

CITY OF HURSTBOURNE
ORDINANCE # 22-07, SERIES 2022
AN ORDINANCE RELATING TO PARKING

WHEREAS, the City of Hurstbourne has determined it is in the best interests of the City to update the street parking regulations, to promote traffic safety for motorists, pedestrians, children and bicyclists; to enhance and preserve neighborhood security; to preserve aesthetics and property values; to add to the attractiveness, peace, comfort and general welfare of residents; to maintain a clean and nuisance-free environment; to prevent visual blight; to assist in street cleaning, repair and snow removal; and to create a positive distinction between the City of Hurstbourne and surrounding neighborhoods;

BE IT ORDAINED BY THE HURSTBOURNE CITY COMMISSION:

Section 1. City of Hurstbourne Ordinance Section 72.06 is hereby amended to read as follows:

72.06 Except on Wessex Place from Hurstbourne Parkway to the dead end, it shall be unlawful to park any vehicle on any of the public ways or streets of the city for a cumulative period of more than ~~seven days~~ 24 hours during any calendar year. Any vehicle left parked in one place for more than ~~seven~~ three days, after being marked with a warning, shall be deemed abandoned and shall be subject to all existing regulations of the city pertaining to abandoned vehicles. The warning shall be affixed to the vehicle window closest to the roadway and shall include a notation of the length of time the vehicle has been in that location, which shall serve as notice to the owner/operator of the vehicle that the vehicle is subject to towing and impounding. ~~For purposes of this section, any vehicle parked continuously between 2:00 a.m. and 5:00 a.m. shall be considered parked for one day, and all vehicles owned or customarily operated by members of a household shall be considered one vehicle.~~

Section 2. City of Hurstbourne Ordinance Section 72.09 is hereby amended to read as follows:

72.09 If any vehicle is found illegally parked in violation of any provisions of this subchapter regulating stopping, standing, or parking of vehicles, and the identity of the driver cannot be determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for the violation. The owner of any rental property is responsible to provide measures acceptable to the City to prevent violations of the city's parking ordinance by Tenants of their rental property as a condition of their business license under Chapter 112 of the codified Ordinances. Any rental property owner who repeatedly fails to prevent parking violations at their rental property shall also be responsible for paying the parking violation fines of their Tenants.

Section 3. City of Hurstbourne Ordinance Section 72.20 is hereby amended to read as follows:

72.20 (A) All police officers, and the City Code Enforcement Officer, are

empowered to authorize the impoundment of s vehicle violating vehicle-related ordinances after a citation has been issued.

Section 4. City of Hurstbourne Ordinance Section 72.99 and 72.99A are hereby repealed and replaced as follows:

72.99 Criminal or Civil Penalty. Pursuant to the City’s prosecutorial discretion, the City may enforce violations of the provisions of this Chapter as criminal, civil or abatement actions.

- (a) **Misdemeanor. Any person who is violating any of the provisions of this Chapter shall be guilty of a misdemeanor and subject to a fine of no less than \$100 and no more than \$500. Each day during which any such offence is committed, continued, or allowed shall be a separate offense.**
- (b) **Civil Fine. Fine in an amount no less than \$100.00 per day and no more than \$500.00 per day. Each day of non-compliance shall constitute the imposition of per day fine for each day’s violation, up to the following maximums. On the first violation, the maximum total fine is \$1,000.00. On a second violation that occurs within 12 months of the first violation, the maximum total fine for each person cited is \$3,000.00. On a third violation that occurs within 12 months of the first violation, the maximum total fine shall be \$5,000.00.**
- (c) **Abatement. Any vehicle abandoned or illegally parked on the public ways may be removed at the direction of the city to a tow lot designated by the city, in accordance with this Chapter. The vehicle may be reclaimed by the owner at the owner’s expense including all towing and storage charges and payment of all fines imposed by the city.**

Section 5. This Ordinance shall take effect upon its passage and approval as required by law.

Adopted this _____ day of _____, 2022.

Introduction and First Reading: _____

Second Reading and Passage: _____

Mayor

ATTEST:

City Clerk

Aye votes: _____

Nay votes: _____