

Danville, KY Code of Ordinances

Chapter 17 TRAFFIC AND MOTOR VEHICLES*

***Cross-references**--Any ordinance prescribing traffic regulations for specific locations or streets saved from repeal, §§ 1-7(14); use of vehicles in cemeteries, § 5-8; abandoned, junked and inoperative motor vehicles and appliances, § 8-21 et. seq.; offenses, Ch. 9; traffic city parks, § 10-1; streets, sidewalks and other public places, Ch. 14; special events, § 14-101 et seq.

State law references--Licensing of motor vehicles, operators and trailers, KRS Ch. 186; automated motor vehicle registration, KRS Ch. 186A; financial responsibility law, KRS Ch. 187; nonresident motorists, service of process, KRS Ch. 188; traffic regulations and vehicle equipment and storage, KRS Ch. 189; a motor vehicle sales, KRS Ch. 190.

ARTICLE I. IN GENERAL

§ 17-1. Definitions.

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them:

Funeral Procession means two (2) or more vehicles accompanying the body of a deceased person when each vehicle has its headlights on or is displaying a pennant attached in such a manner as to be clearly visible to approaching traffic.

Parking means the standing of a vehicle, whether occupied or not, upon a roadway, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading, or in obedience to traffic regulations or traffic signs or signals.

Private road or driveway means every road or driveway not open to the use of the public for purposes of vehicular travel.

Sidewalk means that portion of a street between the curb lines and the adjacent property lines or that part devoted to pedestrian traffic.

Street or highway means the entire width between property lines of every way or place, of whatsoever nature, when any part thereof is open to the use of the public, for the purpose of vehicular traffic.

Traffic means pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any street for purposes of travel, and the persons operating and/or controlling such vehicles or conveyances.

Vehicle. Includes all agencies for the transportation of persons or property over or upon the public highways of the Commonwealth and all vehicles passing over or upon the highways. *Motor Vehicle*. Includes all vehicles, as defined above except, road rollers; road graders; farm tractors; vehicles on which power shovels are mounted; construction equipment customarily used only on the site of construction and

which is not practical for the transportation of persons or property upon the highways; vehicles that travel exclusively upon rails; vehicles propelled by electric power obtained from overhead wires while being operated within any municipality or where the vehicles do not travel more than five (5) miles beyond the city limits of any municipality; and vehicles propelled by muscular power. (KRS 189.010 (19))

Any other words shall have the meanings prescribed in KRS Ch. 189.

(Code 1977, § 50.010)

Cross reference--Definitions and rules of construction generally, § 1-2.

§ 17-2. State law.

In all other matters relating to the regulation of traffic, the law of the state shall apply.

(Code 1977, § 50.240)

§ 17-3. Administrative regulation.

Any administrative regulation under this chapter provided by any police officer and approved by the chief of police or the mayor of the city shall be deemed a regulation of the police department for the purposes of this chapter.

(Code 1977, § 50.010(18))

§ 17-4. Authority of police and fire department officials.

(a) The officers of the police department, and all such officers as are assigned by the chief of police, shall enforce all street traffic laws of this city and all of the state vehicle laws applicable to street traffic in this city.

(b) Officers of the police department and all such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand or signal in conformity with traffic laws, provided that in the event of a fire or other emergency, or to expedite traffic, or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

(c) Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic in the immediate vicinity.

(Code 1977, § 50.030(1), (2), (3))

Cross reference--Police and fire departments generally, § 2-111 et seq.

§ 17-5. Traffic-control devices.

(a) The city manager shall cause to be directed and maintained traffic control signs, signals and devices when and as required under this chapter and any traffic ordinances of this city to make effective the provisions of this chapter and such ordinances, and may place and maintain such additional traffic-control devices as he may deem necessary to regulate traffic under this chapter or under state law or to guide or warn traffic.

(b) All traffic-control signs, signals and devices existing on the effective date of this Code are hereby ratified and approved and shall be considered as having been lawfully installed.

(Code 1977, §§ 50.030(4), 50.060(1)(a))

§ 17-6. Authorized signs, signals, directions.

All traffic signs, signals, parking signs or lines, tokens, crosswalk lines or other devices placed in or on the streets or public ways of the city regulating traffic shall be presumed to have been placed in or on the streets or public ways of the city by authority of the board of commissioners or by an officer of the city duly authorized so to do, unless the contrary be clearly shown.

(Code 1977, § 50.060(1)(a))

§ 17-7. Prohibited signs.

It shall be unlawful for any person to place, maintain or to display upon or in view of any street any unofficial sign, signal or device which purports to be or is an invitation of or resembles any official traffic sign, signal, token or device, or which may hide same from view, or which attempts to direct or control or regulate the traffic on the streets of the city; and any such prohibited sign, signal or device is declared to be a nuisance, and the chief of police is empowered to remove the same or cause same to be removed without notice.

(Code 1977, § 50.060(1)(b))

§ 17-8. Reserved.*

***Editor's note**--Section 14 of Ord. No. 1377, adopted November 25, 1986, repealed § 17-8, in its entirety. Former § 17-8 derived from the Code of 1977, § 50.180.

§ 17-9. Funeral Processions.

(a) A vehicle in a funeral procession has the right-of-way at an intersection and may proceed through the intersection if the procession is led by an escort vehicle displaying flashing yellow, red, or blue lights, except:

- (1) When the right-of-way is required by an emergency vehicle as defined by KRS 189.910;
- (2) When vehicles in the procession are directed otherwise by a police or safety officer; or
- (3) When the vehicle is a train or locomotive.

(b) Before assuming the right-of-way, a person who drives a vehicle in a funeral procession shall exercise due caution with regard to crossing traffic.

(c) A person who drives a vehicle that is not part of a funeral procession shall not drive the vehicle between the vehicles of the funeral procession or otherwise interfere with the progress of the procession, except when:

- (1) The person is authorized to do so by a police or safety officer; or

(2) The vehicle is an emergency vehicle as defined by KRS 189.910.

(d) A person who drives a vehicle that is not a part of a funeral procession shall not illuminate the vehicle headlights or engage in any other act for the purpose of securing the right-of-way granted to funeral processions.

(e) The escort vehicle, hearse, or other vehicles in a procession may be equipped with flashing amber lights for the purpose of notifying the general public of the procession and gaining the right-of-way at intersections, or signaling the end of a procession.

(f) Persons authorized to use flashing lights as defined in KRS 189.920 may use them while accompanying a funeral procession to warn traffic that a procession is approaching or that it is in progress.

(g) When a funeral procession is in progress, a person driving a vehicle not in the procession shall not pass or overtake any vehicle in the procession unless:

(1) The person is directed to do so by a police or safety officer;

(2) The procession is on a street, road, or highway outside the corporate limits of a city, town, or urban-county; or

(3) The procession is on an interstate highway or a state parkway.

(KRS 189.378)

§ 17-10. Vehicles prohibited on sidewalks.

No person shall drive a motor vehicle, including a motorcycle or merchandise push car, upon any sidewalk or public place intended exclusively for pedestrians.

(Code 1977, § 50.210(1))

§ 17-11. Bicycles, roller skates and skateboards prohibited in downtown area.

(a) No person shall ride a bicycle or skateboard or use roller skates on the sidewalks of the downtown area, and no person shall ride a skateboard or use roller skates on the streets of the downtown area, which area is bounded by Wilderness Road and Stanford Avenue to the east, Fifth Street to the west, Broadway to the north, and Dr. Martin Luther King Blvd. to the south, which shall include both sides of the of the above-enumerated boundary streets and any sidewalks located within those boundaries.

(b) Any parent, guardian or person having control or custody of any child, who knowingly permits such child to violate any of the provisions of this section shall be guilty of a violation of this section.

(Code 1977, §§ 50.210(1), (3), 90.130; Ord. No. 1383, § 1, 6-9-87; Ord. No. 1394, § 1, 4-26-88; Am. Ord. 1632, passed 9-9-02)

§ 17-12. Clinging to motor vehicles.

It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates or any vehicle to cling to, or attach himself, or his vehicle to any other moving vehicle upon any roadway.

(Code 1977, § 50.220)

§ 17-13. Truck routes.

(a) All commercial trucks traveling within the city limits of the city shall be required to travel through and within the city upon the following streets, except where the point of origination or destination reasonably requires the usage of a street or streets other than the designated truck routes, which are as follows:

- (1) US 127/ US 150 By-Pass, in its entirety;
- (2) Main Street, from its intersection with Stanford Road (Wilderness Road) in a westward direction to the intersection with Maple Avenue and continuing westward across the railroad viaduct along Perryville Road to the city limits;
- (3) Lebanon Road from its intersection with Perryville Road (near the viaduct) in a south-westward direction to the city limits;
- (4) North Third Street (Burgin Road) from its intersection with Main Street northerly to the city limits;
- (5) South Fourth Street (Hustonville Road) from its intersection with Main Street southerly to the city limits;
- (6) Lexington Avenue (Lexington Road), from its intersection with North Third Street eastwardly to the city limits;
- (7) Wilderness Road, from its intersection with Lexington Avenue southerly to its intersection with East Main Street;
- (8) Stanford Avenue (Wilderness Road) from its intersection with Main Street southeasterly to the city limits;
- (9) Lancaster Road (Kentucky Highway No. 52) from its intersection with Stanford Road easterly to the city limits.
- (10) North Fourth Street from Main Street to Lexington Avenue.
- (11) Gose Pike from Stanford Avenue to the US 150 By-Pass.

(b) Commercial trucks, as referred to in this article, shall mean any and all types of trucks, whether loaded or empty, used primarily for transporting goods, products, merchandise, or any tangible property, and shall include all trucks except those used strictly as a private means of personal transportation.

(c) Signs shall be erected at the corporate limits and points of intersection of the above streets and roads, notifying the public of the routes designated in this section and governing the travel over the highways in and through the city, and this article shall not be in force and effect until the erection of such signs.

(Code 1977, § 50.400; Ord. No. 1303, § 2, 10-27-81; Am. Ord. No. 1553, § 1, 10-27-98)

§ 17-14. Operation of metal cleated vehicles.

(a) A special permit shall be required of any person seeking authority to operate under the streets, alleys, sidewalks or public ways of the city any motor vehicles, machinery or equipment which run upon lugs, treads, cleats or other forms of metal, prior to the actual operation of such motor vehicles, machinery or equipment. Such special permit shall be granted by the city engineer, only if it is clearly demonstrated that the public convenience and necessity demands it. Such permits shall be granted for operations limited as to period of operation, and limited as to streets, alleys, sidewalks or ways upon which such vehicles may operate. A separate special permit shall be required for such vehicle so operated, and same shall be kept within the cab of the vehicle, or upon the person of the operator, who shall display it upon demand of the police department.

(b) Such special permits shall not be granted under any circumstances unless the applicant therefor shall have been given bond with approved surety in an amount specified by the city to cover each such motor vehicle for which a permit or permits are sought. Bond shall be for the purpose of indemnity to the city against any damage to such streets, alleys, sidewalks or public ways resulting from the operation of any vehicle under authorization of such permit. The amount of the bond, per vehicle, shall not be less than one thousand dollars (\$1,000.00).

(c) No person shall operate any vehicle, machinery, or equipment run upon lugs, treads, cleats or other metal upon the streets, alleys, sidewalks or public ways of this city, unless he shall have first obtained the special permit required in subsection (a).

(Code 1977, § 11.520)

State law reference--Chains and lugs on wheels, thickness of solid rubber tires, KRS 189.190.

§ 17-15. Penalty.

(a) Any person who violates § 17-9 shall be guilty of a misdemeanor and shall be fined not more than \$250 or imprisoned for not more than ninety (90) days, or both.

(KRS 189.378)

(b) Any person who shall violate any of the provisions of this chapter for which no other penalty is provided shall, upon conviction, be fined not less than twenty dollars (\$20.00) nor more than one hundred dollars (\$100.00) for each offense.

(Code 1977, § 50.990)

State law reference--Similar provisions, KRS 189.990.

§ 17-16. Individual driveway marking.

The chief of police and the city engineer are hereby authorized and directed to mark with a yellow line the curb areas in close proximity to individual driveways in accordance with the following regulations and guidelines:

(1) A written application must be submitted by the property owner to the chief of police.

(2) The application shall be reviewed by both the chief of police and the city engineer, who shall then make a determination as to whether or not to approve the application.

(3) If the application is approved by both the chief of police and the city engineer, the marking or painting of the curb shall be done by the city in accordance with the determination made by the chief of police and the city engineer.

(4) There shall be a charge to the property owner for the painting of the curb, and the amount of such charge shall be as determined from time to time by the board of commissioners.

(Ord. No. 1359, § 2, 1-28-86)

§ 17-17. Speed limits; penalty.

(a) The speed limit over the streets in the city, except for those streets which are part of the state highway systems and school zones, shall be Thirty Five (35) miles per hour unless a lesser limit is designated and marked by the Public Services Department. When such a determination is made by the Public Services Department and signs or markers are installed, such determination shall be as effective as if it were set out by Ordinance.

(b) Any person found guilty of speeding in the city shall, upon conviction, be fined in accordance with the schedule set forth below for each offense:

(1) The fines for speeding in violation of this section shall be as follows:

Mph. Over Limit	Prima Facie or Maximum Speed											Fine
	15	20	25	30	35	40	45	50	55	60	65	
1	16	21	26	31	36	41	46	51	56	61	66	\$1
2	17	22	27	32	37	42	47	52	57	62	67	2
3	18	23	28	33	38	43	48	53	58	63	68	3
4	19	24	29	34	39	44	49	54	59	64	69	4
5	20	25	30	35	40	45	50	55	60	65	70	5
6	21	26	31	36	41	46	51	56	61	66	71	16
7	22	27	32	37	42	47	52	57	62	67	72	17
8	23	28	33	38	43	48	53	58	63	68	73	18
9	24	29	34	39	44	49	54	59	64	69	74	19
10	25	30	35	40	45	50	55	60	65	70	75	20

11	26	31	36	41	46	51	56	61	66	71	76	22
12	27	32	37	42	47	52	57	62	67	72	77	24
13	28	33	38	43	48	53	58	63	68	73	78	26
14	29	34	39	44	49	54	59	64	69	74	79	28
15	30	35	40	45	50	55	60	65	70	75	80	30
16	31	36	41	46	51	56	61	66	71	76	81	32
17	32	37	42	47	52	57	62	67	72	77	82	34
18	33	38	43	48	53	58	63	68	73	78	83	36
19	34	39	44	49	54	59	64	69	74	79	84	38
20	35	40	45	50	55	60	65	70	75	80	85	40
21	36	41	46	51	56	61	66	71				43
22	37	42	47	52	57	62[LS1]	67	72				46
23	38	43	48	53	58	63	68	73				49
24	39	44	49	54	59	64	69	74				52
25	40	45	50	55	60	65	70	75				55

(2) For speeding in excess of a speed shown on this specific fine table schedule the fine shall not be less than \$60.00 nor more than \$100.00.

(3) For any violation shown on the chart for which a specific fine is prescribed, the defendant may elect to pay the fine and court costs to the Boyle Circuit Clerk before the date of his trial or to be tried in the normal manner. Payment of the fine and court costs to the clerk shall be considered as a plea of guilty for all purposes.

(4) If offense charged shows a speed in excess of the speeds shown on the specific fine schedule the defendant shall appear for trial and may not pay the fine to the clerk before the trial date.

(5) If the offense occurred in a highway work zone, the fine established by subsection (1) or (2) of this section shall be doubled.

(Ord. No. 1539, §§ 1-2, 10-28-97)

§§ 17-18--17-30. Reserved.

ARTICLE II. PARKING, STOPPING AND STANDING

DIVISION 1. GENERALLY

§ 17-31. Parallel parking, stopping, standing.

No operator of any vehicle shall stop, stand or park such vehicle, except in a case of a real emergency, or in compliance with a provision of this article or when directed by a police officer, traffic sign or signal, in any manner other than with its right-hand side parallel with the curb, except where angle parking is in effect. No vehicle shall be parked or left standing on any street unless its two (2) right wheels are within twelve (12) inches of and parallel with the curb.

§ 17-32. Obstructing traffic.

(a) It shall be unlawful for any person to double-deck or double-park any automobile or motor vehicle on any public highway of the city or to so park or leave any such vehicle on such highway so that any other vehicle standing or parked on such highway shall be blocked in or not in a position to be backed out into the street and to proceed along or near the center thereof. This section shall not apply to trucks or commercial vehicles while same may be parked, unloading or receiving goods, wares or merchandise.

(b) No vehicle shall be so parked or stopped in a street so that it will prevent another vehicle lawfully parked or standing thereon from backing out or proceeding forward. No vehicle shall be parked or stopped in any manner on any street without leaving available not less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic on such street.

(Code 1977, § 50.090(7), 55.030)

§ 17-33. Prohibited in certain places.

(a) No person shall stop or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in the following places:

- (1) On a sidewalk;
- (2) In front of sidewalk ramps provided for persons with disabilities;
- (3) In front of a public or private driveway;
- (4) Within an intersection;
- (5) At any place where official signs prohibit stopping or parking;
- (6) Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway;
- (7) At any place where a yellow curb is marked/placed in accordance with section 17-5 of this Code; or
- (8) At any place designated parking by permit only, unless that person possesses a valid permit.

(b) No person shall move a vehicle not lawfully under his control into any such prohibited area.

(Code 1977, § 50.080; Ord. No. 1359, § 1, 1-28-86; Am. Ord. No. 1526, § 1, 4-22-97)

State law reference--Similar provisions, KRS 189.450(4), (5).

§ 17-34. Stopping for loading or unloading only.

(a) *Loading zones.* The city manager is hereby authorized to determine the location of and establish such loading zones as are necessary for the conduct of business, and to provide proper signs indicating the time during which the zones may be used only for loading and unloading.

(b) *Standing or parking in loading zones.* Parking for any lawful purpose is allowed in areas designated as loading zones for a period not to exceed ten (10) minutes. Emergency lights must be blinking for all vehicles parked in a loading zone.

(c) *Public carrier stands.* The city manager is authorized to establish bus stops, taxicab stands and stands for other passenger common carrier motor vehicles on such public streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public, and to cause such stands to be designated by appropriate signs.

(d) *Parking of buses.* The driver of a bus shall not park upon any street in the city except at a designated bus stop.

(e) *Stopping to discharge passengers.* It shall be unlawful for the operator of any bus to receive or discharge passengers in a bus stop without first having stopped such bus with its two (2) right wheels within twelve (12) inches of and parallel with the curb.

(f) *Restricted use of bus and taxicab stands.* No person shall stop, stand or park a vehicle other than a bus in a bus stop or a taxicab in a taxicab stand, when such stop or stand has been officially designated and appropriately marked.

(g) *Backing up.* When taking up or discharging freight or passengers, the vehicle shall be headed in the direction of traffic on the right of the roadway and as far as practicable all vehicles shall be loaded and unloaded from the right side and not from the end, and no vehicle shall remain backed up to the curb in any event longer than is necessary to load and unload same, and such vehicle shall move immediately after the loading or unloading is finished.

(Code 1977, §§ 50.100, 50.170; Ord. No. 1405, § 1, 10-11-88; Am. Ord. No. 1526, § 1, 4-22-97)

§ 17-35. Motor vehicles upon streets for sale, etc., prohibited.

It shall be unlawful for any person to place or leave any secondhand automobile, motor vehicle, tractor or any other similar secondhand vehicle on any street or public highway of the city for purpose of storage, selling, or offering for sale such automobile or similar vehicle.

(Code 1977, §§ 50.090(6), 58.030)

§ 17-36. Unattended trailers and drags.

No unhitched or uncoupled trailer, drag or truck trailer shall be left standing unattended on the public streets, alleys or ways in the city, except when the vehicle is disabled or the operator is disabled from operating same.

(Code 1977, § 55.040)

§ 17-37. Fire hydrants and fire lanes.

(a) *Fire hydrants.* No person shall park within six (6) feet of any fire hydrant in the city at any time of the day or night.

(b) *Fire lanes.* There is hereby delegated to the chief of the fire department, the power to establish fire lanes, where parking will be prohibited, when, upon his survey, and in his judgment, the public health, safety, and convenience, and the existence of potential fire hazards and dangers to human life and property demand it. Upon the determination of the need for such lanes, he shall cause the same to be painted either yellow or red, and appropriately marked.

(Code 1977, § 55.060)

Cross reference--Fire prevention and protection generally, Ch. 6.

§ 17-38. Parking by permit only.

(a) The Board of Commissioners may establish by resolution areas where parking is allowed only by those possessing a valid permit issued by the City. This includes, but is not limited to public "offstreet" parking areas, handicapped parking areas, and other areas or public right of way where regulated parking is deemed necessary. This includes parking in a handicapped area when the vehicle is not being used for the benefit of a handicapped person. This includes parking in a space reserved by permit for another.

(b) The Board of Commissioners shall establish by resolution regulations for the issuance of parking permits.

(Ord. No. 1526, § 1, 4-22-97)

Editor's note--Ord. No. 1401, § 8, adopted August 23, 1988, repealed § 17-38 in its entirety. Former § 17-38 was concerned with penalties, and derived from the Code of 1977, § 55.990.

§§ 17-39--17-50. Reserved.

DIVISION 2. TWO-HOUR FREE PARKING ZONE

§ 17-51. Designation.

Those areas constituting two-hour free parking zones Monday through Friday, 9:00 a.m. to 5:00 p.m. excluding Saturdays, Sundays, and Holidays; shall be designated from time to time by resolution of the board of commissioners.

(Code 1977, § 55.010(1)(b); Ord. No. 1235, § 1, 1-24-78; Ord. No. 1248, § 1, 12-12-78; Am. Ord. No. 1526, § 1, 4-22-97)

§ 17-52. Reserved.

§ 17-53. Individual parking spaces; manner of parking.

The chief of police and the city engineer are hereby directed and authorized to mark off individual parking spaces in the two-hour free parking zone. At each space so marked off it shall be unlawful to park any vehicle in such a way that the vehicle shall not be entirely in the limits of the space so designated.

(Code 1977, § 55.010(4))

§ 17-54. Reserved.*

***Editor's note**--Ord. No. 1401, § 8, adopted August 23, 1988, repealed § 17-54 in its entirety. Former § 17-54 was concerned with voiding of parking tickets, and derived from the Code of 1977, § 55.010(8)(d).

§ 17-55. Free parking permits for certain events.

The city manager may, from time to time, as prudent need arises, declare a parking space or spaces free parking for a set period of time for a specific purpose such as funerals or weddings in progress, or events calculated to improve business or promote the city as a whole. Whenever, application is made to the city manager under this authority, and he so approves, he will cause a permit to be placed on the left front of the windshield rearview mirror. When the set period of time exceeds eight (8) hours, a fee shall be required for each permit issued. This fee shall not exceed the maximum daily fee for rental of municipal parking spaces.

(Code 1977, § 55.010(8)(e); Ord. No. 1526, § 1, 4-22-97)

§ 17-56. Reserved.*

***Editor's note**--Ord. No. 1401, § 8, adopted August 23, 1988, repealed § 17-56 in its entirety. Former § 17-56 was concerned with violations and penalties, and derived from the Code of 1977, § 55.010(8)(c); Ord. No. 1235, § 2, adopted January 24, 1978; and Ord. No. 1320, § 1, adopted July 26, 1983.

§§ 17-57--17-70. Reserved.

DIVISION 3. RESERVED*

***Editor's note**--Ord. No. 1401, § 8, adopted August 23, 1988, repealed §§ 17-71--17-73 which constituted former Div. 3. The aforesaid was concerned with abandoned motor vehicles, and derived from the Code of 1977, § 58.040(1)--(4).

§§ 17-71--17-150. Reserved.

ARTICLE III. OPERATION OF MOPEDS*

***Editor's note**--Ord. No. 1357, §§ 1,2, adopted January 14, 1986, did not specifically amend the Code; therefore, inclusion as §§ 17-151-- 17-154 was at the discretion of the editor.

§ 17-151. Definitions.

(a) *Moped* means either a motorized bicycle whose frame design may include one or more horizontal crossbars supporting a fuel tank so long as it also has pedals, or a motorized bicycle with a step-through type frame which may or may not have pedals rated no more than two (2) brake horsepower, a cylinder capacity not exceeding fifty (50) cubic centimeters, an automatic transmission not requiring clutching or

shifting by the operator after the drive system is engaged, and capable of a maximum speed of not more than thirty (30) miles per hour.

(b) *City street* means, collectively, any: (1) Street, (2) highway, or (3) path specially designated for the exclusive use of mopeds.

(Ord. No. 1357, § 1, 1-14-86)

§ 17-152. Regulations.

(a) Every person shall, before operating a moped upon a city street located with the geographical boundaries of the City of Danville, be of legally minimum age or older, and must secure and possess a valid operator's license or instruction permit as provided in Chapter 186 of the Kentucky Revised Statutes.

(b) Parent(s) or legal guardian(s) of any minor under the age of eighteen (18) years shall not authorize nor permit such minor to violate any provision of this article under circumstances where the parent or guardian knew or should have known of such violation.

(c) No operator of any moped shall carry another person except where said vehicle has been originally designed to carry one passenger.

(d) No operator of any moped on a City of Danville street shall drive the vehicle abreast of any operator of any other vehicle while in the same lane as that vehicle.

(e) No operator of any moped shall drive the vehicle upon or within any public park or public school real property within the geographical boundaries of the City of Danville unless a designated path or roadway exists therein as determined and posted by the appropriate authority or public body entitled under law to exercise control in such area, or unless general vehicular operation is otherwise permitted.

(f) No operator of any moped shall drive the vehicle upon any sidewalk within the geographical boundaries of the City of Danville.

(g) All operators of mopeds on city streets shall use the appropriate hand signals when stopping and turning.

(h) No moped shall be operated on the City of Danville streets unless it is equipped with:

(1) At least one and not more than two (2) headlamps which shall comply with those requirements and limitations of KRS 189.040.

(2) One red light, visible from rear of moped, which when lighted, or a red reflector, which upon illumination, is visible for at least five hundred (500) feet.

(3) At least one white reflector on each side of both the front and rear wheel and which, upon illumination, are visible by approaching vehicles from a distance of at least one hundred (100) feet.

(4) A horn or other device capable of making an abrupt sound sufficiently loud to be heard under all ordinary traffic conditions.

(5) An exhaust system, where applicable, incorporating a muffler or other mechanical device for the purpose of reducing engine noise. The system shall be securely attached and located so as not to interfere with the operation of the moped. Shielding shall be provided to prevent inadvertent bodily contact

with the exhaust system during normal operation. No modification of said system shall be made which would effectively defeat the purposes of this provision.

(6) A flag attached to a pole of not less than four (4) feet in length.

(i) No person shall operate a moped on a city street unless that person uses an approved eye-protective device of the type and in the manner prescribed for the operators of motorcycles in KRS 189.285(1), at all times such vehicle is in motion.

(j) The operator of a moped upon any city street shall operate said vehicle in a careful manner, with regard for the safety and convenience of pedestrians and other vehicles upon the street.

(k) No person shall authorize or knowingly permit a moped owned or controlled by him to be driven by any person who has no legal right to drive it.

(l) No person whose operator's license or instructor's permit has been denied, canceled, suspended or revoked, or whose privilege to operate a moped has been withdrawn, shall drive said vehicle upon the city streets while the license or permit is denied, canceled, suspended or revoked or his privilege to operate any vehicle is withdrawn.

(m) All retail moped dealers shall be required to advise any purchaser of a moped that pursuant to KRS 186.010(4, 5), 186.410(1,2) and 186.412(1), operators of mopeds are required to possess a valid motor vehicle operator's license. Such dealers shall further be required to secure from the purchaser an acknowledgment that he has received such information by requiring the purchaser to affix his signature to a standard form provided by the City of Danville police department. Complete acknowledgment forms shall be kept on file by the dealer for a period of one year following each sale.

(Ord. No. 1357, § 1, 1-14-86)

§ 17-153. License tax and sticker.

The license tax or city sticker as required in section 16-86, et seq., shall specifically be applicable to mopeds; the license sticker shall be placed upon the front fender of the vehicle, or in the absence of a fender upon the front portion of the vehicle most visible for detection by law enforcement officials. The penalties for violation of this section shall be the same as are provided for violation of section 16-86, et seq.

(Ord No. 1357, § 2, 1-14-86)

§ 17-154. Penalty.

(a) *Impoundment.* Whenever any moped is operated by a minor, in violation of the provisions of this chapter, such moped may be seized by any authorized member of the City of Danville police department and impounded. The moped so impounded shall be surrendered to the parent or legal guardian after payment of any assessed fines and towing charges, if applicable. The remedy of impoundment shall be in addition to the penalties provided in subsection (b).

(b) *Penalty.* Whoever violates any of the foregoing provisions shall be fined not less than twenty dollars (\$20.00) nor more than one hundred dollars (\$100.00).

(Ord. No. 1357, § 1, 1-14-86)

§§ 17-155--17-170. Reserved.

ARTICLE IV. ENFORCEMENT*

*Editor's note-Ord. No. 1401, §§ 1-7, adopted August 23, 1988, did not specifically amend the Code; therefore, inclusion as §§ 17-171-- 17-177 was at the discretion of the editor.

§ 17-171. Hearing board.

A Danville parking regulation board ("hearing board") is established to conduct hearings and to enforce the provisions of this article. The mayor shall appoint seven (7) residents of the City of Danville to constitute the hearing board. A quorum shall constitute four (4) persons. A majority vote of the four (4) persons shall constitute the decision of the hearing board. A chairman and a vice-chairman (to serve in the absence of the chairman) shall be elected by the members of the board and shall preside over the meetings of the board.

(Ord. No. 1401, § 1, 8-23-88)

§ 17-172. Parking violations.

(a) If any motor vehicle is found parked, standing or stopped in violation of a local parking ordinance, the vehicle may be issued a citation for the appropriate parking violation. The citing officer shall note the vehicle's registration number and any other information concerning the vehicle which will identify it and, if the driver is not present, shall conspicuously affix to the vehicle a notice of the parking violation.

(b) The form of the notice of the parking violation shall be on a form designated by the City of Danville and shall contain in substance the following information:

- (1) The citation notice represents a determination that the owner of the vehicle has committed a parking violation and this determination shall be final unless contested as provided herein;
 - (2) The parking 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) The specific parking violation for which the citation was issued;
 - (4) The monetary penalty established for the parking violation; and
 - (5) The options provided in responding to the notice and the procedures necessary to exercise these options as provided herein.
- (c) The notice of parking violation represents a determination that a parking violation has been committed, and shall be final unless contested as provided herein.

(d) The schedule of monetary penalties for parking violations shall be as follows:

Violation	Section	Penalty
Parking wrong side/left side to curb	17-31	\$ 30.00

Double-parking	17-32(a)	30.00
Failing to leave 10 feet roadway passable	17-32(b)	30.00
Prohibited parking: Sidewalk	17-33(a)(1)	30.00
Prohibited parking: Ramp for persons with disabilities	17-33(a)(2)	50.00
Prohibited parking: Blocking driveway	17-33(a)(3)	50.00
Prohibited parking: Within intersection	17-33(a)(4)	30.00
Prohibited parking: Against off. signs	17-33(a)(5)	30.00
Prohibited parking: Within 30 feet of traffic-control device on roadway side	17-33(a)(6)	30.00
Prohibited parking: a yellow or red line	17-33(a)(7)	30.00
Moving by unauthorized person of vehicle into prohibited area (17-33(a))	17-33(b)	30.00
Improper parking in area for persons with disabilities	17-33(a)(8)	50.00
Improper parking in parking by permit only	17-33(a)(8)	30.00
Failure to display handicapped permit if parked in handicapped space (fine reduced to \$15.00 if proof of permit shown)	17-33(a)(8)	50.00
Improper use of loading zone	17-34(b)	30.00
Improper parking by bus	17-34(d)	30.00
Improper stopping to discharge persons	17-34(e)	30.00
Improper use of bus/taxicab stand	17-34(f)	30.00
Improper parking in backed-in position	17-34(g)	30.00
Improper parking (storage or sale)	17-35	30.00
Unhitched/coupled trailer unattended	17-36	30.00
Parking within 6 feet of fire hydrant	17-37(a)	50.00
Parking in marked fire lane	17-37(b)	50.00

Overtime parking: First offense	17-52	5.00
Overtime parking: Second offense*	17-52	15.00
Overtime parking: Third offense*	17-52	30.00
Overtime parking: Fourth offense*	17-52	50.00
Each subsequent offense	17-52	75.00

(Ord. No. 1401, § 2, 8-23-88; Am. Ord. No. 1526, § 1, 4-22-97; Ord. No. 1745, § 1, 11-24-08)

*Within twelve (12) months (rolling) of the first offense. Limited to four (4) tickets per day per vehicle.

§ 17-173. Response to notice.

(a) Any person who receives notice of a parking violation shall respond to this notice as provided herein within seven (7) days of the date of the notice, by either paying the fine set forth in the notice or requesting a hearing as provided herein.

(b) If the owner of a vehicle cited for a parking violation has not responded to the notice within seven (7) days as provided in subsection (a) of this section, the City of Danville shall send a second notice by certified 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 as provided herein, within seven (7) days of the receipt of the notice, the owner shall be deemed to have waived 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 (7) days shall be deemed to have refused to pay the fine levied by the citation. Fines not paid within seven (7) days shall be doubled and shall be due and payable within thirty (30) days of the offense. Any fine not paid within thirty (30) days will result in the violation being cited to the Boyle District Court.

(c) The registered owner of a vehicle at the time the violation occurred shall be liable for all fines, fees and penalties which remain unpaid.

(Ord. No. 1401, § 3, 8-23-88; Am. Ord. No. 1526, § 1, 4-22-97)

§ 17-174. Contest of parking violation.

(a) Any person cited for a parking violation as provided herein may contest the determination that a violation occurred by requesting in writing a hearing before the hearing board. Such hearing shall be held no later than fourteen (14) days from the date of receipt of the request, unless prior to the hearing the person requesting such hearing requests an extension of time not to exceed fourteen (14) days. No less than seven (7) days prior to the date set for the hearing, the 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 and same shall be considered unpaid.

(b) At the hearing, after consideration of the evidence, the hearing board shall determine whether a violation occurred. If no violation occurred, an order dismissing the citation shall be entered. If a violation

occurred, the board shall uphold the citation and order the owner to pay the citation within seven (7) 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 (7) days shall be deemed to have refused to pay the fine levied by the citation and same shall be considered unpaid.

(c) The 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.

(d) An appeal from the hearing board's determination may be made to the district court of Boyle County within seven (7) days after 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 the local government to establish that a violation occurred. If the court finds that a violation occurred, the owner shall be ordered to pay to the City of Danville all fines, fees and penalties occurring as of the date of the judgment. If the court finds that a violation did not occur, the City of Danville shall be ordered to dismiss the citation and the plaintiff shall be authorized to recover all costs.

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

(Ord. No. 1401, § 4, 8-23-88)

§ 17-175. Impoundment.

(a) The City of Danville may impound a motor vehicle which is abandoned upon the streets or thoroughfares within the city or parked, stopped or standing upon a street or public way within its jurisdiction in violation of any 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, including but not limited to the arrest of the operator of the vehicle.

(b) All violators shall be subject to the schedule of fines levied for parking and traffic offenses. Violators shall pay all reasonable towing and handling charges, not to exceed thirty-five dollars (\$35.00), and all reasonable storage charges, not to exceed five dollars (\$5.00) per day or portion thereof.

(c) Impounded vehicles shall be released only upon advance payment of the towing, handling and storage charges imposed thereon, unless the owner or other person entitled to possession challenges the validity of the impoundment pursuant to subsection (d) of this section. A vehicle may be released to the owner or other person entitled to possession only upon proof of ownership or right to possession. The City of Danville, any Danville police officer, or any other party in custody of the impounded motor vehicle may in their discretion 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.

(d) The owner of a motor vehicle impounded pursuant to this section or other person entitled to possession may challenge the validity of such impoundment by requesting in writing a hearing before the hearing board. The hearing shall be conducted within ten (10) business days of the date of the request, unless the owner or other person entitled to possession waives the limitation or the hearing board shows good cause for such delay. The City of Danville shall retain possession of the vehicle pending the hearing, unless the owner or other person claiming the right of possession posts a bond in the amount equal to the fine and fees accrued as of the date of the hearing request, or seventy-five dollars (\$75.00) 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 seventy-two (72) hours of the date the request for hearing is received, unless

such person requests or agrees to a continuance.

(e) (1) No less than five (5) days prior to the date set for hearing, the person requesting the hearing shall be notified of the date, time and place of the hearing. In the case of a hearing required to be held within seventy-two (72) hours of the date of the request as provided in sub-section (d) of this section, the person requesting the hearing shall be informed at the time of request or as soon thereafter as is practicable of the date and time of the hearing.

(2) 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 behalf of that individual and on the owner's behalf the validity of the impoundment.

(3) At the hearing, after consideration of the evidence, the hearing board shall determine whether the impoundment was valid and reasonable. If the impoundment is found unjustified, an order releasing the vehicle shall be entered. All fines and fees paid or amounts posted as bond because of the impoundment of the vehicle shall be returned. If the impoundment was justified, the hearing board shall uphold the impoundment and condition the release of the vehicle upon payment of all accrued fines and fees. If bond has been posted as security for release of the vehicle, said bond shall be forfeited to the City of Danville. 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 the City of Danville. The board shall furnish the owner or person appearing on the owner's behalf with a copy of its order.

(4) The 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.

(5) An appeal from the hearing board's determination may be made to the Boyle District Court within seven (7) days of the hearing board's determination. The appeal shall be initiated by the filing of a complaint and a copy of the hearing board's order in the same manner as any civil action. The action shall be tried de novo and the burden shall be on the City of Danville 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 the impoundment unjustified, the City of Danville 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 all costs.

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

(Ord. No. 1401, § 5, 8-23-88)

State law reference--Abandoned vehicle, KRS 18-9.751

§ 17-176. Abandoned vehicles.

(a) If within ten (10) business days of impoundment a motor vehicle impounded by the City of Danville has not been claimed, or a hearing has not been requested pursuant to the provisions herein, notice shall be mailed by certified mail to the registered owner, if known, and lienholder of record, if any, affording such parties the right within ten (10) days from the date of notice to claim the vehicle or request a hearing pursuant to section 17-175 herein. The notice shall state that, if no hearing is requested, the vehicle shall be deemed abandoned unless the charges thereon are paid within ninety (90) days of receipt of notice.

(b) After ninety (90) days from the date of notice required by subsection (a) herein, an impounded

motor vehicle shall be deemed abandoned and the vehicle shall escheat to the City of Danville.

(c) If the vehicle is judged suitable for use, the City of Danville may obtain a certificate of registration and ownership from the 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.

(Ord. No. 1401, § 6, 8-23-88)

§ 17-177. Lien.

(a) The City of Danville shall possess a lien on a motor vehicle impounded pursuant to section 17-175 herein for all fines, penalties and towing, handling and storage charges and fees imposed thereon. Such lien shall be superior to and have priority over all other liens thereon.

(b) Nothing in this article shall otherwise affect the rights or obligations between the owner of the motor vehicle and those persons who claim a security interest therein.

(Ord. No. 1401, § 7, 8-23-88)

§ 17-178. Immobilization.

The city may immobilize a motor vehicle found upon the streets of public grounds of the city which has received three (3) or more parking citations which are unpaid or otherwise unsettled. The vehicle shall be immobilized in such manner as to prevent its removal or operation except by such persons as shall be authorized by the Chief of Police. It shall be the duty of any police officer removing or immobilizing a motor vehicle or under whose direction such vehicle is removed or immobilized, to inform as soon as practicable the owner of the removed or immobilized vehicle of the nature and circumstances of the prior unsettled parking violation notice for which or on account of which such vehicle was removed or immobilized. In any case involving immobilization of a vehicle pursuant to this section, there shall be placed on such vehicle, in a conspicuous manner, notice warning that such vehicle has been immobilized and that any attempt to move such vehicle might result in damage thereto. The owner of an immobilized vehicle, or other duly authorized person, shall be allowed not less than twenty-four (24) hours from the time of immobilization to respond or secure the release of the vehicle, following which such vehicle may be impounded as provided by § 17-175 of the chapter.

(b) Vehicle cannot be immobilized if parking tickets are under appeal, and immobilization cannot occur on the same day parking tickets are written.

(Ord. No. 1526, § 1, 4-22-97)

§§ 17-179--17-190. Reserved.

ARTICLE V. PARKING AUTHORITY*

***Editor's note**--Ord. No. 1445, adopted June 27, 1991, did not specifically amend this Code; hence, inclusion of §§ 1-8 as Ch. 17, Art. V, §§ 17-191-- 17-198, was at the discretion of the editor.

Cross reference--Boards, commissions and agencies, § 2-126 et seq.

§ 17-191. Establishment.

There is hereby established, pursuant to KRS 94.810, a motor vehicle parking authority to be known as the "Parking Authority of Danville" (hereinafter referred to as the "PAD") which shall have the power of acquisition, creation and operation of public street and off-street parking facilities.

(Ord. No. 1445, § 1, 6-27-91)

§ 17-192. Members.

(a) The PAD shall consist of five (5) persons appointed by the mayor with the approval of the city commission to serve as commissioners of the PAD. Three (3) of the commissioners who are first appointed shall be designated to serve for terms of one (1), two (2), and three (3) years respectively, and the remaining two (2) of such commissioners shall be designated to serve for terms of four (4) years each from the date of their appointment. Upon expiration of the staggered terms, the successors shall be appointed for a term of four (4) years. Appointments to complete unexpired terms of office shall be made in the same manner as the original appointments.

(b) The members of the PAD shall constitute the governing body of the PAD and shall adopt such bylaws, rules and regulations as are necessary for governing of the PAD. Any PAD commissioner may be removed from office upon a vote of the majority of the members of the city commission, for inefficiency, neglect of duty, misfeasance, nonfeasance, or malfeasance, after at least ten (10) days' written notice of the hearing to the member whose conduct is in question and to all members of the PAD board of commissioners. At the hearing, the member may be represented by counsel and may appear personally and present such pertinent evidence as he wishes. If after the hearing the city commission determines that he is guilty of the charges, they shall remove the member from the PAD board of commissioners within seven (7) days; and there shall be a vacancy of the office.

(c) The PAD board of commissioners is a body corporate constituting a public corporation and a governmental agency within the meaning of KRS 58.010 and shall have all powers granted by KRS 58.010 through 58.150.

(Ord. No. 1445, § 2, 6-27-91)

State law reference--Similar provisions to subsections (b) and (c), KRS 94.815(3), (4).

§ 17-193. Compensation.

The city commission shall fix the compensation, if any, of the members of the PAD board of commissioners whose appointment they approve. The compensation of a member shall not be decreased during the term to which he was appointed.

(Ord. No. 1445, § 3, 6-27-91)

State law reference--Similar provisions, KRS 94.820.

§ 17-194. Powers.

(a) The powers of the PAD board of commissioners shall include:

(1) The power to purchase and acquire by gift, bequest, devise, or grant real property, or any

interest therein, in any area of the city in which the city commission shall have made a determination that public parking facilities are therein required, and to hold, use and dispose of same in the manner prescribed by law.

(2) The power to condemn real property or any interest therein in any area of such city in which the city commission shall have made a determination that public parking facilities are therein required, and hold, use and dispose of same in the manner provided by law; in such condemnation proceedings the city shall obtain a fee simple title and may thereafter dispose of same without working a reverter.

(3) The power to clear and improve, in the manner provided by law, any property acquired hereunder, and to construct or cause to be constructed thereon such structures and/or equipment suitable for parking facilities, as the city commission, on recommendation of the PAD board of commissioners, shall have determined to be necessary.

(4) The power to maintain and operate, for parking by the public of vehicles, any property or interest in property constructed or acquired hereunder.

(5) The power to contract with any corporation, firm, individual or association, whether private or public, subject to the limitations of law, for the operation as a public parking facility of any property, or interest in property, constructed or acquired hereunder for such period as the PAD board of commissioners with the approval of the city commission shall determine.

(6) The power to lease to any corporation, firm, individual or association, whether private or public, subject to the limitations of law, for the operation thereof as a public parking facility, any property, or interest in property, constructed or acquired hereunder, for such period as the PAD board of commissioners with the approval of the city commission shall determine.

(7) The power to sell, exchange, transfer or assign any property, whether real or personal, or any interest therein constructed or acquired hereunder, whether or not improved and which the city commission or recommendation of the PAD board of commissioners shall have determined to be no longer necessary or required for the proper achievement of the purposes hereunder; however, the city may, by and through the PAD board of commissioners, lease such property or any part thereof for use for commercial purposes that may be in aid of the operation of off-street parking facilities.

(8) The power to lease for commercial purposes any part of the property which the PAD board of commissioners shall have determined to be no longer required, or not at that time required for the achievement of purposes hereunder.

(9) The power to establish and revise from time to time schedules of rates to be charged for the use of such public parking facilities, and to establish, extend, revise and rescind regulations in regard to the use, operation and occupancy of any property of interest therein, constructed or acquired hereunder, to the end that the maintenance, operation, use and charge for the use of all such property shall be subject to public regulations.

(10) The power to engage in or contract for the construction, reconstruction, alteration, repair and maintenance of any public parking facility operated or to be operated hereunder.

(11) The power to contract with any city, county or other governmental unit in accordance with state law.

(12) The power to accept state and federal aid in carrying out the provisions hereunder and enter into any lawful agreement with any state or federal government, or any agency thereof, in regard thereto.

(Ord. No. 1445, § 4, 6-27-91)

§ 17-195. Issuance and sale of revenue bonds.

(a) The city may provide funds for carrying out of the purposes hereunder by the issuance and sale of revenue bonds. The city may, from the proceeds for the bonds, reimburse its general fund for any expenditures for such purposes made by it before sales and delivery of the bonds. The bonds shall not constitute an indebtedness of the city but shall be secured by such revenues as the PAD board of commissioners provides by and through ordinances enacted by the city commission. The PAD board of commissioners may pledge all or any part of any one (1) or more of the following:

- (1) The revenues derived from the property acquired or constructed from the proceeds of such bonds.
- (2) Any revenues of any other similar project, whether acquired from the proceeds of similar bonds or otherwise.
- (3) Any revenues derived by the city from street parking meters.

(b) The bonds shall be designated on their face "Public Off-Street Parking Facilities Revenue Bonds." It shall be plainly stated on the face of each bond that it does not constitute an indebtedness of the city within the meaning of any constitutional provisions or limitations, or at all. The bonds shall be authorized by ordinance of the PAD board of commissioners. The bonds shall be dated, shall bear interest at rates not exceeding six and one-half percent (6 1/2%) per annum, shall be in the denominations, shall be payable at the place, which may be at any bank within or without the commonwealth, shall mature at the time not exceeding forty (40) years from their date, and may be made redeemable before maturity, at the option of the city, at prices and under the terms and conditions, and shall be executed in the form and manner, all as fixed by the PAD board of commissioners prior to the issuance of the bonds. The PAD board of commissioners shall determine the form of the bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds. In case any officer whose signature appears on any bonds or coupons ceases to be such officer before the delivery of the bonds, such signatures shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office upon delivery. The bonds may be issued in coupons in registered form, or both, as the PAD board of commissioners may determine, and provision may be made for the registration of any coupon bond as to principal alone and also to both principal and interest and for the reconversion of any bond registered as to both principal and interest into coupon bonds. Such bonds shall be exempt from taxation by the commonwealth and by the city and any political subdivision of the commonwealth or the city to the extent permitted by law. Such bonds may be issued without a vote of voters and without any other proceedings or happenings or any other conditions or things than those proceedings, conditions and things which are specified and required by Kentucky Revised Statutes.

(c) The PAD board of commissioners may authorize the sale of the bonds in the manner and for the price it determines to be for the best interest of the city, but no sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than six and one-half percent (6 1/2%) per annum, computed with relation to the absolute maturity of the bonds and in accordance with standard tables of bond values. If the proceeds of the bonds by error or calculation or otherwise are less than the cost of the facilities for which the bonds are authorized, additional bonds may in like manner be issued to provide the amount of the deficit unless otherwise provided in the ordinance authorizing the issuance of the bonds; shall be deemed to be of the same issue; and shall be entitled to payment from the same funds without preference or priority of the bonds first issued. The ordinance authorizing the bonds may make such other conditions and provisions therefor, including provisions for the issuing of additional

bonds and prescribing the relative priority thereof as the PAD board of commissioners deems desirable. Bonds issued pursuant to the Kentucky Revised Statutes shall have and are hereby declared to have, in the hands of a bona fide holder, all of the qualities of a negotiable instrument under the Uniform Commercial Code.

(Ord. No. 1445, § 5, 6-27-91)

§ 17-196. PAD board of commissioners to fix rates for use of facilities.

(a) The PAD board of commissioners shall fix and revise from time to time fees, rates, rentals and charges for the use of the facilities constructed or acquired hereunder; and such fees, rates, rentals and charges shall be so fixed and adjusted as to provide such funds as the PAD board of commissioners deems appropriate; but in no event shall the funds be less than sufficient to pay the costs of maintaining, repairing or operating the facilities, and paying the interest on and the principal of the revenue bonds issued hereunder for the construction or acquisition of such facilities and to create necessary reserves for the foregoing purposes. Upon the payment of all of the bonds issued for any project, the revenue from such project in excess of costs of maintenance and operations may be used for general municipal purposes as determined by the city commission.

(b) The rates or fees to be charged by the PAD shall be fixed at the lowest possible rates consistent with the achieving of the purposes of this article, which shall, together with any additional income, defray the cost of maintaining, operating and administering the parking facilities and of meeting the charges for principal and interest on any indebtedness incurred under this article, including reserves for such purposes and a margin of safety.

(Ord. No. 1445, § 6, 6-27-91)

§ 17-197. Duration of the PAD.

The duration of the PAD shall be until dissolved by the city commission.

(Ord. No. 1445, § 7, 6-27-91)

§ 17-198. Citation for parking violation.

Motor vehicles located on property owned or maintained by the PAD shall be subject to all regulations passed by the city commission.

(Ord. No. 1445, § 8, 6-27-91)

Disclaimer:

This Code of Ordinances and/or any other documents that appear on this site may not reflect the most current legislation adopted by the Municipality. American Legal Publishing Corporation provides these documents for informational purposes only. These documents should not be relied upon as the definitive authority for local legislation. Additionally, the formatting and pagination of the posted documents varies from the formatting and pagination of the official copy. The official printed copy of a Code of Ordinances should be consulted prior to any action being taken.

For further information regarding the official version of any of this Code of Ordinances or other documents posted on this site, please contact the Municipality directly or contact American Legal Publishing toll-free at 800-445-5588.