

**CITY OF FINCASTLE, KENTUCKY
ORDINANCE NO. 5, SERIES 2026**

**AN ORDINANCE OF THE CITY OF FINCASTLE,
KENTUCKY AMENDING ORDINANCE NO. 2, SERIES 1985
GOVERNING THE PARKING OF MOTOR VEHICLES AND
THE CONSTRUCTION OF DRIVEWAYS**

WHEREAS, the City of Fincastle enacted Ordinance No. 2, Series 1985 on May 23, 1985 to regulate the parking of motor vehicles and the construction of driveways within the City of Fincastle (the “City”);

WHEREAS, Ordinance No. 2, Series 1985 was amended by ordinance on July 25, 1985;

WHEREAS, the City, pursuant to the Local Government Code Enforcement Board Act, KRS 65.8801 to 65.8839, created the City of Fincastle Code Enforcement Board (the “**Code Enforcement Board**”) empowered to issue remedial orders and impose fines to provide an equitable, expeditious, effective, and inexpensive method of ensuring compliance with City ordinances;

WHEREAS, the City Commission desires to make violations of this Ordinance enforceable through the Code Enforcement Board and by other lawful means at the option of the City; and

WHEREAS, the City Commission desires to further amend Ordinance No. 2, Series 1985 to, among other things, provide for such enforcement, provide a new fine schedule, and address complaints from residents regarding street parking.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FINCASTLE:

SECTION 1: AMENDMENT TO SECTION I OF ORDINANCE NO. 2, SERIES 1985

SECTION I of Ordinance No. 2, Series 1985 is hereby amended as follows:

It shall be unlawful for any person ~~[record owner of any lot situated within the boundaries of the city or any other person]~~ to **park, stand, place, or leave unattended** ~~[cause or permit]~~ any motor vehicle ~~[to be parked]~~ upon any street or any other public paved area within the city, **except in the case of emergency or when directed by a police officer, traffic sign, or signal.** ~~[for a period in excess of two hours during any twenty-four hour period]~~ **This prohibition shall not apply to delivery, service, utility, or maintenance vehicles actively engaged in loading, unloading, or providing services to a residence or business, provided the vehicle remains stopped only for the duration reasonably necessary to complete the delivery or service, and does not obstruct traffic flow or create a safety hazard. This prohibition shall not apply on**

federal holidays, Easter, Mother's Day, Father's Day, Kentucky Oaks Day, Kentucky Derby Day, or on the days on which the City's Springfest or Octoberfest are held.

(Strikethrough portions are to be deleted; underlined portions are to be added.)

SECTION 2: REPEAL OF SECTION VII OF ORDINANCE NO. 2, SERIES 1985

SECTION VII of Ordinance No. 2, Series 1985 relating to inoperable motor vehicles is hereby repealed in its entirety.

~~SECTION VII~~

~~It shall be unlawful for the record owner of any lot situated within the city or any other person to cause or permit an inoperable motor vehicle to be parked within the city outside a garage.~~

(Strikethrough portions are to be deleted.)

SECTION 3: AMENDMENT AND REPLACEMENT OF SECTION VIII OF ORDINANCE NO. 2, SERIES 1985

SECTION VIII of Ordinance No. 2, Series 1985 relating to enforcement and fines is hereby repealed in its entirety.

~~—(A.) Anytime any violation of the foregoing sections occurs within a 24 hour period shall be considered one violation and any violation shall be punishable by a fine of not less than \$25.00 and not more than \$100.00~~

~~—(B.) The City shall have the right to remove and impound any motor vehicle that may cause any of the foregoing sections to be violated and in addition thereto, the city shall have the right to seek and obtain any and all civil remedies which may be available to enforce any of the provisions of this ordinance.~~

~~—(C.) The City may impose a lien upon the property of any property owner who fails to pay any fine which may be imposed for any violation of any sections of the within ordinance, and may require such owner to pay the cost of filing such lien and any cost for releasing such lien.~~

SECTION VIII of Ordinance No. 2, Series 1985 relating to enforcement and fines is hereby replaced in its entirety with the following SECTION VIII.

(A.) Any violation of this Ordinance shall constitute a civil offense pursuant to KRS 65.8808(1) unless otherwise prohibited by KRS 65.8808(3) and enforced through the City of Fincastle Code Enforcement Board in accordance with Ordinance No. 1, Series 2026, as follows:

1. Notices of violation and citations shall be issued, served, and processed pursuant to Ordinance No. 1, Series 2026. The cited person shall

respond within seven (7) days by paying the civil fine or requesting a hearing, as required by Ordinance No. 1, Series 2026.

2. Civil fines for violations of this Ordinance shall be in the amounts set forth in Section 12 of Ordinance No. 1, Series 2026, as amended from time to time.

(B.) The City is authorized to remove and impound any motor vehicle parked in violation of this Ordinance after a citation has been issued or simultaneously with issuance of a citation. All fines, fees, and charges must be paid in full before release of the vehicle.

(C.) If any vehicle is found in violation of this Ordinance and the identity of the driver cannot be determined, the person in whose name the vehicle is registered shall be prima facie responsible for the violation.

(D.) The City may remove or cause to be removed any driveway constructed or maintained in violation of this Ordinance, and the violator shall be responsible for all removal and abatement costs.

(E.) Each day a violation of this Ordinance continues shall constitute a separate and distinct civil offense.

(F.) Nothing in this Ordinance shall limit the City's authority to take immediate action when necessary or to pursue or obtain any and all lawful remedies available to it, to restrain, correct, abate or prevent violations of this Ordinance, including injunctions, abatement orders, and civil actions or to enforce this Ordinance or to recover costs, including reasonable attorney's fees and costs, associated with enforcing this Ordinance or correcting or abating any violation of this Ordinance. Nothing in this Ordinance shall be construed to limit or restrict the City's ability to enforce City ordinances through any other lawful methods of enforcement. The remedies provided in this Ordinance are cumulative and not exclusive.

(G.) The following terms when used in this Ordinance shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Abatement costs" means the City's necessary and reasonable costs for and associated with clearing, preventing unauthorized entry to, or demolishing all or a portion of a structure or premises, or taking any other action with regard to a structure or premises necessary to remedy a violation and to maintain and preserve the public health, safety, and welfare in accordance with this Ordinance.

"Code enforcement officer" means a safety officer, citation officer, public law enforcement officer, or other person authorized to issue a citation.

(Strikethrough portions are to be deleted; underlined portions are to be added.)

SECTION 4. NO LIMITATION

Nothing in this Ordinance shall be construed to limit or restrict the City's ability to enforce City ordinances through any lawful method of enforcement.

SECTION 5. SEVERABILITY

If any provision, or part thereof, of this Ordinance, or the application thereof to any person or circumstance, is found by a court of competent jurisdiction to be invalid or unenforceable, such provision, or part thereof, or its application shall be limited to the extent necessary to make it enforceable. The remaining provisions of this Ordinance, or their application to other persons or circumstances, shall remain in full force and effect. The provisions of this Ordinance are severable.

SECTION 6. ORDINANCE CONTROLS

In the event of any conflict between the provisions of this Ordinance and any prior ordinance or parts thereof, the provisions of this Ordinance shall control.

SECTION 7. ORDINANCE EFFECTIVE DATE

This Ordinance shall take effect immediately upon its adoption, passage and publication as required by law.

First Reading: 12-11-25

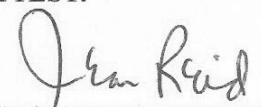
Second Reading: 1-8-26

Passed and Approved: 1-8-26



Mayor John Bell

ATTEST:



Treasurer/Clerk Jean Reid

ORDINANCE NO. 5, SERIES 2026

THOSE IN FAVOR: _____

Commissioners : Billie White
Gene Harris
Samuel Jackson
Terry Gregory
Mayer John Bell

THOSE OPPOSED: none

