

**THE CITY COUNCIL MEETING AGENDA
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UP TO MEETING TIME.**



COUNCIL MEETING AGENDA

September 10, 2018
Independence Municipal Center
Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL OF MEMBERS

APPROVAL OF COUNCIL MINUTES: Special Meeting of August 27, 2018

PROCLAMATION – Kentucky PTA Day

OLD BUSINESS

- **ORDINANCE NO. 2018-O-10** – Map Amendment – Zone Change for Quast Property – 2nd Reading
- **ORDINANCE NO. 2018-O-11** – Key Lock Box Systems – 2nd Reading
- **ORDINANCE NO. 2018-O-12** - Highway 536 Clarification – Harris Pike – 2nd Reading
- **ORDINANCE NO. 2018-O-13** - Adopting 2018 Tax Rates – 2nd Reading
- **ORDINANCE NO. 2018-O-14** – Cluster Mailbox – 2nd Reading
- **ORDINANCE NO. 2018-O-15** – Amending Pay Plan with Addition of Part Time Office Assistant Position – 2nd Reading

NEW BUSINESS

- **PROPOSED ORDINANCE** – Noise Ordinance

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

SPECIAL COUNCIL MEETING

Minutes of August 27, 2018

City of Independence, KY.

Opening

The City Council of the City of Independence, Kentucky met in a special session on Monday, August 27, 2018 at 7:00 p.m. in the Council Chambers of the Independence Municipal Center, 5409 Madison Pike, Independence, Kentucky with Mayor Christopher Reinersman presiding. Mayor Reinersman called the meeting to order and opened with the Pledge of Allegiance. Roll was called and the following Council Members registered present: Bill Aseere, Carol Franzen, Patricia Taney, Amy Engelman, and John Deaton. Also present was City Administrator Chris Moriconi, City Attorney Jack Gatlin and City Clerk Gina Gabbard. Council Member Greg Waite entered at 8:53pm.

Purpose of the Special Meeting

Mayor Reinersman announced this Special Council Meeting was being held to discuss and take action on the following business items:

1. **APPROVAL OF COUNCIL MINUTES:** Regular Meeting of July 2, 2018
2. **APPROVAL OF COUNCIL MINUTES:** Special Meeting of July 11, 2018
3. **ITRODUCTION OF INTERN**
4. **RESOLUTION NO. 2018-R-12:** Text Amendment for church to be conditional use in NSC Zone
5. **RESOLUTION NO. 2018-R-13:** Stage 1 Amendment for Quast Property
6. **PROPOSED ORDINANCE:** Map Amendment – Zone Change for Quast Property – 1st Reading
7. **PROPOSED ORDINANCE:** Key Lock Box System – 1st Reading
8. **PROPOSED ORDINANCE:** Highway 16 Clarification – Harris Pike – 1st Reading
9. **PROPOSED ORDINANCE:** Adopting 2018 Tax Rates – 1st Reading
10. **PROPOSED ORDINANCE:** Cluster Mailbox – 1st Reading
11. **PROPOSED ORDINANCE:** Amending Pay Plan with Addition of PT Office Asst Position – 1st Reading
12. **NOISE ORDINANCE DISCUSSION**
13. **ADJOURNMENT**

Mayor Reinersman advised that only the items listed on this agenda would be discussed at this meeting.

Approval of the July 2, 2018 Regular Meeting Minutes

Mayor Reinersman asked Council if there were any changes or corrections they would like made to the Council Minutes for the regular meeting held on July 2, 2018.

Mayor Reinersman called for a motion to approve the meeting minutes for the regular meeting held on July 2, 2018. Council Member Franzen so moved, with a second by Council Member Deaton. Roll was called and the votes were unanimous. Motion carried, 5-0.

Approval of the July 11, 2018 Special Meeting Minutes

Mayor Reinersman asked Council if there were any changes or corrections they would like made to the Council Minutes for the special meeting held on July 11, 2018.

Mayor Reinersman called for a motion to approve the meeting minutes for the special meeting held on July 11, 2018. Council Member Franzen so moved, with a second by Council Member Aseere. Roll was called and the votes were unanimous. Motion carried, 5-0.

Introduction of Intern

Mr. Moriconi introduced Intern Christina Pletowski. He stated she is from Munich, Germany and is currently a Political Science Major at Northern Kentucky University. He stated Christina has been assisting him with several projects, shadowing the Zoning Administrator and Building Inspector and will be attending a ride-along with the police.

Resolution No. 2018-R-12 – Text Amendment for church to be conditional use in NSC Zone

Mayor Reinersman presented Resolution No. 2018-R-12 which is a text amendment to add churches as a conditional use in NSC Zone. He stated Grace Fellowship Church is requesting to occupy the open space in the Independence Town Center next to Kroger. Mr. Gatlin read Resolution No. 2018-R-12.

Kent Ousley, 2760 Sycamore Creek, Independence, KY 41051, from Grace Fellowship Church, stated the church would pay for the application fees for the text amendment.

Mayor Reinersman called for a motion to approve Resolution No. 2018-R-12 for a text amendment to add churches as conditional use in the NSC Zone. Council Member Aseere so moved, with a second by Council Member Engelman. Roll was called and the votes were unanimous. Motion carried, 5-0.

Resolution No. 2018-R-13 – Stage I Amendment for Quast Properties

Mayor Reinersman presented Resolution No. 2018-R-13 for a Stage I Amendment for 3.08 acres located on the southwest side of the intersection of Richardson Road and Old Richardson Road. Mr. Gatlin read Resolution No. 2018-R-13.

The property owner Dr. David Quast and his engineer Brock Mackay, stated the enclosed map labeled “old” was the original plan, the map labeled “new” was what Quast Properties recently submitted. Mr. Mackay stated most of the primary changes were made for acquiring the right of ways. Council Member Taney asked if it was a concept or a final plan. Mr. Mackay stated it was a complete Stage I Plan and additional information would be provided once the Stage I Amendment was approved.

Mayor Reinersman called for a motion to approve Resolution No. 2018-R-13 for the Stage I amendment for Quast Properties. Council Member Aseere so moved, with a second by Council Member Franzen. Roll was called and the votes were unanimous. Motion carried, 5-0.

Proposed Ordinance – Map Amendment – Zone Change for Quast Property – 1st Reading

Mayor Reinersman presented proposed ordinance which is a map amendment to change the .82 acres located on the north side of Old Richardson Road from a R-3 Zone (Multi-Family Residential Zone) to a NC Zone (Neighborhood Commercial). He stated the request comes from Dr. David Quast who currently owns the property as well as other surrounding properties. Mr. Gatlin gave the proposed ordinance a first reading.

The property owner Dr. David Quast and his engineer Brock Mackay explained they plan to keep the current structure and turn the building into office space. Mr. Mackay stated they also plan to construct a parking lot on the property for the potential business as well as aid the future parking issue for the adjacent property.

Linda Morehead, 4070 Richardson Rd. Independence, KY stated her home is directly across the street from the referenced property. She explained the street is currently a dead end street with 10 homes and an apartment building and she doesn't want a commercial building and/or parking lot across from her home. Mrs. Morehead stated her concerns with regulating of current ordinances and said the existing UDF was supposed to have an evergreen buffer which was never completed. Mayor Reinersman explained that Planning and Development Services (PDS) should enforce the agreed upon plans.

Council Member Franzen stated she didn't understand the need to change the zone while other properties are left untouched. She stated if the zone change isn't approved, Quast Properties could tear down the existing home and build an apartment complex. Council Member Aseere stated he does not believe the zone change makes sense for the area. Council Member Deaton suggested to postpone the proposed ordinance. Mr. Gatlin stated PDS already recommended the zone change and there would need to be a majority vote to overrule the decision.

Mayor Reinersman called for a motion to postpone the proposed ordinance for a map amendment and zone change for the property. Council Member Franzen so moved, with a second by Council Member Deaton. Roll was called and votes were all ayes other than Council Member Waite who abstained since he entered mid conversation. Motion carried, 6-0.

Proposed Ordinance – Key Lock Box Systems – 1st Reading

Mayor Reinersman presented proposed ordinance which requires commercial structures to have a key lock box system. He stated this ordinance has been revised since the last council meeting. Mr. Gatlin gave the proposed ordinance a first reading.

Council Member Franzen proposed to change the language to only include new constructed buildings. She stated she thinks there should also be an opt-out option for businesses which includes signing a waiver to not participate in the lock box system and the business owner would then be liable for any damages incurred by the emergency responders. Council Member Taney stated this shouldn't be enforced by the city because the fire department is a separate entity and questioned if any other cities have a similar ordinance.

Lucas Deaton, 10327 Charleston Ln, Independence, KY stated he searched for similar local ordinances and was unable to find any that included the city and the fire department as two separate entities. He stated he did not agree with the language of the document which states the keys would be under control of the City Administrator and his delegates and believes this would be a violation of the fourth amendment.

Council Member Deaton stated the city doesn't need to the liability of getting involved in the key lock box issue. Council Member Aseere stated he was not in favor of the proposed ordinance because it should not be governed by the city.

Al Daly, 10330 Limerick Circle, Independence, KY stated the boxes were a huge help when he was previously a fire chief and explained the difficulties the fire department has enforcing the

key lock box system without the support of the legislative government. He explained having uniformity in key lock box systems was also helpful and saved time.

Council Member Taney stated the city does not hold the authority over the fire department and the fire department should look for aid elsewhere such as the fire marshals or state department.

Mayor Reinersman called for a motion for a short recess at 8:34pm. Council Member Franzen so moved with a second by Council Member Aseere. Motion carried with all ayes.

Mayor Reinersman called for a motion to resume the council meeting at 8:53pm. Council Member Franzen so moved with a second by Council Member Waite. Motion carried with all ayes, 6-0.

Assistant Fire Chief Greg Nordmeyer, of the City of Independence Fire District, stated the fire district is unable to pass and enforce an ordinance themselves. He stated the program has been around for 20 years and they have not had any issues with missing keys or breach of privacy. He stated business owners must be notified prior to entrance and it's usually due to an alarm system notification. Mr. Nordmeyer stated the key lock box system is for the larger business not the small 'mom and pop' business. He added there are currently 6 keys which are locked in service vehicles which only the fire department has access to and around 60 businesses within the city are currently part of the key lock box system. Mr. Nordmeyer stated not having to check if a business is in the system helps save the fire district time during an emergency.

Council Members Deaton, Aseere, and Taney expressed they were opposed to the proposed ordinance of requiring commercial business owners to participate in the key lock box system. Mr. Gatlin stated he understood council's desire of postponing the proposed ordinance until the next meeting and suggested council make recommendations to update the language in the proposed ordinance to what they felt more comfortable with.

Mayor Reinersman called for a motion to postpone the proposed ordinance for Key Lock Box Systems until the next meeting. Council Member Deaton so moved, with a second by Council Member Engelman. Roll was called and the votes were unanimous. Motion carried, 6-0.

Proposed Ordinance – Highway 16 Clarification – Harris Pike – 1st Reading

Mayor Reinersman presented the proposed ordinance which clarifies the road that runs west to east from Madison Pike to Kentucky Highway 536 as Harris Pike. He stated the road is called several names including Highway 16, State Route 536, Harris Road and Harris Pike. He stated this ordinance would clarify the road consistently named Harris Pike. Mr. Gatlin gave the proposed ordinance a first reading.

Proposed Ordinance – Adopting 2018 Tax Rates – 1st Reading

Mayor Reinersman presented the proposed ordinance which adopts the 2018 tax rates. He stated the tax rates would not be increasing and will remain at \$.271 for every one hundred dollars for real property and \$.642 for every one hundred dollars for personal property. Mr. Gatlin gave the proposed ordinance a first reading.

Proposed Ordinance – Cluster Mailbox – 1st Reading

Mayor Reinersman presented the proposed ordinance which amends section 150.03 of the Independence Code of Ordinances which relates to neighborhood mail delivery and cluster mail

boxes. He stated some neighborhoods have complained about not receiving mail because of parked cars blocking their mailbox. Mr. Moriconi stated this has been an ongoing issue with neighborhoods which have limited on street parking. He stated residents aren't receiving their mail and they must regularly pick up mail from the post office. Mr. Moriconi stated a cluster mailbox would only be installed if the conditions are deemed necessary and a safe location is accessible. He also explained the city would share the cost by having the public services department pour a concrete pad among other tasks. Mr. Gatlin gave the proposed ordinance a first reading.

Proposed Ordinance – Amending Pay Plan with Addition of Part Time Office Assistant Position – 1st Reading

Mayor Reinersman presented the proposed ordinance to amend the current pay plan to include a part time Office Assistant position. He stated the position has come to light due to the Assistant City Clerk requiring maternity leave in December. Council Member Taney questioned the difference between this position and the secretarial/clerical position and why it was being labeled as part time. Mr. Moriconi stated the part time status would assist with hiring and budget decisions to express it is solely a part time position. Mr. Gatlin gave the proposed ordinance a first reading.

Noise Ordinance Discussion

Mayor Reinersman stated there have been requests made for an official noise ordinance by residents and council. Council Member Franzen stated she's had several requests by residents for a noise ordinance due to late night fireworks, music, etc. Mr. Moriconi stated there is an existing ordinance that states noise cannot be over a certain decibel however, it is unrealistic to provide decibel guns to every officer and/or zoning official. Council Member Franzen stated the noise issue needs to be a new ordinance and not an adjustment to the nuisance ordinance.

Rita Hauke, 5346 Oakview Ct, Independence, KY stated her neighborhood has several issues with noise including loud music, fireworks, late night pool parties, loud cars and more.

Marge Cook, 96 Carrie Way, Independence, KY stated she has also had issues with noise including festivals, motorcycles, cars with improper equipment and noisy neighbors. She expressed that she was in favor of a noise ordinance but it must be enforceable.

Adjournment

There being no further business, a motion was made by Council Member Franzen and seconded by Council Member Deaton to adjourn. Motion carried with all ayes and the meeting ended at 9:38p.m.

Christopher J. Reinersman, Mayor

ATTEST:

Gina Gabbard, City Clerk

ORDINANCE NO. 2018-O-10

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: August 27, 2018

Second Reading: September 10, 2018

Ayes: _____

Nays: _____

Publication Date: _____

ORDINANCE NO. 2018-O-11

AN ORDINANCE OF THE CITY OF INDEPENDENCE, KENTON COUNTY, KENTUCKY REQUIRING COMMERCIAL, INDUSTRIAL AND MULTI-FAMILY 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

- (A) Unless exempted by written order of the Independence City Administrator or his delegate, and in order to eliminate forced entries into structures and to avoid costly and time consuming efforts in gaining access to locked structures during times of emergency, the following structures shall be equipped with a key lock box system at or near the main entrance or at any other such location which may be required by the Independence City Administrator or his delegate.

The following structures shall have a key lock box:

- (1) All newly constructed commercial and industrial and places of assembly protected by an automatic fire alarm system or automatic suppression system;
 - (2) All newly constructed multi-family residential structures that have restricted access through locked doors and have a common corridor for access to the living quarters;
 - (3) All newly constructed health care facilities; and
 - (4) All existing structures undertaking additions, alterations or repairs which shall include the addition of an automatic fire alarm system or automatic suppression system.
- (B) All structures subject hereto shall be required to install a key lock box system prior to the issuance of any occupancy permit which shall then be functional at all times thereafter.
- (C) The Independence City Administrator, or his designate, shall designate the type of key lock box system to be implemented and shall have the authority to require all structures to use the designated system.

- (D) The owner or operator of any structure subject hereto shall, at all times, keep a key in the lock box that will permit access to the structure. All keys shall be under the dominion and control of the Independence Fire District Chief.
- (E) The owner or operator of any structure subject hereto shall notify the Independence City Administrator, or his designate, of any changes to the key lock box system.
- (F) 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)
- (G) While the City of Independence encourages all structures enumerated in Paragraphs A1 through A4, 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.
- (H) All structures, not requesting a waiver, subject hereto shall be required to install a key lock box system prior to the issuance of any occupancy permit which shall always then be functional thereafter

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 Gabbard, City Clerk

First Reading: August 27, 2018
 Second Reading: September 10, 2018
 Ayes: _____
 Nays: _____
 Publication Date: _____

ORDINANCE NO. 2018-O-12

AN ORDINANCE CLARIFYING THE NAME OF THE ROAD THAT RUNS WEST TO EAST FROM MADISON PIKE TO KENTUCKY HIGHWAY 536 (ALSO KNOWN AS TAYLOR MILL ROAD), AND NAMING IT "HARRIS PIKE."

WHEREAS, the road commonly known as "HARRIS PIKE" lies only within the city limits of Independence, Kentucky and portions of unincorporated Kenton County, Kentucky; and

WHEREAS, various recorded plats on file in the Kenton County, Kentucky Courthouse show the name of the road as "HARRIS ROAD"; and

WHEREAS, there exists some confusion regarding the correct, legal name of said road; and

WHEREAS, it is important for emergency response, mail delivery, governmental functions, package and service delivery, and other services to have consistent, complete and correct address records for the performance of their duties; and

WHEREAS, officials of the City of Independence, Kentucky and of the Kenton County Fiscal Court have coordinated and agreed to clarify the correct, legal name of said road;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, KENTUCKY:

SECTION I

That those sections of said road lying within the city limits of Independence, Kentucky shall be named "HARRIS PIKE".

SECTION II

That all property owners and residents of properties lying within the city limits of Independence, Kentucky, and addressed along said road, shall be notified of this ordinance for clarification purposes.

SECTION III

That this ordinance shall take effect and be in full force when the Kenton County Fiscal Court passes a reciprocal ordinance naming the sections of said road lying within unincorporated Kenton County to "HARRIS PIKE", and when passed and recorded according to law.

SECTION IV

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: August 27, 2018

Second Reading: September 10, 2018

Ayes: _____

Nays: _____

Publication Date: _____

ORDINANCE NO. 2018-O-13

AN ORDINANCE OF THE CITY OF INDEPENDENCE, IN KENTON COUNTY, KENTUCKY, PROVIDING FOR THE ANNUAL ASSESSMENT OF ALL REAL ESTATE AND PERSONAL PROPERTY WITHIN THE CITY OF INDEPENDENCE, WHICH IS SUBJECT TO TAXATION THEREBY, FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2018, AND ENDING ON JUNE 30, 2019, AND PROVIDING FOR THE PAYMENT AND COLLECTION OF SUCH TAXES, AND THE PENALTIES AND INTEREST THEREON; AND DESCRIBING THE PURPOSE FOR WHICH THE TAXES SO COLLECTED SHALL BE APPROPRIATED AND USED.

BE IT ORDAINED BY THE CITY OF INDEPENDENCE, IN KENTON COUNTY, KENTUCKY, AS FOLLOWS:

SECTION I

The City of Independence hereby provides for the assessment of all real and personal property within the City of Independence, which is subject to taxation thereby, for the fiscal year which begins on July 1, 2018 and ends June 30, 2019 by the use of the last annual assessment thereof, by the Property Valuation Administrator of Kenton County, Kentucky.

SECTION II

The following ad valorem taxes for the fiscal year beginning on July 1, 2018 and ending on June 30, 2019 are hereby levied, assessed and imposed by and for the City of Independence, upon the following described property which is subject to taxation within the City of Independence, and the owners thereof, jointly and severally:

- A. An ad valorem tax on **real property**, at the rate of **\$0.271 Dollars for each One Hundred Dollars (\$100.00)** of the value thereof, as assessed pursuant to the provisions hereof; and
- B. An ad valorem tax on all **personal property** other than motor vehicles at the rate of **\$0.642 Dollars for each One Hundred Dollars (\$100.00)** of the value thereof, as assessed pursuant to the terms and provisions hereof; and

SECTION III

The taxes levied pursuant to the terms hereof shall be due and payable on or before December 31, 2018 at the Office of the City Clerk, and shall be subject to a discount of 2% if paid before the end of the business day on November 1, 2018. If said taxes due hereunder are not paid by midnight on the evening of December 31, 2018 a **penalty of 15 % thereof, plus interest thereon at the rate of 6% per annum** will be attached effective January 1, 2019 until paid, plus the cost of collection, including without limitation, court costs and attorney's fees.

SECTION IV

In order to secure the payment of the ad valorem taxes hereby levied and assessed, and all penalties, interest, fees, commissions, charges and other expenses, including court costs and attorney's fees, incurred by reason of any delinquency in the payment thereof or the process of collection, the City of Independence has a lien therefore upon the property upon which such taxes are hereby levied and assessed; and such lien has priority over all other obligations or liabilities for which the property is liable, except state and county taxes, with which it has equal priority.

SECTION V

The provisions of this ordinance are severable, and the invalidity of a provision of this ordinance 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 VI

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Christopher J. Reinersman, Mayor

ATTEST:

Gina Gabbard, City Clerk

First Reading: August 27, 2018

Second Reading: September 10, 2018

Ayes: _____

Nays: _____

Publication Date: _____

ORDINANCE NO. 2018-O-14

AN ORDINANCE AMENDING SECTION 150.03 OF THE INDEPENDENCE CODE OF ORDINANCES AS IT RELATES TO NEIGHBORHOOD DELIVERY AND COLLECTION BOX UNITS (GANG MAIL BOXES)

WHEREAS, the City of Independence by Ordinance No. 2004-O-21, amended Ordinance 1993-01 which regulated the installation of neighborhood delivery and collection box units (gang mail boxes) within the city; and

WHEREAS, the City desires to change the regulation of the gang mail boxes to allow residents greater control over the regulation on their street; and

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

Deleted portions are ~~struck through~~ and added portions are underlined

SECTION I

Ordinance No. 2004-O-21, which amended Ordinance 1993-01 as codified in Section 150.03 of the Independence Code of Ordinances is amended as follows:

150.03 GANG MAIL BOXES PROHIBITED UNLESS INSTALLATION OF A GANG MAILBOX WILL CORRECT PROBLEMS WHICH HAVE IMPEDED REGULAR MAIL DELIVERY IN A SPECIFIC LOCATION

It is in the best interest of the citizens to regulate the installation of neighborhood delivery and collection box units (gang mail boxes) within the city. Any future installation of these units will continue to be prohibited in all traditional single-family residential developments to prevent any problems or inconveniences upon its residents and furthermore to avoid confusion for residents in Independence except when:

Circumstances exist which may impede regular mail delivery and installation of a gang mail box can be reasonably expected to correct this circumstance

AND

The City of Independence, through the City Administrator, and the United States Postal Service (USPS) mutually agree that a location may qualify for a gang mail box, and City of Independence funds are available based on a shared cost between City and USPS"

AND

Fifty One Percent (51%) of the property owners affected by the gang mail box by having their mailbox moved to the gang mail box, shall cast a ballot as provided by City the Independence in favor of placing a gang mail box on the street. The

City of Independence shall give one ballot per Owner, and mailed to the address of record, at the time of the vote, at the Kenton County PVA.

NDCBU's Gang mail boxes may be installed and used in conjunction with multi-family residential developments and multi-unit commercial and/or shopping developments, provided they be used and installed in compliance with, or in cooperation with, the United States Postal Service and any requirements that service may have.

~~In addition, the Building Inspector for the city reserves the right to determine the placement of the gang mail boxes NDCBU's the development.~~

SECTION II

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: August 27, 2018

Second Reading: September 10, 2018

Ayes: _____

Nays: _____

Publication Date: _____

ORDINANCE NO. 2018-O-15

AN ORDINANCE OF THE CITY OF INDEPENDENCE IN KENTON COUNTY KENTUCKY AMENDING THE PAY PLAN ADDING THE POSITION OF PART TIME OFFICE ASSISTANT

WHEREAS, the City of Independence is desirous of adding a Part-Time Office Assistant as an hourly position, and:

NOW THEREFORE, be it ordained by the City of Independence in Kenton County Kentucky as follows:

SECTION I

That the City of Independence repeals all prior pay/wage plans. Furthermore, the City of Independence adopts a new Pay/Wage Plan. The Pay/Wage plan provides for bands, which are set forth in the applicable job description and title for each position. (See attached Exhibit A).

SECTION II

The provisions of this Ordinance are severable; and the invalidity of any provision of this Ordinance 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

All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION IV

This Ordinance shall be effective as soon as possible according to law.

Christopher J. Reinersman, Mayor

ATTEST:

Gina Gabbard, City Clerk

First Reading: August 27, 2018

Second Reading: September 10, 2018

Ayes: _____

Nays: _____

Publication Date: _____

City of Independence, Ky.
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 hour of 10:00 p.m. and 7:00 a.m., Sunday through Thursday, and 11:50 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 11:59 p.m. to 8:00 a.m. Friday and Saturday.

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:

- (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 resulting from construction or demolition activity;
- (D) Noises resulting from the use of farm machinery, lawn mowers or other machinery utilized for agricultural or landscaping purposes;
- (E) Noises originating or emanating from public recreational facilities;
- (F) The operation of any aircraft in conformity with, or pursuant to, federal law, federal air regulations and/or air traffic control instructions;
- (G) 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.

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: September 10, 2018

Second Reading: _____

Ayes: _____

Nays: _____

Publication Date: _____