

## Ordinance 8, 2014

### AN ORDINANCE OF THE CITY OF PARK HILLS, IN KENTON COUNTY, KENTUCKY, AMENDING CHAPTER 72 OF THE MUNICIPAL CODE OF ORDINANCES TO INCORPORATE A PROCESS FOR ANNOUNCING SNOW EMERGENCIES AND AUTHORIZE THE ISSUANCE OF CITATIONS FOR VIOLATIONS OF THE SECTION ON SNOW EMERGENCIES

**WHEREAS**, the City desires to keep the streets passable during the winter season; and

**WHEREAS**, the City desires to clarify and expand its existing snow emergency ordinance;

**BE IT ORDAINED BY THE CITY OF PARK HILLS, KENTUCKY:**

#### SECTION I

That §72.09 of the City of Park Hills Code of Ordinances is hereby amended as follows:

#### §72.09 SNOW EMERGENCY

- (A) The term “person” means any natural person, company, corporation, partnership, joint venture, unincorporated association, or any combination thereof.
- (B) The term “motor vehicle” means any vehicle which is operated by means other than muscle power.
- (C) The provisions of this section are applicable to all streets in the City of Park Hills.
- (D) No person shall cause or permit any motor vehicle to be located upon the pavement or right-of-way of any portion of any street ~~indicated in paragraph C hereof in~~ the City of Park Hills at any time during which a snow emergency has been declared by the Mayor, ~~the Chief of Police, or officer in charge of the City of Park Hills.~~ or the Mayor’s designee.
- (E) A snow emergency shall be declared by the ~~Head of Public Works of the police officer in charge at the time~~ Mayor or the Mayor’s designee, at such time as he/she determines that falling snow, sleet or freezing rain requires restrictions of vehicular traffic for the purpose of plowing, cleaning of snow or ice, or at such time as three (3) inches or more of new snow has fallen.
- (F) Upon the declaration of any snow emergency, the Mayor or the Mayor’s designee shall, as soon as possible, notify local radio stations, television stations, newspapers, and other members of the news media as will, in the judgment of the Mayor or Mayor’s designee, afford the earliest and best information to persons using the public ways of the

city of the existence of the snow emergency. The Mayor or Mayor's designee should also attempt, to the extent possible, to get the notification placed on the city's website. In notifying the members of the news media, the Mayor or Mayor's designee shall request that the notice of the snow emergency and its requirements be broadcast or published as soon as possible. No other notices of the existence of the snow emergency shall be required. Owners and operators of motor vehicles shall be deemed to have notice of the Snow Emergency two (2) hours after the broadcast or publishing of the announcement and are subject to the prohibitions of this section. Posting on the City's website constitutes official notice.

~~(F)~~(G) The Head of Public Works of the City of Park Hills is hereby authorized and directed to install at all entrance points to the City signs containing the following information:

NO PARKING ON CITY STREETS  
DURING A DECLARED SNOW EMERGENCY

~~(G)~~(H) A vehicle parked on the pavement or right-of-way of any dedicated street at the time a snow emergency is declared shall be removed from the street within three (3) hours if a snow emergency is declared between 6:00 a.m. and 8:00 p.m. If declared between 8:00 p.m. and 6:00 a.m., the vehicle shall be removed prior to 9:00 a.m. of that morning. The owner or operator of a motor vehicle found in violation of this section shall be responsible for all towing and storage costs for such vehicle during the Snow Emergency.

~~(H)~~(I) All peace officers of the Commonwealth of Kentucky are hereby authorized and directed to cause all motor vehicles located upon any portion of the streets indicated in paragraph (C) hereof of the City of Park Hills in violation of the terms of this section to be removed from said streets; and the city shall have a lien upon each of said motor vehicles so removed for the cost of such removal; and the city or any person acting on its behalf may retain possession of such motor vehicles until the cost of removal has been paid to the city. Additionally, all peace officers of the Commonwealth of Kentucky are hereby authorized and directed to cite all motor vehicles located upon any portion of the streets of the City of Park Hills in violation of the terms of this section in the following manner:

(1) A citation shall be issued and served by regular U.S. mail service upon the registered owner or lessee of the vehicle in violation of this section.

(2) Any person violating the provisions of this section shall be fined twenty-five dollars (\$25) which shall become due and payable to the City Clerk of the City of Park Hills within ten (10) days of the date of the issuance of the citation.

(3) The amount of the fine shall double if not paid within thirty (30) days of the date of issuance of the citation.

(H)(J) In any prosecution for a violation of the terms and provisions of this section, it shall be presumed in the absence of conclusive evidence to the contrary that the person to whom the motor vehicle is registered caused or permitted ~~the location thereof in the manner indicated in the evidence~~ the vehicle to be in violation of this section.

(K) Each day that the violation of this section continues shall be a separate and distinct offense and punishable as such.

## **SECTION II**

Any and all Ordinances in conflict with this Ordinance shall be, and hereby are, repealed to the extent of said conflict.

## **SECTION III**

If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

## **SECTION IV**

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

CITY OF PARK HILLS, KENTUCKY  
A Municipal Corporation of the Fourth Class

By: Don Catchen  
Don Catchen, Mayor

ATTEST:

Julie A. Alig  
Julie Alig, City Clerk

FIRST READING: 4/14/14

SECOND READING: 5/14/14

PUBLICATION: \_\_\_\_\_