

## **ORDINANCE NO. 5-1-20**

### **AN ORDINANCE AMENDING CHAPTER 72 OF THE CODE OF ORDINANCES OF THE CITY OF BROMLEY BY ADDING A NEW SECTION REGULATING PARKING OF TRAILERS IN PARKING AREAS ALONG PUBLIC STREETS.**

City of Bromley Ordinance No.5-1-20 is an ordinance creating a new section of Chapter 72 of the Official Code of Ordinances of the City regulating parking of trailers.

The ordinance describes the reason for its adoption and defines what trailer means in the ordinance.

The ordinance provides the following:

- a. No person shall load or unload a trailer in any parking area on a public street in the City of Bromley unless it is attached for towing to a motor vehicle while loading or unloading.
- b. No person shall park or leave a trailer in any parking area of a public street in the City of Bromley unless they are actively engaged in the process of loading or unloading the trailer.
- c. No person shall park or leave a trailer in any parking area on a public street in the City of Bromley for more than two (2) hours in any 24-hour period.
- d. In the event of exigent circumstances caused by weather, traffic or other such unexpected conditions or circumstances, or with the prior written consent of the Mayor of Bromley or a member of the law enforcement department providing police services to the City of Bromley the restrictions and limitations of paragraphs b and c of this ordinance may be waived or extended for a reasonable time until the exigent circumstance or period of the written extension has ended.


The ordinance further provides for impoundment and towing of trailers parked in violation of its provisions, provides for notice to owners of impounded trailers, and for fees for storage facilities holding impounded trailers and liens arising from such storage and sales of impounded trailers by such facilities in satisfaction of fees unpaid.

The ordinance also provides that it is enforceable by civil action through code enforcement for violations and further that it is enforceable through the District Court, and provides the following criminal penalties in addition to enforcement by the code enforcement board.

For a first offense in any 12-month period a fine of between \$100.00 and \$250.00, and for a second offense within 12 months from the date of a prior violation a fine of between \$250.00 and 500.00 and up to 30 days incarceration or both.

The ordinance repeals all ordinances which conflict with its provisions, provides that invalidation of any part of the ordinance shall not affect the remainder and provides that the ordinance shall take effect when passed, published and recorded according to law.

I hereby certify that I am an attorney licensed to practice law in the Commonwealth of Kentucky and I have prepared the above summary of City of Bromley Ordinance No.5-1-20 in a way reasonably calculated to inform the public in a clear and understandable manner of the meaning of the ordinance.



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R. KIM VOCKE  
CITY ATTORNEY  
CITY OF BROMLEY, KENTUCKY

## ORDINANCE NO. 5-1-20

AN ORDINANCE AMENDING CHAPTER 72 OF THE CODE OF ORDINANCES OF THE CITY OF BROMLEY BY ADDING A NEW SECTION REGULATING PARKING OF TRAILERS IN PARKING AREAS ALONG PUBLIC STREETS.

WHEREAS: Parking areas along public streets in the City of Bromley is limited and the City Council of the City of Bromley from time to time had complaints regarding lack of parking spaces in the City, and

WHEREAS: Nearly 20 per cent of the real property lots assessed by the Kenton County Property Valuation Administrator have age or disability related exemptions, and

WHEREAS: Elderly and disabled people residing in the City of Bromley have difficulty if they are unable to park in close proximity to their residences, and

WHEREAS: Parking of trailers and taking extended time to load or unload trailers in the parking areas on public streets in the City of Bromley compounds the parking problems for residents in the City, and

WHEREAS: Based on all of the above the City Council of the City of Bromley desires to limit and regulate the parking, loading and unloading of trailers in the City,

NOW THEN BE IT ORDAINED BY THE CITY OF BROMLEY, KENTUCKY:

### SECTION I- Definitions

For purposes of this ordinance “trailer” is defined as a non-self-propelled, wheeled vehicle or conveyance generally and customarily used to carry or haul materials, equipment or other items by means of towing or being pulled by another motorized vehicle, and it also includes non-self-propelled recreational campers.

### SECTION II-Prohibited acts

(A) No person shall load or unload a trailer in any parking area on a public street in the City of Bromley unless it is attached for towing to a motor vehicle while loading or unloading.

(B) No person shall park or leave a trailer in any parking area of a public street in the City of Bromley unless they are actively engaged in the process of loading or unloading the trailer.

(C) No person shall park or leave a trailer in any parking area on a public street in the City of Bromley for more than two (2) hours in any 24hour period.

(D) In the event of exigent circumstances caused by weather, traffic or other such unexpected conditions or circumstances, or with the prior written consent of the Mayor of Bromley or a member of the law enforcement department providing police services to the City of



Bromley the restrictions and limitations of paragraphs b and c of this ordinance may be waived or extended for a reasonable time until the exigent circumstance or period of the written extension has ended.

### SECTION III Impoundment, towing, storage and disposition on non-payment

(A) In addition to issuing a citation for violations of this ordinance, all police officers are empowered to authorize the impoundment of a trailer parked in violation of same.

(B) A trailer impounded pursuant to Paragraph (A) of this Section will be tagged and placed under control of the Police Department or will be towed. Should a vehicle be moved without the consent and approval of the Police Department after being tagged under this section a warrant shall be issued immediately for the violator's arrest.

(C) All fines, fees, and charges must be paid in full before a release of an impounded trailer can be issued for the trailer's release.

(D) When a trailer has been involuntarily towed or transported pursuant to order of police, the police shall attempt to ascertain the identity and address of the owner of the trailer and within ten business days of the removal shall by mail attempt to notify the owner at such address the police believe the owner may receive the notice. The notice shall include the requirements for securing the release of the motor vehicle.

(E) If a trailer is towed or transported pursuant to Paragraph (D) and is placed in a garage or other storage facility in the City of Bromley, the owner of the facility shall attempt to provide notice in addition to and consistent with the notice described in Division (D) by certified mail to the owner of the trailer. This notice shall also inform the owner of the trailer of the requirements for securing the release of the trailer including payment of all fines, fees and costs due to the City and the owner.

(F) Any person engaged in the business of storing or towing motor vehicles in either a private capacity or for the city who has substantially complied with the requirements of Paragraph (E) shall have a lien on the trailer for the reasonable charges for storing or towing the trailer as long as it remains in his possession. If after a period of 45 days, the reasonable charges for storing and towing a trailer have not been paid, the trailer may be sold to pay the charges after the owner has been notified by certified mail ten days prior to the time and place of the sale. If the proceeds of the sale of any vehicle pursuant to this section are insufficient to satisfy accrued charges for towing, transporting, and storage, the sale and collection of proceeds shall not constitute a waiver or release of responsibility for payment of unpaid towing, transporting, and storage charges by the owner or responsible casualty insurer of the vehicle.

#### SECTION IV Civil Enforcement

Violations of this ordinance may be enforced as a civil violation by the City of Bromley code enforcement officers and code enforcement board subject to the general penalties established of the code enforcement board and code enforcement ordinance.

#### SECTION V Criminal Enforcement

In addition to enforcement as a civil violation, this ordinance may be enforced as a criminal violation and penalties for violations shall be as follows:

(A) For a first offense in any 12-month period, a fine of between \$100.00 and \$250.00.

(B) For a second and any other subsequent offense from the date of a prior violation a fine of between \$250.00 and \$500.00 or incarceration for up to 30 days, or both.

#### SECTION VI

All ordinances or parts of ordinances or parts of ordinances in conflict herewith are to the extent of such conflict repealed.

#### SECTION VII

The invalidity of any section, subsection, or sentence of the ordinance shall not affect the remainder.

#### SECTION VIII

This Ordinance shall take effect and be in full force from and after its passage, approval, and publication, according to law.

CITY OF BROMLEY, KENTUCKY

BY:   
MAYOR

FIRST READING 5-6-2020

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YES

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NO

SECOND READING 6-3-2020

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YES

0  
NO

ATTEST:

Janet M. Gardiner  
CITY CLERK

PUBLISHED website