

COMMISSIONERS' ORDINANCE NO. O-04-22

AN ORDINANCE AMENDING CHAPTER 74, PARKING, STANDING AND STOPPING, OF THE CITY OF COVINGTON CODE OF ORDINANCES.

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WHEREAS, the City created the Covington Motor Vehicle Parking Authority (the "Parking Authority) pursuant to KRS 94.810 to 94.840 through Commissioners' Ordinance No. O-07-18; and

WHEREAS, the City and the Parking Authority entered a Memorandum of Understanding (the "MOU") setting forth responsibility for the operation and maintenance of certain parking assets within the City of Covington dated January 10, 2019; and

WHEREAS, the Parking Authority may request the revision or amendment of City of Covington Ordinances to accomplish the purposes of this MOU or the business of the Parking Authority; and

WHEREAS, the Parking Authority unanimously voted to send a favorable recommendation on the following proposed amendments to Chapter 74 of the Covington Code of Ordinances:

(1) Require approval of the Parking Authority for any action taken by the City's Director of Public Works resulting in the permanent removal of parking meters on public streets;

(2) Delegate to the Parking Authority the responsibility and authority to establish maximum time limits for parking in various locations on public streets and in publicly-owned parking lots and garages, subject to the approval of the City Board of Commissioners

(3) Add the "Parking Authority" as a defined term within Chapter 74;

(4) Clarify the City Board of Commissioner's power to create "Parking Meter Zones" and delegate the authority to install parking meters and establish parking meter rates to the Parking Authority, subject to the approval of the City Board of Commissioners, within those Parking Meter Zones;

(5) Delegate to the Parking Authority the responsibility and authority to establish parking rates for parking lots and parking garages owned by the Parking Authority, subject to the approval of the City Board of Commissioners;

(6) Increase parking rates and fees and to expand parking meter hours to align with the revenue increase recommendations from the 2021 Walker Study of the City of Covington parking system, effective March 1, 2022; and

(7) Delegate certain powers and responsibilities to the Parking Authority related to parking meters, parking lots, and parking garages;

(8) Clarify the Parking Authority's right to revenue from parking meters, parking lots, parking garages, valet parking, and certain parking-related fines;

(9) Create an ex officio member seat on the Parking Violation Hearing Board for the Executive Director of the Parking Authority; and

(10) Grant authority to and clarify responsibility of the Parking Authority for enforcing certain parking violations; and

WHEREAS, City Administration Department staff recommends adopting the proposed amendments as set forth herein.

NOW THEREFORE,

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF COVINGTON, KENTON COUNTY, KENTUCKY:

Section 1

Section § 74.009 of the Covington Code of Ordinances is amended to read as follows:

§ 74.009 PARKING ADJACENT TO SCHOOLS.

(A) The Director of Public Works, or his or her designee, is authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his or her opinion, interfere with traffic or create a hazardous situation.

(B) When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place.

(C) Any action taken by the Director of Public Works under this subchapter that would result in the permanent removal of parking meters is subject to approval by the Parking Authority and the City Board of Commissioners in accordance with § 74.062(B).

Section 2

Section § 74.010 of the Covington Code of Ordinances is amended to read as follows:

§ 74.010 PARKING PROHIBITED ON NARROW STREETS.

(A) The Director of Public Works, or his or her designee, is authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed 20 feet, or upon one side of a street as indicated by such signs when the width of the roadway does not exceed 30 feet.

(B) When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such streets in violation of any such sign.

(C) Any action taken by the Director of Public Works under this subchapter that would result in the permanent removal of parking meters is subject to approval by the Parking Authority and the City Board of Commissioners in accordance with § 74.062(B).

Section 3

Section § 74.011 of the Covington Code of Ordinances is amended to read as follows:

§ 74.011 STANDING OR PARKING ON ONE-WAY STREETS, ROADWAYS.

(A) The Director of Public Works, or his or her designee, is authorized to erect signs upon either side of any one-way street to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a vehicle upon either side in violation of any such sign.

(B) In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon either side of such one-way roadway unless signs are erected to permit such standing or parking. The Director of Public Works is authorized to determine when standing or parking may be permitted upon either side of any such one-way roadway and to erect signs giving notice thereof.

(C) Any action taken by the Director of Public Works under this subchapter that would result in the permanent removal of parking meters is subject to approval by the Parking Authority and the City Board of Commissioners in accordance with § 74.062(B).

Section 4

Section § 74.012 of the Covington Code of Ordinances is amended to read as follows:

§ 74.012 PARKING NEAR HAZARDOUS OR CONGESTED PLACES PROHIBITED.

(A) The Director of Public Works, or his or her designee, is authorized to determine and designate by proper signs places not exceeding 100 feet in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

(B) When official signs are erected at hazardous or congested places as authorized herein no person shall stop, stand or park a vehicle in any such designated place.

(C) Any action taken by the Director of Public Works under this subchapter that would result in the permanent removal of parking meters is subject to approval by the Parking Authority and the City Board of Commissioner in accordance with § 74.062(B).

Section 5

Section § 74.015 of the Covington Code of Ordinances is amended to read as follows:

§ 74.015 AUTHORITY TO DESIGNATE CURB LOADING ZONES.

The Director of Public Works, or his or her designee, is authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable. **Notwithstanding the foregoing, the designation of a curb loading zone that would result in the permanent removal of parking meters is subject to approval by the Parking Authority and the City Board of Commissioner in accordance with § 74.062(B).**

Section 6

Section § 74.018 of the Covington Code of Ordinances is amended to read as follows:

§ 74.018 AUTHORITY TO DESIGNATE PUBLIC CARRIER STOPS AND STANDS.

(A) The Director of Public Works, or his or her designee, is authorized and required to establish bus stops, bus stands, taxicab stands and stands for other passenger common-carrier motor vehicles on such public streets in such places and in such number as he or she shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate signs.

(B) Any action taken by the Director of Public Works under this subchapter that would result in the permanent removal of parking meters is subject to approval by the Parking Authority and the City Board of Commissioners in accordance with § 74.062(B).

Section 7

Section 74.028 of the Covington Code of Ordinances is amended to read as follows:

§ 74.028 MAXIMUM TIME LIMITS FOR PARKING.

(A) The [~~Director of Public Works, or his or her designee~~] ***Parking Authority***, is delegated the responsibility and authority to establish maximum time limits for parking ~~in various locations on public streets~~ ***at parking meters within any designated Parking Meter Zone*** and on publicly-owned parking lots ***and garages***, and is further authorized to post these locations with appropriate signage.

(B) No person shall park a vehicle or allow a vehicle to be parked at any place beyond the maximum time allowed by the official sign governing that place.

(C) A vehicle shall be determined to be parked in the same location unless it has been moved for a distance of more than 50 feet.

Section 8

Section 74.060 of the Covington Code of Ordinances is amended to read as follows:

§ 74.060 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PARK or PARKED or PARKING. The standing of a vehicle, whether or not occupied.

PARKING AUTHORITY. The Motor Vehicle Parking Authority governed by § 32.020 et seq. of the Covington Code of Ordinances.

PARKING LOT or PARKING GARAGE. A large area, either open or enclosed, maintained by the [city] **Parking Authority**, for the specific purpose of off-street parking, within which parking meters are authorized to be installed.

PARKING METER **or PARKING METERS**. **Any** mechanical and/or electronic device which, on deposit of a proper coin or coins, or other form of payment, displays a signal showing or otherwise confirms the correct amount of parking time purchased thereby and correctly thereafter indicates the lapse of time and displays a signal or otherwise provides a method to indicate that the correct amount of parking time purchased has expired. **This term shall include pay stations, parking kiosks, or other similar machines that allow payment for pay and display, pay by license, or pay by space parking.**

PARKING METER ZONE. The area or areas, **established by ordinance by the City Board of Commissioners**, within which parking meters may be installed **by the Parking Authority**[the boundaries of which are defined in this subchapter or any amendment thereto, or any superseding ordinance or regulation of the city].

PARKING SPACE. A section of the street adjacent to the curb or a section of the surface of any public parking area which is indicated by paint or other definitely defined outlines of sufficient size and for the purpose of parking an average or larger size personal automobile.

VEHICLE. Any device in, on or by which, any person or property is, or may be, transported on a street or highway, except those operated on rails or tracks.

Section 9

Section 74.061 of the Covington Code of Ordinances is amended to read as follows:

§ 74.061 [~~NEW PARKING METER SYSTEM; DISPOSITION OF EXISTING METERS~~] **INSTALLATION OF PARKING METERS.**

(A) [~~On and after the effective date of this subchapter, a system of parking meters is hereby authorized to be implemented to regulate and control vehicular traffic within the parking meter zones hereinafter described. The meters shall be fixed to limit the time for parking thereat and to require a fee for parking, all as herein further set forth and described.~~] **The Parking Authority is authorized and directed to install parking meters within any designated Parking Meter Zone on any street or portion thereof.**

(B) Where parking meters have been previously authorized and installed prior to the[~~effective date of this subchapter~~] **establishment of any designated Parking Meter Zones**, the **parking** meters may remain only if the parking time allowed and the **parking** meter fee required either coincides with, or is changed to, the time allowed and

the fee fixed **by ordinance** for the **Parking Meter** [z]Zone within which the **parking** meter or meters exist. Any such existing **parking** meter which conflicts with the requirements of the designated Parking Meter [z]Zone in which it [is placed] **stands**, but is deemed necessary by the city **Board of Commissioners**, may be reauthorized by this or a separate ordinance. **Any parking meters or meters existing within any designated Parking Meter Zone prior to the effective date of this subchapter may be removed by the Parking Authority, subject to the approval of the City Board of Commissioners.**

(C) If [~~such~~]an existing **parking** meter is outside the boundaries of any **designated Parking Meter Zone** as of the effective date of this subchapter, **parking** meters **may remain only if the parking time allowed and the parking meter fee required either coincides with, or is changed to, the fee fixed by ordinance for parking meters. Any** [~~such~~] **existing parking** meters [~~shall~~] **may** be removed **by the Parking Authority, subject to the approval of the City Board of Commissioners.**

[~~(D) Any parking meter or meters existing within any parking meter zone authorized by this subchapter, prior to the effective date of this subchapter, may be removed pursuant to the terms of § 74.062 of this chapter.~~]

Section 10

Section 74.062 of the Covington Code of Ordinances is amended to read as follows:

§ 74.062 [CITY] AUTHORITY FOR PARKING METERS, PARKING LOTS AND PARKING GARAGES.

[~~(A) Parking meters are hereby authorized to be installed and implemented within any parking meter zone where such meters are deemed to be a practical means of regulating and controlling vehicular traffic. The city may designate parking meter zones within the city and the city shall adopt regulations concerning designated parking meter zones. A list of all parking meter zones shall be maintained by the Director of Public Works, or his or her designee, and be made available to the public upon request. Specific information regarding parking meter zones may be included as part of the city's parking manual and guidelines.~~]

[~~(B)~~**(A)** The [city] **Parking Authority** may designate times and fees for parking lots and parking garages within the city which are owned and/or maintained by the [city] **Parking Authority** or its designee. The [city] **Parking Authority** shall adopt regulations concerning parking lots and parking garages. A list of all parking lots and parking garages [~~which are city owned or city maintained~~] shall be maintained by the [~~Director of Public Works~~] **Parking Authority** [~~or his or her designee,~~] and be made available to the public upon request. [~~Specific information regarding any such parking~~]

lots and parking garages may be included as part of the city's parking manual and guidelines].

~~[(C)]~~**(B)** Nothing in this subchapter shall be interpreted to mean that parking meters are required to be installed at every available location or within any ~~[authorized]~~ **designated** ~~[p]Parking [m]Meter [z]Zone~~ and, any parking meter, whether currently existing or later installed, may, at the discretion of the ~~[Director of Public Works, or his or her designee]~~ **Parking Authority, and subject to the approval of the City Board of Commissioners**, be removed if it is determined that the meter or meters are not necessary or practical to regulate and control vehicular traffic at the existing location.

~~[(D)]~~**(C)** The ~~[Director of Public Works]~~ **Parking Authority**, or ~~[his or her]~~ **its** designee, is hereby authorized and directed to ~~[install]~~, repair, **replace**, and maintain all authorized parking meters and to install wherever appropriate to carry the provisions of this subchapter into effect, instructions for use of meter, signs and/or pavement markings to indicate the correct parking space adjacent to each parking meter.

~~[(E)]~~**(D)** All authorized parking meters shall be placed adjacent to individual parking spaces and shall be placed so as to display a signal that shall indicate by a mechanical operation the unexpired time which has been paid for and whether the time paid for has expired. In the alternative, where parking meters have been installed in a parking lot or parking garage or in an area where parking meters in the form of pay stations are utilized to regulate on-street parking, any such parking meters shall be placed in an area that is conveniently accessed by individuals who are parking vehicles within any such parking lot, parking garage, or on-street parking.

Section 11

Section 74.063 of the Covington Code of Ordinances is amended to read as follows:

§ 74.063 PAYMENT OF FEE REQUIRED.

(A) The fee fixed by the **Parking Authority or** city for parking at any parking meter or in any parking lot or parking garage shall be displayed or posted on any parking meter or on appropriate signage at any parking lot or parking garage. **The Parking Authority may designate the fees for parking lots and parking garages within the city which are owned and/or maintained by the Parking Authority, subject to the approval of the City's Board of Commissioners. The Parking Authority may designate the fees for parking meters within the designated Parking Meter Zones, subject to the approval of the City's Board of Commissioners.**

(B) The fee for parking at a **parking** meter shall be as follows: ~~[\$0.55 per half hour]~~ **\$1.50 per hour** in all areas. **Parking** ~~[M]m~~eters shall be in effect Monday through ~~[Friday]~~ **Saturday** from 8:00 a.m. until ~~[5:00 p.m.]~~ **9:00 p.m.** unless a different time is displayed on a **parking** meter or otherwise provided by local ordinance~~[or city order]~~.

All parking at **parking** meters during the effective times shall be limited to two consecutive hours. Exceptions specified in § 74.064 of this chapter shall apply. **One or more parking meters allowing a different, but more restrictive, time limit and appropriate parking meter fee may be authorized by this or a separate ordinance if deemed practical by the Parking Authority, subject to approval by the City Board of Commissioners. The fee for parking at such parking meters may be the same rate or a different rate fixed for parking at other authorized parking meters.**

(C) The fees for [~~city-owned~~] parking garages shall be as follows:

[~~(1) Rivercenter garage: \$2 per half hour, \$12 daily maximum, \$20 lost ticket, \$60 monthly rate;~~

~~(2) Mid Town garage and City Center garage: \$1 per hour, \$6 daily maximum, \$12 lost ticket, \$50 monthly rate; and~~

~~(3) City Center Garage, aka Hotel Covington garage: \$1 per half hour, \$10 daily maximum, \$12 lost ticket, \$50 monthly rate.]~~

(1) Rivercenter Garage and City Center Garage (aka Hotel Covington garage):

(i) Daily Parking and Daily Maximum Rates:

<u>Hours</u>	<u>Hourly Rate</u>
<u>0-1 Hour</u>	<u>\$3.00</u>
<u>1-2 Hours</u>	<u>\$6.00</u>
<u>2-3 Hours</u>	<u>\$8.00</u>
<u>3-4 Hours</u>	<u>\$8.00</u>
<u>4-5 Hours</u>	<u>\$10.00</u>
<u>5-24 Hours (Daily Maximum)</u>	<u>\$12.00</u>

(ii) Lost Ticket Rates:

<u>Rivercenter Garage</u>	<u>\$20.00</u>
<u>City Center Garage</u>	<u>\$12.00</u>

(iii) Monthly Parking Rate:

<u>Rivercenter Garage</u>	<u>\$65.00</u>
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<u>City Center Garage</u>	<u>\$55.00</u>
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(2) Mid Town garage:

<u>Daily Parking Rate</u>	<u>\$1.00 per hour</u>
<u>Daily Maximum Rate</u>	<u>\$6.00</u>
<u>Lost Ticket Rate</u>	<u>\$12.00</u>
<u>Monthly Parking Rate</u>	<u>\$55.00</u>

(D) The fees for [~~city-owned~~] parking lots shall be as follows:

(1) Flood Wall Lot: [~~\$20~~] **\$25.00** monthly;

[~~(2) Covington Landing lot, Suspension Bridge lot, East 5th Street lot: \$30 monthly, two hour only from 8:00 a.m. until 5:00 p.m.;~~]

[~~(3) Mike Fink lot: \$30 monthly, two hour only from 8:00 a.m. until 5:00 p.m.;~~]

[~~(4)~~](**2**) West lot: [~~\$20~~] **\$25.00** monthly, monthly parking only from 8:00 a.m. until 5:00 p.m.;

[~~(5)~~](**3**) 400 Madison lot, aka Madison Coin lot: [~~\$45~~] **\$50.00** monthly, monthly parking only from 8:00 a.m. until 5:00 p.m., meter parking available;

[~~(6)~~](**4**) The L lot: [~~\$25~~] **\$30.00** monthly, monthly parking only from 8:00 a.m. until 5:00 p.m.;

[~~(7)~~](**5**) East 8th Street north lot: [~~\$25~~] **\$30.00** monthly, no daily rates;

[~~(8)~~](**6**) East 9th Street north lot: [~~\$25~~] **\$30.00** monthly, monthly parking only from 8:00 a.m. until 5:00 p.m.;

[~~(9)~~](**7**) East 7th Street south lot: [~~\$25~~] **\$30.00** monthly, daily rate **\$1.00** per hour **\$6.00** maximum;

[~~(10)~~](**8**) West 9th Street lot: [~~\$30~~] **\$35.00** monthly, no daily rates; and

[~~(11)~~](**9**) East 8th Street south lot: [~~\$25~~] **\$30.00** monthly, daily rate **\$1.00** per hour, **\$6.00** maximum.

(E) During certain special events, the above-listed rates for ~~[city-owned]~~ parking lots, ~~[and/or]~~ parking garages, **and/or parking meters** may be temporarily increased. In the event the above-listed rates are increased during a special event, there shall be a sign or other notification at each ~~[city-owned]~~ parking lot, ~~[and]~~ parking garage, **and/or parking meter** where the increased rate will apply. Each sign shall provide notification to a guest of the amount of the increased parking rate.

Section 12

Section 74.064(H) of the Covington Code of Ordinances is amended to read as follows:

(H) Citations for overtime parking at parking meters or within a parking lot or parking garage wherein parking is regulated by a parking meter shall be issued by an authorized police officer or any citation officer who was been designated by the city **or Parking Authority**. For purposes of parking rule and regulation enforcement, any third-party contractor acting on behalf of the city or its agent, assignee or agent **or Parking Authority**, shall be deemed to be a citation officer, as defined within KRS 83A.087.

Section 13

Section 74.065 of the Covington Code of Ordinances is which reads as follows, is repealed:

~~§ 74.065 EXCEPTION PERMITTED WITHIN PARKING METER ZONES.~~

~~—Within any of the parking meter zones referred to in this subchapter, one or more parking meters allowing a different, but more restrictive, time limit and appropriate meter fee may be authorized by this or a separate ordinance if deemed practical by the Board of Commissioners. The fee for parking at such meters may be the same rate or a different rate fixed for parking at other meters authorized in the same zone.]~~

Section 14

Section 74.067 of the Covington Code of Ordinances is amended to read as follows:

§ 74.067 COLLECTION OF MONEY; DISPOSITION OF FUNDS.

(A) (1) It shall be the duty of the ~~[City Manager]~~ **Parking Authority** to designate one or more officers, agents or employees of the city, or other designee to make collections of moneys from parking meters at such times as designated by the **Parking Authority**.

(2) It shall be the duty of such an officer, agent, employee or designee to remove the moneys from parking meters and to deliver all of the collections to the authorized depository for ~~[city]~~ **Parking Authority** funds.

(B) All proceeds derived from the use of parking meters, parking lots or parking garages, **public valet parking**, or the enforcement of this subchapter shall be deposited in [the General Fund of the city to be used for general expenses of the city.] **an account of the Parking Authority and any and all such money deposited shall be used exclusively by the Parking Authority in accordance with and subject to §§ 32.024 and 32.025.**

Section 15

Section 74.068 of the Covington Code of Ordinances is amended to read as follows:

§ 74.068 [~~SPECIAL PARKING PASSES PERMITTED FOR SERVICE VEHICLES.~~

~~—(A) For the purpose of this section, SERVICE VEHICLE shall mean any vehicle marked with identification of the name of the business holding the business privilege license being utilized by the business for whatever sendee is being provided to the consumer including, but not limited to, any contractor engaged in construction, remodeling, cleaning and the like.~~

~~—(B) Businesses which, on a yearly basis, obtain a business regulatory license to operate within the city are hereby granted the authority to receive a sendee vehicle pass, while making extended sendee calls in any area which falls within a resident only parking zone on a temporary basis, but not to exceed 90 days.~~

~~—(C) Such sendee vehicle pass shall permit the sendee vehicle to utilize only parking meter spaces and resident only spaces, except for limited meter spaces or areas for business purposes, and/or designated handicapped metered spaces. So long as the sendee vehicle utilizes the sendee vehicle pass issued to him or her by displaying the sendee vehicle pass in a visible manner from within the sendee vehicle, and in accordance with any requirements set forth by the city, the sendee vehicle shall not be cited for unauthorized parking at any designated space.~~

~~—(D) The penalty for violation of division (C) above shall be revocation of the permit issued to the sendee vehicle and the existing penalty for overtime parking of vehicles operated without such privilege or any other lawful parking violation applicable to vehicles not otherwise exempt as provided herein.~~

~~—(E) Upon successful submission and approval of a written application for a sendee vehicle pass, the Director of Public Works or his or her designee is hereby authorized to issue sendee vehicle passes to those businesses qualified to receive same.]~~

RESTRICTING OR PROHIBITING PARKING AT METERS.

(A) In consultation with the Parking Authority, the City Manager, or their designee, is authorized to temporarily restrict or prohibit parking by use of parking meter bags or signs for specified periods of time during construction or maintenance projects, civic functions and other planned activities, in order to meet traffic control needs.

(B) Notwithstanding the provisions of this section, the Chief of Police shall be empowered to temporarily restrict or prohibit parking for brief or impromptu events such as parades, large funerals, emergencies, or similar situations in which public safety require that parking meter spaces be temporarily restricted or prohibited.

(C) Any vehicle parked at a parking meter or other designated paid parking space, bagged or posted as restricted parking pursuant to subsections (a) and (b) of this section may be immediately towed. Any vehicle parked at a parking meter or other designated paid parking space that is bagged or posted as restricted parking subsequent to the vehicle being parked at the parking meter or other designated paid parking space may be towed four (4) hours after the bagging of the parking meter or posting of a notice restricted parking.

Section 16

Section 74.082 of the Covington Code of Ordinances is amended to read as follows:

§ 74.082 PARKING VIOLATION HEARING BOARD.

A Hearing Board is hereby re-established that shall be called the "City of Covington Parking Violation Hearing Board". The Board shall consist of ~~three~~ **four** ex officio members. The membership of the Board shall consist of the Chief of Police or his or her designee, the Economic Development Manager or his or her designee, ~~and~~ the City Solicitor or his or her designee, **and the Executive Director of the Parking Authority or their designee.** ~~[In the event the city has contracted with a third party contractor for enforcement of parking violations, the Board shall consist of four ex officio members with the same individuals listed above and a representative of the third party contractor.]~~ For all purposes under this subchapter, the attendance of ~~two~~ **three** Board members shall constitute a quorum. The Board is hereby empowered to conduct hearings and make the decisions provided for in this subchapter and in the Local Government Parking Citation Enforcement Act, being KRS 82.600 to 82.640.

Section 17

Sections 74.083(D-G) of the Covington Code of Ordinances are amended to read as follows:

(D) The city may designate a third-party contractor to write citations, in concert with the Police Department, for violations of this chapter. **The Parking Authority may designate a third-party contractor to write citations for violation of non-moving traffic violations over which the Parking Authority has the power to enforce pursuant to § 32.022.**

(E) The Chief of Police, or his or her designee, shall have the authority to void any erroneously issued parking citation written by the city's Police Department or by the third-party parking contractor designated by the city, after an administrative review by the Chief of Police, or his or her designee, to identify the error. **The Executive Director of the Parking Authority, or his or her designee, shall have the authority to void any erroneously issued parking citation written by the Parking Authority or by the third-party parking contractor designated by the Parking Authority, after an administrative review by the Executive Director of the Parking Authority, or his or her designee, to identify the error.** If applicable, the city's **or Parking Authority's** third-party parking contractor may also void tickets erroneously issued by the parking contractor, after an administrative review to identify the error by its chief local manager. When the authority under this division (E) is invoked, the Chief of Police and the city's **or Parking Authority's** third-party parking contractor shall maintain a record of all parking citations that are under consideration for voiding and those citations which are voided.

~~[(G)]~~**(F)** The City Manager, or his or her designee, shall have the discretionary authority to void any parking citation issued to city employees, elected or appointed officials, or guests of the city, while on city business, after an administrative review by the Director of Public Works and for good cause shown in accordance with the applicable city parking citation waiver policy.

Section 18

Section 74.086 of the Covington Code of Ordinances is amended to read as follows:

§ 74.086 AUTHORITY OF CITY TO IMPOUND OR IMMOBILIZE VEHICLES.

(A) The city, or its designee, **or the Parking Authority, or its designee,** may impound or immobilize a vehicle parked, stopped or standing upon a street or public way within the city in violation of the parking regulations of this chapter or any statute at the time the citation is issued or for any other lawful reason.

(B) A vehicle which has accumulated two or more unpaid parking citations which are not under appeal and as to which notice has been issued pursuant to KRS 82.615(2) and other applicable law shall not be parked on any public way within the city.

(C) Nothing in this subchapter shall be construed to limit the right of the city, or its designee, to subsequently tow an immobilized vehicle when the conditions for release of the vehicle have not been satisfied.

(D) The city or its designee, **or the Parking Authority, or its designee**, in addition to the fines levied for the parking or traffic offenses, may, by ordinance, impose reasonable towing, handling and storage charges upon an impounded vehicle.

Section 19

Section 74.087 of the Covington Code of Ordinances is amended to read as follows:

§ 74.087 CHARGES.

In addition to the penalties levied for the parking violations, the city or its designee, **or the Parking Authority, or its designee**, may impose towing, holding and storage charges upon such impounded vehicle. In the event the condition of the vehicle or circumstances of the tow requires the employment of extraordinary services or equipment, the reasonable charges of the towing operator, as approved by the Chief of Police **or the Executive Director of the Parking Authority**, for such shall be added to the fee.

Section 20

Section 74.088 of the Covington Code of Ordinances is amended to read as follows:

§ 74.088 PAYMENT OF PENALTY AND CHARGES OR REQUEST FOR HEARING.

(A) The release of an impounded or immobilized vehicle is conditioned upon the payment of the penalty levied for the parking violations and any towing, holding and storage charges imposed thereon by the city or its designee, **or the Parking Authority, or its designee**, unless the owner or other person entitled to possession challenges the validity of the impoundment or immobilization pursuant to § 74.089 of this chapter.

(B) With respect to vehicles impounded by the city **or the Parking Authority**, in addition to the towing fees, the city **or the Parking Authority** will charge an administrative holding fee of 30% of the towing costs, plus any preliminary sale advertising expenses, and a storage fee of \$20 per day for the first 14 days and \$10 per day for each day thereafter for each vehicle until redeemed.

(C) An impounded vehicle may be released to the owner or other person entitled to possession only upon proof of ownership or right to possession. The city or its designee, **or the Parking Authority, or its designee**, may require reasonable security, bond

or other assurances of indemnification from a person who is not the registered owner of the vehicle prior to releasing the vehicle to such person.

Section 21

Section 74.089 of the Covington Code of Ordinances is amended to read as follows:

§ 74.089 IMPOUNDMENT; HEARING; APPEAL.

(A) The owner of a motor vehicle which has been impounded or immobilized pursuant to this subchapter or other person entitled to possession, may challenge the validity of such impoundment or immobilization and request in writing a hearing before the Parking Violation Hearing Board. The hearing shall be conducted within ten business days of the date of the request, unless the owner or other person entitled to possession waives the limitation or the city ***or the Parking Authority*** shows good cause for such delay. The city or its designee, ***or the Parking Authority, or its designee,*** shall retain possession of an impounded vehicle pending the hearing, unless the owner or other person claiming right of possession posts a bond in an amount equal to the fines and fees accrued as of the date of the hearing request, or \$75 whichever is less. If the owner or person claiming possession of the impounded vehicle is unable to pay the amount of the bond, the hearing shall be held within 72 hours of the date the request for hearing is received, unless such person requests or agrees to a continuance.

(B) No less than five days prior to the date set for the hearing, the ~~city~~ ***Board*** shall notify the person requesting the hearing of the date, time and place of the hearing. In the case of a hearing required to be held within 72 hours of the date of the request as provided in division (A) above, the person requesting the hearing shall be informed at the time of his or her request, or as soon thereafter as is practicable, of the date and time of the hearing.

(C) Any person who refuses or except for good cause fails to appear at the time and place set for the hearing shall be deemed to have conceded on his or her and the owner's behalf the validity of the impoundment or immobilization.

(D) At the hearing, after consideration of the evidence, the Board shall determine whether the impoundment or immobilization was valid and reasonable. Where it has not been established that the impoundment or immobilization was justified, an order releasing the vehicle shall be entered. All fines and fees paid or amounts posted as bond because of the impoundment of a vehicle shall be returned and the owner shall not be responsible for any fees owed to a designated towing company. Where it has been established that the impoundment or immobilization was justified, the Board shall uphold the impoundment or immobilization and condition the release of the vehicle upon payment of all fines and fees accruing thereto. If bond has been posted as security for release of the vehicle, the bond shall be forfeited to the city or its designee. All fines or fees in excess of the amount of the bond posted shall be ordered to be paid by the owner

of the vehicle to the city. The Board shall furnish the owner or person appearing on the owner's behalf with a copy of its order.

(E) The Board may consider a parking citation and any other written report made under oath by the issuing **citation** officer in lieu of the officer's personal appearance at the hearing.

(F) An appeal from the Hearing Board's determination may be made to the county's District Court within seven days of the Board's determination. The appeal shall be initiated by the filing of a complaint and a copy of the Board's order in the same manner as any civil action. The action shall be tried de novo and the burden shall be on the city **or the Parking Authority** to establish that impoundment was justified. If the court finds that the impoundment was justified, the owner shall be ordered to pay all fees and fines accruing as of the date of judgment. If the court finds that the impoundment was not justified, the city **or the Parking Authority** shall be ordered to release the vehicle, if applicable, and to return all fines and fees paid as a result of the impoundment and the plaintiff shall be authorized to recover his costs.

(G) The judgment of the county's District Court may be appealed to the county's Circuit Court in accordance with the rules of civil procedure.

Section 22

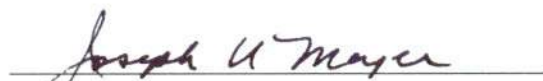
Section 74.091 of the Covington Code of Ordinances is amended to read as follows:

§ 74.091 DISPOSITION OF FUNDS.

All fines, penalties, towing, handling and storage charges herein imposed **by the city or its designee** shall be remitted to the City Clerk and deposited in the General Fund of the city to be used for general expenses of the city. **All fines, penalties, towing, handling and storage charges herein imposed by the Parking Authority, or its designee, shall be remitted to an account of the Parking Authority and any and all such money deposited shall be used exclusively by the Parking Authority in accordance with and subject to §§ 32.024 and 32.025.**

Section 23

That this ordinance shall take effect and be in full force when passed, published, and recorded according to law.


MAYOR

ATTEST:



CITY CLERK

Passed: March 8, 2022 (Second Reading)
February 22, 2022 (First Reading)