

## CHAPTER 72: PARKING REGULATIONS

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#### *Statutory reference:*

*Revenues from fees, fines, and forfeitures related to parking, see KRS 65.120*

***PARKING GENERALLY*****§ 72.01 OBSTRUCTIONAL PARKING; DOUBLE PARKING.**

(A) It shall be unlawful for any person to leave any vehicle or any other thing that may be a nuisance, obstruction, or hindrance in or on any street, alley, or sidewalk within the city either during the day or night.

(B) It shall be unlawful for any person to stop or park any vehicle on the roadway side of any other vehicle stopped or parked at the edge or curb of a street.  
Penalty, see § 72.99

**§ 72.02 MANNER OF PARKING.**

(A) It shall be unlawful for the operator of any vehicle to stop or park the vehicle in a manner other than with its right-hand side toward and parallel with the curb, except that where parking is permitted on the left side of a one-way street, the left-hand side shall be so parked, and except for commercial loading and unloading on one-way streets.

(B) No vehicle shall be parked or left standing on any street unless its two right wheels are within six inches of and parallel with the curb, except that on one-way streets where parking is permitted on the left side the two left wheels are to be within six inches of and parallel with the curb.

(C) No vehicle shall be backed to the curb on any street, except that wagons and trucks may do so when loading and unloading provided that such loading and unloading and delivery of property and material shall not consume more than 30 minutes. Such backing of trucks or wagons is prohibited at all times and on all streets in the city where any truck or wagon so backed interferes with the use of the roadway of moving vehicles or occupies road space within ten feet of the center line of the street.

(D) The city may establish diagonal parking at certain places, requiring the parking of vehicles at a certain angle to the curb and within a certain portion of the roadway adjacent thereto. However, diagonal parking shall not be established where the roadway space required therefor would be within ten feet of the center line of any street. Such diagonal parking places shall be designated by suitable signs, and shall indicate by markings on the pavement the required angle and the width of the roadway space within which such vehicle shall park.

(E) It shall be unlawful for the operator of any vehicle to so park such vehicle that any part thereof shall extend beyond the lines marking the side or the rear of the space assigned for one vehicle.  
Penalty, see § 72.99

**§ 72.03 LIMITATIONS OF STOPPING AND PARKING.**

It shall be unlawful for the operator of any vehicle to stop or park such vehicle except in a case of real emergency or in compliance with the provisions of this traffic code or when directed by a police officer or traffic sign or signal at any time in the following places:

(A) On the mainly-traveled portion of any roadway or on any other place in the roadway where vehicles stand in any manner other than as specified in § 72.02.

(B) On a sidewalk.

(C) In front of sidewalk ramps provided for persons with disabilities.

(D) In front of a public or private driveway.

(E) Within an intersection or crosswalk.

(F) At any place where official signs prohibit stopping or parking. This does not apply to police officers when operating properly identified vehicles during the performance of their official duties.

(G) Within 30 feet of any flashing beacon, traffic sign, or traffic-control device.

(H) Within 15 feet of a fire hydrant;

(I) On any private property without consent of the owners;

(J) In "no parking areas" which have been designed by the use of paint rather than lettered signs;

(K) In a space reserved for handicapped persons (if the vehicle is not designated as belonging to a handicapped person according to its registration plates).

(Ord. passed 4-6-70; Am. Ord. passed 2-6-84)

(L) No person shall move a vehicle not lawfully under his control into any such prohibited area. (KRS 189.450(6)) Penalty, see § 72.99

**§ 72.04 RESTRICTIONS AND PROHIBITIONS ON DESIGNATED STREETS.**

(A) The provisions of this section prohibiting the stopping and parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control devices.

(B) The provisions of this section imposing a time limit on parking shall not relieve any person from his duty to observe other and more restrictive provisions prohibiting or limiting the stopping or parking of vehicles in specific places or at specified times.

(C) When signs are erected in compliance with the provisions of division (F) below giving notice thereof, no person shall park a vehicle at any time on any street so marked by official signs.

(D) When a curb has been painted in compliance with the provisions of division (F) below, no person shall park a vehicle at any time at or adjacent to any curb so marked.

(E) When signs are erected in compliance with the provisions of division (F) below, in each block giving notice thereof, no person shall park a vehicle between the hours specified by official signs on any day except Sundays on any street so marked.

(F) (1) The city shall determine on what streets or portions thereof stopping or parking shall be restricted or prohibited. Whenever under authority of or by this traffic code or any other ordinance any parking limit is imposed or parking is prohibited on designated streets, or parking areas are restricted to handicapped parking, appropriate signs shall be erected giving notice thereof. However, in lieu of erecting such signs or in conjunction therewith, the face and top of a curb or curbs at or adjacent to which parking is prohibited at all times may be painted a solid yellow color.

(2) No such regulations or restrictions shall be effective unless the signs have been erected and are in place or the curbs are painted yellow at the time of any alleged offense, except in the case of those parking restrictions which by their very nature would not require such signs and markings.

(G) When signs are erected in compliance with division (F) above in each block giving notice thereof, no person shall park a vehicle for a time longer than specified on official signs any day except Sunday and on any street so marked.

Penalty, see § 72.99

#### **§ 72.05 PARKING RESTRICTED TO ALLOW STREET CLEANING.**

The city is authorized to designate street cleaning areas and shall provide suitable signs and markings on the street to be cleaned, restricting parking on that particular day. It shall be unlawful for the operator of any vehicle to stop on any street so designated.

Penalty, see § 72.99

#### **§ 72.06 PARKING IN EXCESS OF CERTAIN NUMBER OF HOURS PROHIBITED; TOWING AUTHORIZED.**

It shall be unlawful for anyone to park in any one place any vehicle on any of the public ways or streets of the city for a period of 24 hours or longer. Any vehicle left parked in any one place on any of the public ways or streets of the city for a period of 24 hours or longer shall be deemed abandoned, and shall be subject to all existing regulations of the city pertaining to abandoned motor vehicles.

Penalty, see § 72.99

***Cross-reference:***

*Removal of abandoned vehicles, see §§ 72.21 et seq.*

**§ 72.07 PARKING ON PARADE ROUTE.**

(A) The Chief of Police or other authorized city official shall have the authority, whenever in his judgment it is necessary, to prohibit or restrict the parking of vehicles along a street or part thereof constituting a part of the route of a parade or procession, to erect temporary traffic signs to that effect, and to prohibit and prevent such parking.

(B) It shall be unlawful to park or leave unattended any vehicle in violation of such signs or directions.

Penalty, see § 72.99

*Cross-reference:*

*Parades, see §§ 71.40 et seq.*

**§ 72.08 PARKING ON OFF-STREET FACILITY.**

(A) It shall be unlawful for the driver of a motor vehicle to park or abandon the vehicle or drive on or otherwise trespass on another's property, or on an area developed as an off-street parking facility, without the consent of the owner, lessee, or person in charge of such property or facility.

(B) If at any time a vehicle is parked, abandoned, or otherwise trespass in violation of division (A) of this section, the owner, lessee, or person in charge of the property or facility may have the unauthorized motor vehicle removed in accordance with the provisions of §§ 72.20 through 72.22.

(C) Every property owner or operator of an off-street parking facility shall post signs stating thereon that the property or parking lot or facility is privately owned and that unauthorized vehicle will be removed at the owner's expense before exercising the authority granted in division (B).

Penalty, see § 72.99

*Statutory reference:*

*Removal of vehicles by owners of private parking lots; signs, see KRS 189.725*

**§ 72.09 OWNER RESPONSIBILITY.**

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.

Penalty, see § 72.99

**§ 72.10 PARKING IN PARKS.**

It shall be unlawful for any person to park any motor vehicle in or on any section of any public park, playground, play lot, or tot lot within the city not designed as a parking area or designed and

regularly maintained as a roadway. However, nothing contained in this section shall be construed as prohibiting the parking of a motor vehicle parallel to a designated and regularly maintained roadway in any such park or playground where at least two wheels of the motor vehicle are resting on such roadway. Penalty, see § 72.99

#### **§ 72.11 DISPLAY OF PARKED VEHICLE FOR SALE.**

It shall be unlawful to park a motor vehicle displayed for sale or a motor vehicle on which demonstrations are being made on any street. Penalty, see § 72.99

#### **§ 72.12 PARKING WITH HANDICAPPED PERMITS.**

(A) Any other provision to the contrary notwithstanding, a motor vehicle bearing a decal in its front windshield issued by the County Clerk pursuant to appropriate county ordinances for handicapped persons, when operated by a handicapped person or when transporting a handicapped person, may be parked in a designated handicapped parking place, or when parked in a metered parking space may be parked for two hours for no fee, or when parked where any parking limit is imposed may be parked for two hours in excess of the parking limit. The motor vehicle may be parked in a loading zone for that period of time necessary to permit entrance or exit of the handicapped person to or from the parked vehicle, but in no circumstances longer than 30 minutes.

(B) This section shall not permit parking in a “no stopping” or “no parking” zone nor where parking is prohibited for the purpose of creating a fire lane or to accommodate heavy traffic during morning, afternoon, or evening hours, nor permit a motor vehicle to be parked in such a manner as to constitute a traffic hazard. Penalty, see § 72.99

#### **§ 72.13 VICARIOUS RESPONSIBILITY.**

(A) The person in whose name a vehicle is registered at the time of the violation shall be absolutely responsible for all fines, fees and penalties. It shall be no defense that the vehicle was illegally parked by someone other than the registered owner, unless it is shown that at the time of the violation the vehicle was stolen and not in the possession of the registered owner.

(B) An owner of a vehicle who is engaged in the business of renting or leasing vehicles under a written rental or leasing agreement shall not be liable for parking fines and penalties imposed under this chapter on such rented or leased vehicles, if within 15 days after receiving notice of the parking violation, the lessor provides to the Police Department the true name, address and driver's license

number of the person in possession of the vehicle at the time of the issuance of the citation. A lessor who fails to comply shall be treated as any other owner.

(Ord. 23-03-10, passed 3-20-23)

***SNOW EMERGENCY***

**§ 72.35 ANNOUNCEMENT OF SNOW EMERGENCY.**

Whenever the Chief of Police or other authorized city official finds that falling snow, sleet, or freezing rain will create a condition which makes it necessary that the parking of motor vehicles on snow emergency routes be prohibited, or whenever he finds on the basis of a firm forecast of snow, sleet, or freezing rain that the weather conditions so forecasted may create a condition making it necessary that such parking be prohibited, he is authorized to announce such prohibition, to become effective at a time specified by him. After the effective time of such prohibition no person shall park any vehicle or permit any vehicle to remain parked on a snow emergency route. However, if a fall of snow, sleet, or freezing rain occurs after 11:00 p.m. and prior to 6:00 a.m., and the Chief of Police or other authorized city official has not announced prior to 11:00 p.m. that parking on snow emergency routes is to be prohibited after a specified time, a vehicle parked on a snow emergency route may remain so parked until 7:00 a.m. following such fall. The prohibition of parking announced by the Chief of Police or other authorized city official under the authority of this section shall remain in effect until he announces the termination of the snow emergency, in part or in which the prohibition of parking authorized by this section shall no longer be in effect.

Penalty, see § 72.99

**§ 72.36 TERMINATION OF EMERGENCY.**

Whenever the Chief of Police or other authorized city official shall find that some or all of the conditions which gave rise to the snow emergency prohibition no longer exist, he is authorized to declare the termination of the emergency, in part or in whole, effective immediately on announcement. If such announcement is made other than between 6:00 a.m. and 11:00 p.m., it shall be repeated between those hours.

**§ 72.37 SNOW EMERGENCY ROUTES.**

The term ***SNOW EMERGENCY ROUTE*** shall mean any route designated by the Chief of Police or other authorized city official. On such street or highway designated as a snow emergency route, special signs shall be posted to this effect.

**§ 72.99 PENALTY AND ENFORCEMENT.**

(A) Any violation of this chapter or Chapter 75 may be enforced by the Benton City Police Department or Marshall County Sheriff's Department as a misdemeanor through District Court unless a stronger penalty is allowed by the KRS.

(B) As an alternative to enforcement through District Court, any violation of this chapter or Chapter 75 shall constitute a civil offense pursuant to KRS 65.8808(1) unless otherwise prohibited by KRS 65.8808(3) and enforced by Benton's Code Enforcement Board under Chapter 41 of the Benton Code of Ordinances with the amount of the penalties being as follows:

<i>Violation</i>	<i>Amount</i>
72.12 - Parking in handicapped zone without permit	\$300
Any offense of this chapter not otherwise specifically addressed	\$50
Any offense of Chapter 75 not otherwise specifically addressed	\$50

(C) In the event a violation is enforced as a civil penalty then the same violation shall not be enforced as a criminal penalty.

(D) Each day during which a stationary violation continues, except in cases in which a given time has been allowed for corrective action to be taken, shall be a separate and distinct offense. (Ord. passed 2-6-84; Am. Ord. 07-10-01, passed 10-15-07; Am. Ord. 13-2-1, passed 2-18-13; Am. Ord. 23-03-10, passed 3-20-23)

***Statutory reference:***

*For similar provisions under state law, see KRS 189.990(1)*

[Next chapter begins on page 31.]



**Parking Regulations**

- (2) Parking on painted curb . . . . . \$2
  - (3) Double parking . . . . . \$2
  - (4) Parking at fire plug . . . . . \$2
  - (5) Parking in handicapped space . . . . . \$25
- (Ord. passed 2-6-84)

(B) Any person receiving a citation for any parking violation in the city for which no penalty is otherwise provided shall be deemed to have committed a violation and shall be fined in an amount not less than \$20 nor more than \$100.  
(KRS 189.990(1))

