking of motor vehicles in fire lanes.

(2) Section 72.06 of the Walton Code of Ordinances provides that any vehicle found in violation of parking in fire lanes may be towed and impounded.

(3) Section 72.99 of the Walton Code of Ordinances provides that any violation of a parking ordinance, including parking in fire lanes, is classified as a civil offense and subject to the City's Code Enforcement ordinances as an additional or supplemental means of obtaining compliance.

(4) The Fire Chief and the Mayor, and their designees, are additionally authorized to order offending vehicles to be towed and impounded pursuant to Section 72.06 of the Walton Code of Ordinances.

(5) The Fire Chief or the Mayor, and their designees, are additionally authorized to issue citations for unlawful parking in fire lanes, pursuant to Sections 72.99 and 34.40 to 34.77 of the Walton Code of Ordinances; and they shall be acting as Citation/Code Enforcement Officers as defined therein.

(a) If the citation for a fire lanes violation is not contested by the person charged with the violation, the civil fine shall be \$25 for the first offense, \$200 for the second offense, and \$500 for any additional offense within a 12 month period. If the Fire Chief (or his/her designee) issued the citation, the civil fine shall be paid to the Walton Fire Protection District.

(b) If the citation for a fire lanes violation is contested and appealed to the Code Enforcement Board by the person charged with the violation, the civil fine shall be up to \$50 for the first offense, up to \$400 for the second offense, and up to \$1,000 for any additional offense within a 12 month period. If the Fire Chief (or his/her designee) issued the citation, one-half of the civil fine shall be paid to the Walton Fire Protection District, and one-half shall be paid to the City of Walton.

SECTION TWO

Section 72.06 of the Walton Code of Ordinances is hereby amended as follows:

§ 72.06 TOWING AND IMPOUNDMENT.

The County Sheriff's Office or other law enforcement agency, **or the Fire Chief or the Mayor, and their designees are is** hereby authorized to have any vehicle found in violation of any section of this chapter towed to a garage, storage or impound lot. Any person thereafter claiming the vehicle shall be required to obtain a release from the appropriate law enforcement agency before the vehicle shall be released. Before issuing such release, the law enforcement agency shall be presented with satisfactory evidence that the person requesting the vehicle is entitled to possession thereof.

SECTION THREE

This Ordinance shall take effect and shall be in full force after its enactment and publication as required by law.

SECTION FOUR

All ordinances or parts of any ordinances in conflict herewith, to the extent of the conflict, if any, are hereby repealed.

SECTION FIVE

If any sentence, clause, section or part of this ordinance or the application thereof to any particular situation is, for any reason, found to be unconstitutional, illegal or invalid, the invalidity of any provision of this Ordinance shall not affect the validity of any other provisions hereof, and such other provisions shall remain in full force and effect as long as they remain valid in the absence of that provision determined to be invalid.

SECTION SIX

This ordinance may be read and published in summary form.

PASSED AND APPROVED ON FIRST READING BY ____ OF ____ MEMBERS OF CITY COUNCIL ON THE ____ DAY OF _____, 2019.

PASSED AND APPROVED ON SECOND READING BY ____ OF ____ MEMBERS OF CITY COUNCIL ON THE ____ DAY OF _____, 20____.

APPROVED:

GABRIEL D. BROWN, MAYOR

ATTEST:

SHARON L. STEVENSON, CITY CLERK/FINANCE

DATE OF PUBLICATION: _____