

CITY OF BELLEMEADE, KY
ORDINANCE # 2021-06

AN ORDINANCE OF THE CITY OF BELLEMEADE, KENTUCKY ADOPTING AN OVERNIGHT PARKING ORDINANCE; PROVIDING FOR LICENSES FOR PARKING; AND FOR PROVIDING FOR ENFORCEMENT AND PENALTIES

WHEREAS, the City of Bellemeade and the Commission of the City of Bellemeade is authorized to adopt ordinances and resolutions necessary for the exercise of its powers and prescribe fines and penalties for the violation of ordinances in accordance with law; and

WHEREAS, street parking exposes the citizens of Bellemeade to congestion and danger; and

WHEREAS, the City of Bellemeade deems it to be in the best interests of the citizens of Bellemeade that an Overnight Parking Ordinance be enacted in accordance with law;

NOW THEREFORE, BE IT ORDAINED, and IT HEREBY IS ORDAINED, pursuant to Kentucky law and the powers vested in the City, that the Bellemeade Overnight Parking Ordinance is adopted as follows:

The Bellemeade Code of Ordinances will contain a new section 70 Entitled "Overnight Parking Prohibited" and it will read as follows:

§70.01 Purpose

The purpose of this ordinance is to protect, maintain and enhance the public health, safety, and general welfare by regulating overnight parking on our narrow streets which do not have sidewalks.

§70.02 Overnight Parking Prohibited

- A. No person shall park a vehicle on any street in the City between the hours of 2:00 a.m. and 6:00 a.m. of any day.
- B. The City of Bellemeade Code Enforcement may approve exceptions to the above under certain circumstances as provided for below. Bellemeade Code Enforcement means any Bellemeade city commissioner or any person who has been assigned to perform the duties as a Bellemeade Code Enforcement Officer by the City of Bellemeade Commission

§70.03 Parking Permits

Permits shall be applied for in the following manner:

A. Permit requirements.

[1] When a resident believes it is necessary to obtain a permit for on-street parking on the street where the resident resides because said resident believes that there is insufficient off-street parking for his or her vehicle, the resident shall obtain an application from the City Clerk's office.

[2] Said application shall be made on the form as approved by the Bellemeade City Commissioners and shall be submitted to Bellemeade Code Enforcement accompanied by the following:

- [a] Evidence of insurance which is current and paid to date for the motor vehicle for which a permit is sought.

[b] A current, valid motor vehicle registration issued for the motor vehicle for which the permit is sought.

[c] The applicant's current Kentucky driver's license exhibiting a Bellemeade address or if the applicant just recently moved into Bellemeade, the applicant's motor vehicle license with a stipulation that the applicant will present his Kentucky driver's license exhibiting a Bellemeade address to the Bellemeade Code Enforcement within 60 days.

[d] Such other evidence as is requested by the Bellemeade Code Enforcement that is reasonably necessary to show that the applicant has a valid driver's license, is a permanent resident of Bellemeade and of the premises which is the subject of the application, and the vehicle for which the permit is sought is insured and legally registered in Kentucky, and that a hardship exists requiring the necessity for the issuance of said permit.

B. Permit approval. The Bellemeade Code Enforcement shall conduct an investigation and approve the issuance of said permit if the Bellemeade Code Enforcement is satisfied that:

[1] There is insufficient off-street parking on the person's property.

[2] There is not presently existing another valid permit for other residents of the property.

[3] The area in front of the property does not present line of sight concerns such that parking will make it difficult for passing traffic.

C. Permit issuance. The Bellemeade Code Enforcement shall complete its investigation as soon as possible. If the applicant qualifies for a permit, the Bellemeade Code Enforcement shall immediately refer its approved application to the Clerk who shall immediately issue a permit to any applicant who qualifies. Approved permits may be obtained from the Clerk after payment of a fee of \$25 for each vehicle issued a permit.

D. Permit display. The permit issued shall be displayed and visible at all times on the back side of the inside rearview mirror of the motor vehicle for which the permit is issued, for ease of visibility.

E. Permit duration and renewals. All parking permits will be in force for the duration of one year and will expire on December 31 of the year displayed on the permit. All permit holders seeking renewals of their permits shall make a new application for overnight parking between September 1 and December 31 of the year of expiration.

F. Permit parking conditions. A motor vehicle with a valid permit affixed to the back side of the inside rearview mirror shall be allowed to park on the street where the owner and/or operator of said vehicle lives in front of the owner and/or operator's residence between the hours of 2:00 a.m. and 6:00 a.m. Parking on any other streets or in any other areas shall be prohibited.

G. Temporary overnight parking.

(1) The Bellemeade Code Enforcement shall have the authority to permit temporary overnight parking. Temporary parking permission for a single night may be obtained by a system set up by the Bellemeade Code Enforcement.

(2) An individual may call and request single night temporary parking permission up to seven times per month.

(3) Additional on-street parking permission for more than one night or more than two times per month may be granted by the Bellemeade Code Enforcement, due to exceptional circumstances.

§ 70.04 – Appeals

1. **Appeals.** Any person aggrieved by the denial or restriction of a permit shall have the right to appeal the denial or restriction to the City of Bellemeade Mayor or his Designee and should file a written appeal with the Mayor of Bellemeade via email at mayor@bellemeade-ky.gov.
2. **Procedure.** The Bellemeade City Commissioner for Public Safety shall appear and present his case and evidence as to why the application was denied. The applicant shall have the opportunity to present his case and evidence in support of the application.
3. **Standard of Review.** The City of Bellemeade Mayor or his designee, shall serve as a Hearing Officer. The Hearing Officer shall enter an order providing guidance as to the location, time, persons, and other criteria of this Ordinance.

§ 70.05 – Violations, Enforcement

1. Persons parking without a permit or in violation of this ordinance shall be cited with a citation for prosecution in the Jefferson County District Court, in accordance with the requirements of law for such citations. Any law enforcement officer or deputy shall be authorized to issue such citations.
2. Any person, organization, business or entity ruled to be in violation of the provisions of this Ordinance are subject to an offense, fine of not less than twenty-five (\$25) nor more than fifty dollars (\$50) per day per individual participant.
3. The City Attorney shall be authorized to seek injunctive relief and other relief in a Court of proper jurisdiction if necessary to effectuate the intent of this Ordinance.
4. The City shall be entitled to seek fines in the amounts specified above, and shall be entitled to its attorney's fees for any successful action.

§ 70.06 – Severability

If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, or if any provision of any part of this Ordinance as applied to any particular situation or set of circumstances be declared invalid, or unconstitutional, such invalidity shall not be construed to affect the remaining portions of this Ordinance not so held to be invalid, or the application of this Ordinance or other circumstances not so held to be invalid. It is hereby declared to be the intent of the City of Bellemeade to provide for separable and devisable parts and it does hereby readopt any and all parts hereof as may not be held invalid for any reason.

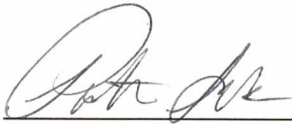
§ 60.10 – Disposition of Fees and Fines

Fees and fines collected by the Bellemeade City Commissioner for Public Safety pursuant to this Ordinance shall be deposited by the City in its general fund to be budgeted as part of the City general fund.

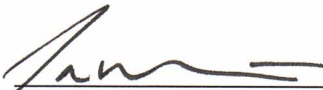
First Reading the 9th day of August, 2021.

Second Reading passed and approved this 11th day of October, 2021.

All those voting in favor: UNANIMOUSLY, JAMES MARTIN
BEN ZICKEL
SANDY WALKER



Patricia Scott, City Clerk



James N. Martin, Mayor