



CITY OF INDEPENDENCE

COUNCIL MEETING AGENDA

December 5, 2022

Independence Municipal Center
Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL OF MEMBERS

SWEARING IN OF COUNCIL AND MAYOR

MADDIE STRONG – SIGNAGE RECOGNITION

MOLLY HANCOCK – CITIZEN RECOGNITION

DETECTIVE A.J. KENNER – POLICE RECOGNITION

APPROVAL OF COUNCIL MINUTES: Regular Meeting – November 14, 2022

OLD BUSINESS

- **ORDINANCE NO. 2022-O-10 – GOLF CARTS – 2nd Reading**

NEW BUSINESS

- **PROPOSED ORDINANCE – Amended 2022-2023 Budget – 1st Reading**
- **Trailer, Boat/RV Storage Discussion – Council Member Vogelpohl**

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. 2022-O-10

AN ORDINANCE OF THE CITY OF INDEPENDENCE, KENTON COUNTY KENTUCKY REGULATING THE USE OF GOLF CARTS ON CERTAIN ROADS WITHIN THE CITY

WHEREAS, The City of Independence has seen a rise in Golf Cart users travelling on the road; and

WHEREAS the City of Independence wishes to regulate the use of Golf Carts and provide limited circumstances for their allowance; 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 purpose of this Ordinance the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY STREET. Shall include all public streets and throughfares located within the city limits of the City of Independence but shall not include any state routes or state thoroughfares.

GOLF CART. Any self-propelled vehicle that:

- (1) Is designed for the transportation of players or maintaining equipment on a golf course, while engaged in the playing of golf, supervising the play of golf, or maintaining the condition of the grounds on a golf course;
- (2) Has a minimum of four wheels;
- (3) Is designed to operate at a speed of not more than 35 miles per hour;
- (4) Is designed to carry not more than six persons, including the driver.
- (5) Has a maximum gross vehicle weight of 2,500 pounds.
- (6) Has a maximum payload capacity of 1,200 pounds; and
- (7) Meets the federal motor vehicle safety standards for low-speed vehicles.

PERMIT. A permit authorized to be issued under this section, issued by the Permitting Authority upon receipt of an application developed by the City Administrative Officer and receipt of payment of the permitting fee, for a period not to exceed one year.

PERMITTING AUTHORITY. The Chief of Police, City Clerk, or City Administrative Officer.

PERMITTING FEE/INSPECTION FEE. There shall be an annual permitting fee/inspection fee of \$5.00 if the Golf Cart is brought to the City and an annual permitting fee/inspection fee of \$15.00 is not conducted at the City building. In no instance shall there be any inspection outside the City of Independence's corporate limits. This permitting fee is designed to cover the additional costs to administer the permitting program, and to cover the costs of enforcing this subchapter.

SECTION II

GOLF CART OPERATION REQUIREMENTS.

The City of Independence hereby establishes the following requirements and regulations concerning the operation of golf carts on city streets.

(A) No person shall operate a golf cart on any city street, except in strict compliance with the requirements of this subchapter.

(B) No person shall operate a golf cart on any city street without having obtained a permit and paid the permitting fee as required by this subchapter.

(C) Any person operating a golf cart on any city street must display a sticker or permit issued by the city of, which identifies that the golf cart is allowed to be operated on specific roadways within the city.

(D) All golf carts that are to be operated on city streets must be inspected by the City of Independence Police Department to ensure that the golf cart complies with the requirements of KRS 189.286. The inspection results shall be submitted by the applicant for a permit at the time of application for the Permit under this subchapter.

(E) Golf carts may only be operated on city streets that have a posted speed limit of 20 miles per hour or less. No operator of a golf cart may cross a roadway at an intersection where the roadway being crossed has a posted speed limit of more than 35 miles per hour.

(F) All persons operating a golf cart on city streets under this subchapter must have a valid operator's license in his or her possession.

(G) Golf carts may only be operated on city streets between 8:00 AM and 9:00 PM Eastern Standard Time.

(H) All golf carts to be operated on city streets must display a slow-moving vehicle emblem in compliance with KRS 189.820.

(I) All golf carts to be operated on city streets shall be insured in compliance with KRS 304.39-080 by the owner or operator, and the proof of insurance shall be inside the golf cart at all times of operation on a public roadway.

(J) Any person operating a golf cart on city streets shall be subject to the traffic regulations of KRS Chapter 189 and any other applicable provisions of this code of ordinances pertaining to the operation of vehicles upon city streets.

(K) All golf carts operating on city streets shall be equipped with rear view mirrors, properly functioning lights (including brake lights, head lights, and turn signals) and properly functioning brakes.

SECTION III

EXEMPTIONS.

(A) A golf cart operating on a public roadway under this subchapter is not considered a motor vehicle and is exempt from:

- (1) Title requirements of KRS 186.020.

(2) Vehicle registration requirements of KRS 186.050; and

(3) Emissions compliance certificates pursuant to KRS 224.20-720.

(B) The provisions of this subchapter shall not apply to a golf cart that is not used on a public roadway except to cross a roadway while following a golf cart path on a golf course.

SECTION IV

PENALTY.

(A) Whoever violates any provision of this traffic code where no other penalty is provided shall be fined not less than \$25, nor more than \$500.

(B) A late payment penalty of \$25 shall be charged for any ticket violation not paid within five days.

(C) Any person violating the provisions of §§ 70.65 through 70.67, except 70.66(B) shall, upon conviction of a first offense, be fined not less than \$100 nor more than \$250. Any person convicted of a subsequent violation of §§ 70.65 through 70.67 within two years of a prior conviction under §§ 70.65 through 70.67 other than a violation of § 70.66(B), or a first violation of § 70.66(B) shall, upon conviction, be fined not less than \$250 nor more than \$500. Any person convicted of a subsequent violation of § 70.66(B) within two years of a prior conviction under §§ 70.65 through 70.67 shall be fined not less than \$300 nor more than \$500 and/or imprisoned not more than 30 days.

SECTION V

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 VI

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: November 14, 2022

Second Reading: December 5, 2022

Ayes: _____

Nays: _____

Publication Date: _____

ORDINANCE NO. 2023-O-

AN ORDINANCE OF THE CITY OF INDEPENDENCE, KENTUCKY **AMENDING ORDINANCE NO. 2022-O-06 AND THE ANNUAL BUDGET ADOPTED THEREBY FOR THE FISCAL YEAR BEGINNING JULY 1, 2022 AND ENDING JUNE 30, 2023 BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATIONS FOR THE OPERATION OF CITY GOVERNMENT, INCORPORATING LINE ITEMS, AND PROVIDING FOR MODIFICATIONS AND AMENDMENTS THERETO.**

WHEREAS, an amending budget proposal and message have been prepared and delivered to the City Council; and

WHEREAS, the City Council has reviewed such amended budget and made necessary modifications.

BE IT ORDAINED BY THE CITY OF INDEPENDENCE AS FOLLOWS:

SECTION I

That the amended annual budget for the fiscal year beginning July 1, 2022 and ending June 30, 2023 is hereby adopted as follows:

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 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 in full force and effect from and after its passage, approval, and publication as required by law.

Christopher J. Reinersman, Mayor

ATTEST:

Gina Gabbard, City Clerk

First Reading: _____ December 5, 2022

Second Reading: _____

Ayes: _____

Nays: _____

PUBLICATION DATE: _____