



COUNCIL MEETING AGENDA

October 1, 2018

Independence Municipal Center
Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL OF MEMBERS

APPROVAL OF COUNCIL MINUTES: Regular Meeting of September 10, 2018

PROCLAMATION: Extra Mile Day 2018

OLD BUSINESS

- **ORDINANCE NO. 2018-O-14** – Map Amendment – Zone Change for Quast Property – 2nd Reading
- **PROPOSED ORDINANCE** – Key Lock Box Systems – 1st Reading
- **PROPOSED ORDINANCE** – Noise Ordinance – 1st Reading

ATTORNEY'S REPORT – Jack Gatlin

CITY ADMINISTRATOR REPORT – Chris Moriconi

MAYOR'S REPORT – Christopher J. Reinersman

EXECUTIVE SESSION in accordance with K.R.S. 61.810(c)

ADJOURNMENT

ORDINANCE NO. 2018-O-14

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF INDEPENDENCE, COUNTY OF KENTON, KENTUCKY CHANGING AN AREA OF APPROXIMATELY .82 ACRES LOCATED ON THE NORTH SIDE OF OLD RICHARDSON ROAD FROM R-3(A MULTI-FAMILY RESIDENTIAL ZONE) TO NC (A NEIGHBORHOOD COMMERCIAL ZONE)

WHEREAS, a request for a map amendment was submitted to the Kenton County Planning and Zoning Commission by David Quast, on behalf of Quast Real Estate Development, to change an area of approximately .82 Acres located on the north side of Old Richardson Road from R-3(A Multi-Family Residential Zone) to NC (A Neighborhood Commercial Zone); and

WHEREAS, the Kenton County Planning and Zoning Staff reviewed the application and recommended that the proposed map amendment be approved; and

WHEREAS, the Kenton County Planning & Zoning Commission, upon reviewing the staff recommendations and after holding a public hearing, voted to approve the map amendment on the basis that map amendment consistent with the Recommended Land Use Map of *Direction 2030: Your Voice. Your Choice.*

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF INDEPENDENCE, COUNTY OF KENTON, COMMONWEALTH OF KENTUCKY:

SECTION I

That the Independence City Council hereby approves said Zoning Map Amendment, changing the zoning for an area of approximately .82 Acres located at 4081 Richardson Rd., on the north side of Old Richardson Road from R-3(A Multi-Family Residential Zone) to NC (A Neighborhood Commercial Zone)

The aforementioned map amendment, as recommended by the Kenton County Planning and Zoning Commission, is adopted and amended upon the following conditions and bases:

Bases:

1. The proposed map amendment is consistent with the Recommended Land Use Map of *Direction 2030: Your Voice. Your Choice.* which recommends the site in question for commercial uses.
2. The proposed map amendment is consistent with the goals and objectives and recommendations of *Direction 2030 Your Voice. Your Choice:* including being consistent with the Suburban Sub Area Element because it is part of a larger commercial area with easy access to major roadways.

SECTION II

That should any section or part of any section or any provision of this Ordinance be declared invalid by a Court of competent jurisdiction, for any reason, such declaration shall not invalidate, or adversely affect, the remainder of this Ordinance.

SECTION III

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

Christopher J. Reinersman, Mayor

ATTEST:

Gina Gabbard, City Clerk

First Reading: September 10, 2018

Second Reading: October 1, 2018

Ayes: _____

Nays: _____

Publication Date: _____

ORDINANCE NO. 2018-O-

AN ORDINANCE OF THE CITY OF INDEPENDENCE, KENTON COUNTY, KENTUCKY REQUIRING COMMERCIAL STRUCTURES TO HAVE A KEY LOCK BOX SYSTEM FOR FIRE SAFETY

WHEREAS, communities throughout Northern Kentucky are requiring the installation of key lock box systems to assist local fire departments, and;

WHEREAS, the Independence Fire District has requested the City of Independence make a similar requirement for some of its structures.

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF INDEPENDENCE, COUNTY OF KENTON, COMMONWEALTH OF KENTUCKY:

SECTION I. Purpose

Council of the City of Independence determined that the health, welfare, and safety of the citizens of the City of Independence are promoted by requiring certain structures to have a key lock box installed on the exterior of the structure to aid the Independence Fire District in gaining access to or within a structure when responding to calls for an emergency service, and to aid access into or within a building that is secured or is unduly difficult to gain entry due to being either unoccupied or the occupants are unable to respond.

SECTION II. Key Lock Box System

1. The following structures shall be equipped with a key lock box at or near the main entrance or such other location as required the Fire Code Officer, Fire Marshall, or Chief of the Independence Fire District or his agent:
 - a. Commercial, industrial, or similarly situated business structures which requires an occupational license;
 - b. Multi-family-residential structures that have restricted access through locked doors but have a common corridor for access to the living units;
 - c. Schools, whether public or private; and
 - d. Governmental structures and nursing care facilities unless the building is staffed or open 24 hours.

2. All new construction subject to Section 2.1, shall have a key lock installed and operational prior to the issuance of an occupancy permit. All structures in existence on the effective date of this section and subject to Section 2.1 shall be required to have a key lock installed and operational if fifty percent (50%) or more of the current square footage of the existing structure is being renovated or remodeled.

3. The type of key lock boxes to be implemented within the City of Independence shall be approved by the Independence First District Chief or his designate

SECTION III. Installation

1. All key lock boxes shall be installed to the left side of the main business door.
2. All key lock boxes shall be flush mounted between five and six feet from the ground to the center of the entry if possible.
3. In the event that the rapid entry box system cannot be installed at the aforesaid location and/or height the Chief of the Independence Fire District may designate in writing a different location and installation specifications.
4. All realty and/or property with an electronic security gate shall have the key lock box installed OUTSIDE of the gate.
5. A window decal that is included when the key lock box is shipped shall be placed on the exterior access door to alert the fire department that a key box is provided.
6. The Chief of the Independence Fire District must approve any changes in the installation.

SECTION IV. Maintenance

The operator of the building shall immediately notify the Independence Fire District and provide the new keys when a lock is changed or rekeyed. The key to such lock shall be properly secured.

SECTION V. Contents of Lock Box

The contents of the lock box are as follows:

1. Keys to locked points of ingress or egress, whether on the interior or exterior of such buildings;
2. Keys to all mechanical rooms;
3. Keys to all locked electrical rooms;
4. Keys to elevator and their control rooms;
5. Keys to the Fire Alarm panels;
6. 6, Keys (special) to re-set pull stations or other Fire Protective devices; and
7. Keys to any other areas as requested by the Independence Fire District.

SECTION VI. Fire Department Responsibilities

1. No fire department personnel shall carry a key lock box key.
2. All lock box access keys shall be installed in a secure system installed in the Fire Apparatus or such other key secure system of comparable quality which has

been specifically authorized in writing by the Chief of the Independence Fire District.

SECTION VII. Waiver

While the City of Independence encourages all structures enumerated in Section 2.1 to install a key lock box, the owner, on record with the Kenton County PVA, may request from the Independence Fire District Chief a waiver. The waiver shall be approved and prepared by the Independence Fire District.

SECTION VIII. Penalties

Any person, firm, or corporation found violating any of the provisions of this chapter shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).

SECTION IX. Severability

That any section, or part of any section, or any provision of this Ordinance which is declared invalid by a Court of appropriate jurisdiction, for any reason, such declaration shall not invalidate, or adversely affect, the remainder of this Ordinance.

SECTION X. Full Force

This Ordinance shall take effect and be in full force when passed, published, and recorded according to law.

Christopher J. Reinersman, Mayor

ATTEST:

Gina Gabbard, City Clerk

First Reading: October 1, 2018

Second Reading: _____

Ayes: _____

Nays: _____

Publication Date: _____

ORDINANCE NO. 2018-O-

**AN ORDINANCE OF THE CITY OF INDEPENDENCE, KENTON COUNTY,
REGULATING NOISE POLLUTION**

WHEREAS, communities throughout Northern Kentucky are regulating noise pollution, and;

WHEREAS, the City of Independence does not currently have clear and ambiguous regulations related to noise and has modeled this Ordinance after other Kentucky cities' noise pollution ordinances.

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF INDEPENDENCE, COUNTY OF KENTON, COMMONWEALTH OF KENTUCKY:

SECTION I. Definitions

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

BONA FIDE. Made in good faith, without fraud or deceit, a state of mind consisting in (1) honesty in belief or purpose, (2) faithfulness to one's duty or obligation, (3) observance of reasonable commercial standards of fair dealing in a given trade or business, or (4) absence of intent to defraud or to seek unconscionable advantage.

CONSTRUCTION OR DEMOLITION ACTIVITY. The erection (including excavation), demolition, alteration, or repair of any building, structure or roadway, or any utility related construction, for which all necessary and proper governmental permits have been obtained.

HIGHWAY. Any road, street, avenue, alley, boulevard, lane, court, bridge, viaduct, or trestle, and the approaches to them.

NOISE. The intensity, frequency, duration, and character of sound or sounds from a source or sources.

PARKING LOT. Any off-street parking facility for public use, and the approaches to same, whether publicly or privately owned, and shall include, but not be limited to: parks, shopping centers, restaurants, entertainment centers, taverns, car washes, banking or financial institutions, whether publicly or privately owned, operated or controlled.

PERSON. Any person, firm association, partnership, joint venture, corporation or any private entity of any nature.

PLAINLY AUDIBLE. Capable of being distinctly heard by a person with normal hearing.

ROADWAY. That portion of the highway designed for ordinary use for vehicular travel, including the berm, shoulder or any public property adjacent thereto.

UNREASONABLE PERIOD OF TIME. A period of time in excess of that necessary to accomplish: (1) a danger warning with a horn or other audible signaling device, or, (2) the preservation or protection of property or the life, safety or welfare of a person or persons by use of an audible signaling device.

UNREASONABLY LOUD, HARSH, OR EXCESSIVE NOISE. Any noise plainly audible at a distance of fifty (50) feet from its point of origination or emanation.

VEHICLE. Any machine or device in, on, or by which, any person or property is or may be transported or drawn on any highway, roadway or parking lot.

SECTION II. Unlawful Conduct

- (A) It shall be unlawful for any person within the city to make, continue, or cause to be made or continued, any excessive, loud, unnecessary, or unusual noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others unless the making and continuing of the noise is necessary for the protection or preservation of property or the life, health, or safety of a person or persons.
- (B) The following acts are hereby declared to be loud, disturbing, and unnecessary noises in violation of this chapter, but the enumeration shall not be deemed to be exclusive:
 - (1) The sounding of any horn or other such audible signaling device on any automobile, motorcycle, or other vehicle on any highway, roadway, parking lot or other public place, except as a danger warning, for an unreasonable period of time;
 - (2) The use or operation of any radio, stereo, or other machine or device for the producing, reproducing or amplification of sound in any vehicle in such a manner as to create an unreasonably loud, harsh, or excessive noise, that disturbs the peace, quiet, or comfort of others;
 - (3) The use or operation of, or allowing the use or operation of, any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet, and comfort of others by creating or allowing a louder volume than is necessary for the convenient hearing of the person or persons who are voluntarily in the room, chamber, or vehicle in which any above described machine, device, or musical instrument between the hours of 10:00 p.m. and 7:00 a.m., Sunday through Thursday, and 11:00 p.m. and 7:00 a.m on Friday and Saturday, in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure, or vehicle in which it is located, shall be a prima facie evidence of a violation of this section;
 - (4) Use or operation of any vehicle on any highway, roadway, or parking lot in such a manner as to produce any unreasonably loud, harsh, or excessive noise, or to discharge into the open air the exhaust of any vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;

(5) Creation of any unreasonably loud, harsh, or excessive noise in connection with the loading or unloading of any vehicle, or by the operation of any such vehicle;

(6) Use of any mechanical loud speaker, amplifier, sound system, stereo, or radio on any moving or standing vehicle for advertising, entertainment or any other purpose, in such a manner as to create an unreasonable loud, harsh, or excessive noise.

(C) It shall be unlawful for any person to cause fireworks to be set off or to allow fireworks to be set off on property in which said person has an interest either by ownership or rental between the hours of 10:00 p.m. to 8:00 a.m. Sunday through Thursday or between the hours of 11:00 p.m. to 8:00 a.m. Friday and Saturday. New Year's Eve and the Fourth of July shall be exceptions to the previously enumerated restrictions, whereby fireworks shall be allowed on July 4 between 8:00 AM and 11:59 PM, and, shall be allowed from 11:00 PM December 31 through 12:30 AM on January 1.

SECTION III. Standards for Noise Pollution

The standards which shall be considered in determining whether a violation of this Ordinance exists shall include, but not be limited to, the following:

- (A) The volume of the noise;
- (B) The intensity of the noise;
- (C) Whether the nature of the noise is usual or unusual;
- (D) The volume and intensity of background noise, if any;
- (E) The proximity of the noise to a residential area or place of public accommodation such as a hotel, motel, inn, campground and the like;
- (F) The nature and zoning of the area within which the noise emanates;
- (G) The density of inhabitation of the area within which the noise emanates;
- (H) The time of day or night the noise occurs;
- (I) The duration of the noise;
- (J) Whether the noise is recurrent, intermittent or constant.

SECTION IV. Exemptions

The following uses and activities shall be exempt from this Ordinance:

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- (A) Noises originating or emanating from safety signals, warning devices and emergency pressure relief valves;
- (B) Noises resulting from any authorized emergency vehicle or law enforcement training facilities;

- (C) Noises originating or emanating from public recreational facilities;
- (D) The operation of any aircraft in conformity with, or pursuant to, federal law, federal air regulations and/or air traffic control instructions;
- (E) Noises originating or emanating from bona fide recreational facilities, bona fide school grounds, bona fide civic organizations, bona fide charitable organizations, or bona fide religious organizations and religious organization festivals prior to 11:59 PM.

SECTION V. Enforcement

Any individual who hears "noise" as defined in this chapter may report said violation to the Independence Police Department.

SECTION VI. Penalty

Any person, firm, or corporation found violating any of the provisions of this Ordinance shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).

SECTION VII

That any section, or part of any section, or any provision of this Ordinance which is declared invalid by a Court of appropriate jurisdiction, for any reason, such declaration shall not invalidate, or adversely affect, the remainder of this Ordinance.

SECTION VIII

This Ordinance shall take effect and be in full force when passed, published, and recorded according to law.

Christopher J. Reinersman, Mayor

ATTEST:

Gina Gabbard, City Clerk

First Reading: October 1, 2018

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