

## ORDINANCE NO. 2023-04

AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, APPROVING AN AMENDMENT OF BOONE COUNTY CODE OF ORDINANCES CHAPTER 71 RELATING TO THE BOONE COUNTY TRAFFIC CODE HAVING BEEN PREVIOUSLY ADOPTED BY ORDINANCE 12-03 ON FEBRUARY 21, 2012 AND SECTIONS 71.01, 71.13, AND 71.15 HAVING BEEN PREVIOUSLY AMENDED BY ORDINANCE 13-15 ON AUGUST 6, 2013.

**WHEREAS**, KRS 67.083, enacted by the Kentucky General Assembly, authorizes the governing body of a county government to issue regulations related to the provision of streets and roads and enforcement of traffic and parking regulations; and

**WHEREAS**, the Boone County Code Ordinances Chapter 71 relates to control of traffic; and

**WHEREAS**, the Boone County Fiscal Court desires to amend a provision of the Boone County Traffic Code relating to Parking in Cul-De- Sacs.

**NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY:**

### SECTION ONE

That Boone County Fiscal Court hereby amends and modifies the Definitions section of the Boone County Code of Ordinances Chapter 71 by adding and deleting the words and phrases as follows:

#### **§ 71.01 DEFINITIONS.**

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

**COMMERCIAL VEHICLE.** Vehicles used for employment or business purposes that are larger than a full-size pick-up or a full-size van (larger than one ton), or commercial style vehicles, trailers, implements, and equipment regardless of size including, but not limited to, dump trucks, tow trucks, Bobcat style implements, and trailers carrying lawn service equipment

**LAW ENFORCEMENT OFFICER/CODE ENFORCEMENT OFFICER.** A Boone County Sheriff's Deputy with the authority to issue a citation which may be referred to in this chapter as **OFFICER**.

**PERSON.** Any individual, partnership, corporation, association, or other organization of any kind, or their legal representative or agent.

**PUBLIC PARKING AREA.** Any public parking area or lot owned or maintained by Boone County, the City of Union or the City of Walton.

**STORAGE FACILITY.** A premise to hold a vehicle.

**STREET/ROAD.** Any public thoroughfare or right of way located within unincorporated Boone County, the City of Union or the City of Walton.

**TOWING SERVICE.** A business which provides a service to move by pulling or hauling a vehicle from one location to another

**VEHICLE.** All agencies for the transportation of persons or property over or upon the public roads and streets, whether operable or inoperable

## **SECTION TWO**

That Boone County Fiscal Court hereby amends and modifies the Parking Near Intersections section of the Boone County Code of Ordinances Chapter 71 by adding and deleting the words and phrases as follows:

### **§ 71.02 PARKING NEAR INTERSECTIONS.**

No person shall park a vehicle or permit same to be parked or left standing 1. So that the nearest part of the vehicle is less than 20 feet from the point of juncture of any intersecting street or road or; 2. So that the nearest part of the vehicle is less than 20 feet from the point of juncture on the opposite side from an intersecting street or road where one road meets another at a right angle (T intersection).

## **SECTION THREE**

That Boone County Fiscal Court hereby amends and modifies the Parking in Cul-De-Sacs section of the Boone County Code of Ordinances Chapter 71 by adding and deleting the words and phrases as follows:

### **§ 71.05 PARKING IN CUL-DE-SACS.**

No person shall park a vehicle or permit same to be parked or left standing in any cul-de-sac or such that any part of the vehicle is within five (5) feet of the beginning point of curvature in any cul-de-sac.

## **SECTION FOUR**

That Boone County Fiscal Court hereby amends and modifies the Parking Vehicle Restrictions section of the Boone County Code of Ordinances Chapter 71 by adding and deleting the words and phrases as follows:

## **§ 71.13 VEHICLE RESTRICTIONS.**

(A) No person shall park or permit to be parked or left standing on any county, City of Union or City of Walton owned or maintained parking lots:

- (1) Trailers, wagons, boats, campers or any other non-motorized vehicle.
- (2) Any tractor-trailer, truck-camper, motor-home or recreational vehicle after dark and any other motorized vehicle, exclusive of vehicles owned by the county, City of Union or City of Walton for a period longer than 24 hours.
- (3) Any commercial vehicle except during performance of the commercial activity or for a governmental purpose.

(B) No person shall park or permit to be parked or left standing on any county road or street:

- (1) Any vehicle which at its widest point is wider than eight feet; or
- (2) Any pick-up truck of any size which has on it a camper top; or
- (3) Any motor-home, recreational vehicle, recreational vehicle, travel trailer, tractor-trailer, truck-camper or house trailer; or
- (4) Any vehicle used primarily for a commercial purpose as a commercial vehicle except when being actively used for its commercial purpose.

(C) A person may park or permit to be parked or left standing on any county road or street not otherwise prohibited for a period of time not to exceed 24 hours within a seven-day period, a trailer which is less than eight feet at its widest point, ~~including but not limited to boat trailers, horse trailers and cargo trailers, regardless of whether or not the trailer is attached to a vehicle,~~ so long as the trailer is attached to a vehicle and does not impede traffic or constitute a traffic hazard.

## **SECTION FIVE**

That Boone County Fiscal Court hereby amends and modifies the Citations section of the Boone County Code of Ordinances Chapter 71 by adding and deleting the words and phrases as follows:

## **§ 71.14 CITATION.**

An officer shall have the authority to issue parking citations for any violations of this chapter. Further an officer shall have the authority to cause a vehicle to be towed pursuant to this chapter.

(A) When an officer, based upon personal observation or investigation, has reasonable cause to believe that a person has committed a violation of this chapter, the officer is authorized to issue a citation by:

- (1) Personal service to the violator; or
- (2) Posting a copy of the citation in a conspicuous place on the vehicle and causing a copy of the citation to be mailed by regular, first-class mail of the United States Postal Service to the owner of record of the vehicle if personal service of the citation is not effectuated when the citation is issued.

(B) An officer may, in lieu of issuing a citation, give a notice of violation, which shall serve to notify the violator to remedy the violation within the time specified. If the offender fails or refuses to remedy the violation within the time specified, the officer is authorized to issue a citation.

(C) Each day that a vehicle is in violation of any provision of this chapter shall constitute a new offense and an officer shall have the authority to issue a new citation.

## **SECTION SIX**

That Boone County Fiscal Court hereby amends and modifies the Towing/Storage and Release of Vehicle section of the Boone County Code of Ordinances Chapter 71 by adding and deleting the words and phrases as follows:

### **§ 71.15 TOWING/ STORAGE AND RELEASE OF VEHICLE.**

(A) An officer is authorized to have a towing service remove any vehicle to a storage facility when:

- (1) There is reason to believe that the location where a vehicle is parked or left standing, constitutes a public nuisance or a threat to the public health, safety or welfare; or
- (2) A third ticket involving the same vehicle has been issued within a consecutive 365-day period; or
- (3) A second ticket involving the same vehicle has been issued for the same offense within a forty-eight (48) hour period; or
- ~~(3)~~ (4) An officer finds a vehicle parked or left standing upon a road or street and determines that there is an outstanding unpaid parking citation for that vehicle.

(B) The vehicle shall be released from the storage facility to the owner or other person proving sufficient proof of right to take possession of the vehicle, upon approval of the Sheriff's Department and payment of all towing and/or storage charges.

### SECTION SEVEN

If any section or part of any section or any provision of this Ordinance shall be declared invalid by a Court of appropriate jurisdiction, for any reason, such declaration shall not invalidate, or adversely affect, the remainder of this Ordinance. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of said conflict.


### SECTION EIGHT

This ordinance shall be in effect and in full force from and after its passage, publication and recording, according to law.

First Reading - the 7<sup>th</sup> day of February, 2023

Second Reading - the 21<sup>st</sup> day of February, 2023 Yes 4 No 0

Adopted this 21<sup>st</sup> day of February, 2023

  
GARY W. MOORE,  
Judge Executive  
Boone County Fiscal Court

Attest:

  
Shona Schulkers,  
Fiscal Court Clerk