



COUNCIL MEETING AGENDA

April 1, 2024

Independence Municipal Center
Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL OF MEMBERS

APPROVAL OF COUNCIL MINUTES: Regular Meeting of March 4, 2024

POLICE – Swearing in New Officers

PROCLAMATION – Fair Housing Month

OLD BUSINESS

- **ORDINANCE NO. 2024-O-03** - Adopting Supplements to Code of Ordinances – 2nd Reading

NEW BUSINESS

- **PROPOSED ORDINANCE** – Establishing Safety Measures to Open Burning – 1st Reading
- **PROPOSED ORDINANCE** – Text Amendment for fencing on corner lots – 1st Reading
- **MUNICIPAL ORDER NO. 2024-MO-04** – Surplus Property - Printers

ATTORNEY'S REPORT – Jack Gatlin

CITY ADMINISTRATOR REPORT – Chris Moriconi

MAYOR'S REPORT – Christopher J. Reinersman

EXECUTIVE SESSION

ADJOURNMENT

roclamation

City of Independence, Kentucky

WHEREAS: The Fair Housing Act, enacted on April 11, 1968, enshrined into federal law the goal of eliminating racial segregation and ending housing discrimination in the United States; and

WHEREAS: The Fair Housing Act prohibits discrimination in housing based on race, color, religion, sex, familial status, national origin, and disability, and commits recipients of federal funding to affirmatively further fair housing in their communities; and

WHEREAS: The city of Independence, Kentucky is committed to the mission and intent of Congress to provide fair and equal housing opportunities for all; and

WHEREAS: Our social fabric, the economy, health, and environment are strengthened in diverse, inclusive communities; and

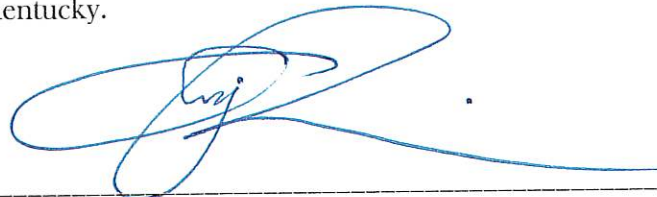
WHEREAS: More than fifty years after the passage of the Fair Housing Act, discrimination persists, and many communities remain segregated; and

WHEREAS: Acts of housing discrimination and barriers to equal housing opportunity are repugnant to a common sense of decency and fairness.

Now, therefore be it resolved that Independence, Kentucky, does hereby declare the month of April, 2024 as

FAIR HOUSING MONTH

Independence, Kentucky is as an inclusive community committed to fair housing, and to promoting appropriate activities by private and public entities to provide and advocate for equal housing opportunities for all residents and prospective residents of Independence, Kentucky.



Christopher J. Reinersman, Mayor

In Witness Whereof, I have hereunto set my hand and caused the seal of the City of Independence to be affixed this 1st day of April 2024.

Attest:



Gina Rawe, City Clerk

ORDINANCE NO. 2024-O-03

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE ORDINANCES OF THE CITY OF INDEPENDENCE, KENTUCKY.

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed since the passing of Ordinance No. 2021-O-15, Supplements S-26 through S-31 to the Code of Ordinances of the City of Independence, which supplements contain all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, said American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the Kentucky Revised Statutes;

WHEREAS, it is the intent of the Council to accept these updated sections in accordance with the changes of the law of the Commonwealth of Kentucky;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Independence, Commonwealth of Kentucky:

SECTION I

That Supplements S-26 through S-31 to the Code of Ordinances of the City of Independence, as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION II

That this ordinance shall take effect and be in force from and after its date of passage.

Christopher J. Reinersman, Mayor

ATTEST:

Gina Rawe, City Clerk

First Reading: March 4, 2024

Second Reading: April 1, 2024

Ayes: _____

Nays: _____

Date of Publication: _____

City of Independence, Ky.
ORDINANCE NO. 2024-O-

AN ORDINANCE ESTABLISHING SAFETY MEASURES AND REGULATIONS RELATED TO OPEN BURNING AND RECREATIONAL FIRES

WHEREAS, The City of Independence desires to establish greater regulations related to open burning; and

WHEREAS, the City of Independence worked closely with the Independence Fire District; and

WHEREAS, the City of Independence will abide by any Kenton County executive order regarding the burn ban period; and

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

(Strikethrough portions are to be deleted, underlined portions are to be added as required by KRS 83A.060(3))

SECTION I

DEFINITIONS

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

- (1) **APPLICABLE LAWS**. The statutes, ordinances, rules, regulations, and orders of all governmental agencies having jurisdiction of the subject matter thereof.
- (2) **DEVELOPED LAND**. Land which has been developed by the extension of streets and utilities thereto, with completed improvements thereon for occupancy by human beings, and a certificate of occupancy issued, therefore.
- (3) **INDEPENDENCE FIRE DISTRICT (IFD)**. Any representative of Independence Fire/EMS or the entity itself.
- (4) **INDEPENDENCE POLICE DEPARTMENT (IPD)**. Any representative of Independence Police department of the entity itself.
- (5) **INDEPENDENCE FIRE/EMS CHIEF**. The Chief of the Independence Fire/EMS Department or any designee thereof.
- (6) **NO PERSON**. No human being, or any combination thereof in the form of a corporation, partnership, limited liability company, unincorporated association or otherwise.
- (7) **OPEN BURNING**. Any fire created for purposes other than recreational fire. Must be less than fifteen feet (15) high and thirty (30) feet in diameter for open burning on undeveloped land unless permission is given by IFD stating otherwise.

- (8) PRIVATE PROPERTY. The ownership of property by non-governmental legal entities.
- (9) UNDEVELOPED LAND. Land which has not been developed by the extension of streets and utilities thereto, and completed improvements constructed thereon for occupancy by human beings, with certificates of occupancy.
- (10) RECREATIONAL FIRE. Any fire designed for recreational purposes which is no larger than three feet high and three feet in diameter for open burning on private property.

RESTRICTIONS ON OPEN BURNING

Any orders by the Kenton County Fiscal Court or County Judge Executive related to Open Burning shall be applicable within the City of Independence. Further, there shall be no Open Burning from May 1 to September 30 each year. From October 1 to December 15 and from February 15 to April 30, burning within 150 feet of any woodland area is allowed only between 6 PM and 6 AM. At all times, only natural growth such as trees and tree limbs may be burned in open fires. At no time shall it be lawful to burn tires, garbage, construction and/or renovation debris, demolition debris, appliances, cars, and trailers.

OPEN BURNING

Open burning is prohibited without the permission of the IFD on undeveloped land. No person, firm or corporation shall build any outdoor fire within the city limits for the purpose of open burning including land clearing without permission of the IFD. Open burning for land clearing purposes associated with residential, commercial, or industrial development shall be limited to a maximum of two (2) contiguous acres at any one (1) time.

When open burning on undeveloped land all the following must be done throughout the duration of any open burning on undeveloped land.

- (a) The continued attendance at the proposed open burning of a competent human being, no less than eighteen (18) years of age, throughout the duration thereof; and
- (b) A communication device should be readily available to the fire attendee to communicate with emergency services, Fire/EMS and police should they be needed.
- (c) One piece of earth moving equipment, with the capacity to extinguish the open burning fire by covering it with dirt; and a qualified operator thereof.
- (d) A policy or certificate of insurance through which the applicant is insured against liability from any occurrence related to the proposed open burning must be obtained and provided to IFD or IPD upon request.
- (e) Burn piles must have a maximum diameter of thirty (30) feet. The fire may not extend more than fifteen (15) feet in height.
- (f) Burn piles must have a blower on the fire.

- (g) No open burns shall be within twenty-five (25) feet of any combustible materials or structures unless contained in an approved manner. Open burns must be at least fifty (50) feet from neighboring houses and make efforts to minimize smoke and ash from affecting surrounding homes.

The following burns do not require permission of the IFD:

- (a) A fire primarily for the cooking of food for non-commercial purposes, provided that only untreated wood is used as fuel.
- (b) A fire for the purposes of instruction and training in the methods of fighting fires conducted in accordance with safety standards and procedures as accepted by the Kentucky Fire Commission.
- (c) A fire for construction and other workers for comfort heating purposes when daytime temperatures are below 50 degrees, provided that excessive or unusual smoke is not created; only untreated wood is used as fuel; the fire is contained in a metal vessel that does not exceed the size of a 55-gallon drum; and the fire is not left unattended for more than fifteen (15) minutes while workers are present at the job site. Fires must be extinguished whenever workers leave the job site.
- (d) A fire for weed abatement, disease control, pest prevention, or for other recognized management practices.
- (e) A fire for the control of a public health hazard, provided that no other safe means of disposal are available.
- (f) A fire for the control or prevention of a fire or safety hazard, provided that no safe alternative is available.
- (g) A special-case fire not otherwise addressed and approved by the IFD.

RECREATIONAL

Recreational fires are allowed in a permanent fire pit or a portable fire pit. Burn permits are not required for recreational fires. No recreational fire shall be closer than ten feet from any building, shed, garage, fence, combustible materials. The location shall be no closer than ten feet from many adjoining properties line.

- (1) Fire pits.
 - (a) Any permanent fire pit built directly on the ground must have a maximum diameter of five (5) feet. The fire may not extend more than five (5) feet above the fire pit. The fire pit shall be surrounded on the outside, above ground, by non-combustible material such as, but not limited to, concrete blocks, bricks, or rocks.
 - (b) Portable fire pits are defined as devices commercially designed to control outdoor wood fires and may be used in accordance with the manufacturer's recommendations.

- (2) No multi-purpose dwellings shall be allowed to use any form of portable or permanent fire source including fire pit, fireplaces, heating elements or any other form of open flame on any balcony or under any overhanging portion of that dwelling or within ten (10) feet of any structure adjacent to the dwelling.
- (3) Materials for recreational fires shall consist of clean dry/seasoned wood that is unpainted and untreated. Material shall not include rubbish, garbage, trash, leaves, brush or garden waste or any material coated with rubber, plastic, leather, or petroleum-based materials and may not contain any flammable or combustible liquids. The fuel used to light any materials on fire shall not be flammable liquids such as gasoline, so that it minimizes the creation and emission of air contaminants from the burning process.
- (4) Attendance.
 - (a) The continued attendance at the recreational burning of a competent human being, no less than 18 years of age, throughout the duration thereof.
 - (b) A communication device should be readily available to the fire attendee to communicate with emergency services, Fire/EMS and police should they be needed.
 - (c) Proper extinguishing agents should be readily available I.E., a water hose connected to an operable public water supply or well, fire extinguisher or other acceptable means of extinguishing a fire.
- (5) Complaints received by the IFD or IPD regarding smoke, ash or noxious odors infringing on adjacent properties will require that such fires be immediately extinguished. No recreational or open burn fires shall be started and allowed to burn when the wind directed, or wind speed will cause embers or other burning material to be carried onto any building or combustible material.

LIABILITY

Neither the IFD, IPD, the city or any other officer, agent or employee thereof shall have any liability, responsibility or obligation for any open burning permitted by this or any other city ordinance, or any injuries or damages resulting therefrom.

PENALTY

Any person who violates any provision of this chapter for which no penalty is otherwise provided, shall be guilty of a violation and shall be fined not more than one hundred dollars (\$100).

In addition to the foregoing penalties, any person who fails to maintain a fire in accordance with the applicable city ordinances or negligently allows such a fire to burn out of control shall pay all costs incurred by the city or any other municipality, fire district, or other agency or entity, responding under mutual-aid for any fire, police, ambulance, or other related service provided because of the party's failure to comply with said ordinance. All applicable laws will also be enforced which will subject the violator to any applicable fines and jail time associated with violation.

SECTION II

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 III

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

Christopher J. Reinersman, Mayor

ATTEST:

Gina Rawe, City Clerk

First Reading: _____ April 1, 2024 _____

Second Reading: _____

Ayes: _____

Nays: _____

Date of Publication: _____

ORDINANCE NO. 2024-O-

AN ORDINANCE AMENDING THE INDEPENDENCE ZONING ORDINANCE BY ALLOWING FENCES IN THE FRONT YARDS OF STANDARD CORNER LOTS AND CREATING NEW DEFINITIONS FOR CORNER LOTS AND REVERSE CORNER LOTS

WHEREAS, a request for a text amendment to the Independence Zoning Ordinance was submitted to the Kenton County Planning Commission by the City of Independence, for the consideration of a text amendment to allow fences in the front yards of corner lots;

WHEREAS the PDS staff reviewed the application and recommended that the proposed text amendment be approved; and

WHEREAS, the Kenton County Planning Commission, upon reviewing the PDS staff recommendations and after holding a public hearing on March 7, 2024, voted to approve the text amendment on the following basis that the text amendment is allowed to be included within the text of the zoning ordinance, as authorized by Kentucky Revised Statute (KRS) 100.203(1).

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 text amendment, attached hereto as Exhibit "A" incorporated by reference herein, allowing fences in the front yards of corner lots and creating new definitions for corner and reverse corner lots, on the following bases:

1. The proposed text amendment is appropriate and reasonable. Allowing limited fencing within the front yard of a corner lot helps the landowner to fully utilize their property.
2. The proposed text amendment is consistent with the comprehensive plan which calls for additional flexibility in the regulations to promote a more engaging built environment. Allowing limited fencing in the front yard of a corner lot creates a more engaging built environment.
3. Based on testimony provided during the public hearing held on March 7, 2024.

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 Rawe, City Clerk

First Reading: _____ April 1, 2024 _____

Second Reading: _____

Ayes: _____

Nays: _____

Date of Publication: _____

MUNICIPAL ORDER NO. 2024-MO-04

**A MUNICIPAL ORDER OF THE CITY OF INDEPENDENCE IN KENTON COUNTY, KENTUCKY
MAKING THE WRITTEN DETERMINATIONS REQUIRED BY KRS 82.083 FOR THE SALE OR
OTHER DISPOSITION OF PROPERTY OWNED BY THE CITY**

WHEREAS, THE City of Independence now owns property that is no longer useful or beneficial to the City; and

WHEREAS, KRS 82.083 establishes certain requirements for the disposition of such property;

NOW, THEREFORE, it is hereby ORDERED and DETERMINED by the City of Independence as follows

SECTION I - Written Descriptions Required by KRS 82.083

1. Property subject to disposition:

- 1) Toshiba Copier/Printer, e-STUDIO 230, Model: DP-2320
- 2) Toshiba Copier/Printer, e-STUDIO 477SL, Model: DP-4710SL

2. Intended use of the property at the time of acquisition:

City acquired the printers to improve efficiency and optimize office productivity.

3. Reasons why it is in the public interest to dispose of the property:

City owned these machines for several years and they no longer have acceptable print quality, timely performance and replacement parts are obsolete.

4. Method of disposition:

Printers will be picked up and recycled by I.T. Supply Solutions, LLC.

SECTION II – Provisions Severable

The provisions of this municipal order are severable; and the invalidity of any provision hereof shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

SECTION III – Conflicting Municipal Orders Repealed

All municipal orders or parts of municipal orders in conflict with the provisions of this municipal order are hereby repealed to the extent of such conflict.

SECTION IV – Effective Date

This Municipal Order shall take effect and be in full force when passed and recorded according to law.

Christopher J. Reinersman, Mayor

Approved and ratified by Council on April 1, 2024 by roll call vote:

AYES _____

NAYES _____

ATTEST:

Gina Rawe, City Clerk