CITY OF WALTON, KENTUCKY

**ORDINANCE NO. 2020-02**

AN ORDINANCE OF THE CITY OF WALTON, KENTUCKY, AMENDING ORDINANCES 2019-07 AND 2019-12, AND SECTION 150.35(D) OF THE WALTON CODE OF ORDINANCES, IN ORDER TO PROVIDE FOR LATE FEES FOR NONPAYMENT OF CIVIL FINES FOR VIOLATIONS OF ORDINANCES PROHIBITING PARKING IN FIRE LANES.

 **WHEREAS**, by adoption of Ordinances 2019-07 and 2019-12, among other things, the City of Walton prohibited parking in fire lanes, subjected violations to the City’s code enforcement ordinances, and set forth a civil fine schedule for violations; 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 providing for late fees for nonpayment of civil fines for violations of ordinances prohibiting parking in fire lanes.

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

# SECTION ONE

Ordinances 2019-07 and 2019-12, and Section 150.35(D)(5) of the Walton Code of Ordinances, are hereby amended as follows:

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      (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.

                        (i)  If the citation is not contested, the civil fine shall be paid within 7 days after the issuance of the citation; and if the civil fine is not paid within 14 days after the issuance of the citation, a late fee of $10.00 shall be added to the total owed;

                        (ii)  If the total amount owed is not paid within an additional 7 days (21 days after issuance of the citation), an additional late fee of $10.00 shall be added to the total owed;

                        (iii)   If the total amount owed is not paid within an additional 7 days (28 days after issuance of the citation), an additional late fee of $10.00 shall be added to the total owed for each seven days the total amount owed is not paid, up to a maximum of late fee of $500.00;

                        (iv)   All costs of collection shall be added to the total amount owed, including without limitation any filing fees, postage, court costs and attorney fees.

(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, and the citation is upheld by the Board, 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.

           (i)  If the citation is contested and upheld by the Board and not appealed to District Court within 30 days after the date of the Final Order, if the civil fine imposed is not paid within the 30 days, a late fee of $10.00 shall be added to the total owed;

                        (ii)  If the total amount owed is not paid within an additional 7 days (37 days after issuance of the Final Order), an additional late fee of $10.00 shall be added to the total owed;

                        (iii)   If the total amount owed is not paid within an additional 7 days (44 days after issuance of the Final Order), an additional late fee of $10.00 shall be added to the total owed for each seven days the total amount owed is not paid, up to a maximum of late fee of $500.00;

                        (iv)   All costs of collection shall be added to the total amount owed, including without limitation any filing fees, postage, court costs and attorney fees.

**SECTION TWO**

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

**SECTION THREE**

All ordinances or parts of any ordinances in conflict herewith, to the extent of the

conflict, if any, are hereby repealed.

**SECTION FOUR**

 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 FIVE**

 This ordinance may be read and published in summary form.

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 PASSED AND APPROVED ON FIRST READING BY \_\_\_\_ OF \_\_\_\_ MEMBERS OF CITY COUNCIL ON THE \_\_\_ DAY OF \_\_\_\_\_\_\_\_\_\_\_\_, 2020.

 PASSED AND APPROVED ON SECOND READING BY \_\_\_\_ OF \_\_\_\_ MEMBERS OF CITY COUNCIL ON THE \_\_\_ DAY OF \_\_\_\_\_\_\_\_\_\_\_\_, 2020.

 APPROVED:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 GABRIEL D. BROWN, MAYOR

ATTEST:

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SHARON L. STEVENSON, CITY CLERK/FINANCE

DATE OF PUBLICATION: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_