

ORDINANCE NO. 9, 2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PARK HILLS,
KENTUCKY AMENDING SECTION 91.12(B) OF THE CODE OF ORDINANCES
REGARDING PUBLIC NUISANCES

BE IT ORDAINED BY THE CITY OF PARK HILLS, KENTUCKY, as follows:

SECTION I

That Section 91.12(B) of the Code of Ordinances shall be and is hereby amended to read, as follows:

SECTION 91.12 NUISANCES DESCRIBED AND PROHIBITED

(B) Public nuisances include, but are not limited to:

(1) Any unreasonable or unlawful condition or use of or upon any lot or parcel of real estate in the city or any structure thereon that is detrimental to the value, use or enjoyment of the property of other in the vicinity of that lot or parcel of real estate, for which, after inspection, a citation may issue, including, without limitation:

- (a) Those in violation of the provisions of the International Property Maintenance Code, published by the International Code Council, Inc. as amended from time to time and enacted by City Ordinance;
- (b) Those structures that are designed and intended for human habitation, occupancy or use that become unfit and unsafe for human habitation, occupancy or use or have conditions in them that are dangerous or injurious to the health or safety of the occupants of the structure, the occupants of neighboring structures or other resident of the City;
- (c) Those in violation of the standards of safety promulgated pursuant to KRS 227.300, which are hereby adopted by the City pursuant to the requirements of KRS 227.320; and,
- (d) Those in violation of the provisions of the NFPA 1 Uniform Fire Code published by the National Fire Protection Association, as amended from time to time and enacted by City Ordinance.

(2) The accumulation of any rubbish or any portion of any lot or parcel of real estate outside of any building.

(3) Use of any portion of any residential lot or parcel of real estate outside of a building for the location of any broken, inoperable or otherwise non-functional vehicles, equipment, machinery or furniture or any parts thereof, or the location of any scrap or salvage material, or the location of any other tangible personal property.

(4) The location of one or more mobile or manufactured homes as defined in KRS 227.550 that are junked, wrecked, or non-operative and which are not inhabited.

(5) The growth of weeds or grass in excess of four inches above the surface of the ground on any lot or parcel of real estate that is less than four acres in areas and developed with the public utilities of water, electricity and sewers.

(6) The parking of any recreational vehicle, boat or trailer anywhere in any residential area except for only one of any such vehicles:

- (a) In the rear yard of any lot or parcel of real estate;
- (b) In any area of a side yard that is continuously paved with blacktop or concrete, provided that no part of such vehicle is within one foot of any point in the nearest boundary line; or,
- (c) In any driveway during the period after May 1 and before October 15 of any calendar year, provided that:
 - 1. The area thereof occupied by any such vehicle is in addition to all off street parking areas required by this chapter;
 - 2. There is no more than one of any such vehicles parked, stored or otherwise located in any portion of any driveway or on any one lot or parcel of real estate at any one time; and,
 - 3. No part of any such vehicle is within one foot of any point in the nearest boundary line.
- (d) Under no circumstances may any recreational vehicle, boat or trailer be permitted to remain in a residential area more than five consecutive days and no more than a total of 25 days per year.
- (e) However, a recreational vehicle, boat or trailer less than 20 feet in length from tongue to bumper may remain indefinitely provided it rests on a paved surface below the front-most portion of the home. The paved surface may also be in the rear of the house.

(7) The accumulation of any municipal solid waste anywhere unless it is enclosed within a covered municipal solid waste container.

(8) The location of any municipal solid waste or recycling container in the front yard of any lot or parcel of real estate in the City at any time other than that period of time that begins at 6:00 p.m. on the day before that day that municipal solid waste or recycling is scheduled by the City for collection from that real estate and ends at 6:00 a.m. on the following day.

(9) The occurrence of any sound, odors, or anything else from any animal or animals on any lot or parcel of real estate in the City that unreasonably interferes in any way with the occupation, use or enjoyment of any other lot or parcel of real estate in the City by any owner, tenant, occupants, resident or user thereof.

(10) The location of any rubbish on any public sidewalk or rights-of-way and the failure of those with any ownership or possessory interest in any lot or parcel of real estate abutting thereon to remove it within a reasonable period of time after such rubbish has been deposited thereon.

(11) Any commercial sign that isn't in a condition of good repair, and in a clean, neat and safe and functional condition in compliance with all applicable laws, including, without limitation, all building and property maintenance codes.

(12) The occurrence, existence or continuation of any graffiti.

(13) The outside storage or other location of any equipment in any front or side yard where it may be seen from a public street, while the equipment is in a position or condition in which the design and purpose of that equipment may not be accomplished.

- (14) Any outdoor swimming pool in which:
- (a) The water in the pool is contaminated with dangerous disease causing pathogens, including bacteria, however
 - (b) Water may be retained or impounded in the pool to a depth of 24 inches or more at any one point, so long as the pool area is surrounded by a fence that is at least four feet in height. The fence must limit access to the pool, except that it may have one or more gates. Each gate must have an automatic self-closing mechanism.
- (15) Any fowl or livestock within 500 feet of any neighboring residence.

Roosters are entirely prohibited.

- (16) The distribution or accumulation of any unsolicited written material on any lot or parcel of real estate in the City outside of a building other than:

- (a) On a porch, if one exists, nearest to the front door;
- (b) Securely attached to a door;
- (c) Between an exterior door and an interior door; or,
- (d) Personally with any occupant of the lot or parcel or real estate.

- (17) The use of any residential lot or parcel of real estate outside of a building for the storage or other location of any inoperable motor vehicle or any motor vehicle parts.

- (18) The use of any lot or parcel of real estate, or any portion thereof, including, without limitation, any building or any portion thereof located on that lot or parcel of real estate, for any criminal activity involving disorderly conduct, alcoholic beverages, firearms, menacing, physical injury to person or property, deadly weapons, gambling prostitution, or controlled substances, or any other felony or misdemeanor to such an extent that there have been documented responses to any of them by peace officers or other personnel of the City on five or more separate occasions within any one period of 12 consecutive calendar months provided that an owner of that lot or parcel of real estate has been notified at least once during that period of 12 consecutive calendar

months of the occurrence of any such criminal activity, and provided further that the eviction of any tenants of that lot or parcel of real estate who were involved in such criminal activity shall be a defense to any civil or criminal prosecution for a violation of this section.

(19) The use of any paved area other than sidewalks within the right-of-way of any street within the City for any athletic or other recreational activity.

(20) The location of any apparatus for the athletic or other recreational use of any area within the right-of-way of any street within the City, whether the apparatus is located within or outside of that right-of-way.

(21) Any tree, shrub, or bush located on private property, which endangers any public street or highway, any vehicle or person, any public sidewalk or any public property.

(22) The location of any motor vehicle in any manner that any portion of it is on or above any portion of any sidewalk in the City, potentially blocking the pedestrian use thereof.

(23) The location of any inoperable motor vehicle anywhere within the right-of-way of an street in the City.

(24) Being the owner of a dog, to permit or to allow his or her dog to do any of the following:

- (a) To run at large within the City. AT LARGE means on or off the premises of the owner and not under the immediate effective control of the owner or custodian either by leash, cord, or chain, or effectively confined within a fenced area on the owner's premises.
- (b) To trespass upon another person's real property or to in any manner injure or destroy any real or personal property belonging to another person.

(c) To bark, howl, cry, whine or make any other noise or do anything else in such a manner that it unreasonably interferes with the occupation, use and enjoyment of any other property in the City.

(25) Any loud, unreasonable or excessive noise in violation of any of the provisions of Section 96 of Title IX of this Code and referred to as the Noise Ordinance.

SECTION II

That this Ordinance shall be signed by the Mayor, attested to by the City Clerk, be published and effective upon publication.

Passed: 1st Reading:

Passed: 2nd Reading:

KATHY ZEMBRODT
Mayor

ATTEST:

JULIE ALIG, City Clerk

ORDINANCE NO. 10, 2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PARK HILLS, KENTUCKY CREATING SECTION 96 OF TITLE IX: GENERAL REGULATIONS OF THE CODE OF ORDINANCES REGARDING AND TO BE TITLED NOISE CONTROL

BE IT ORDAINED BY THE CITY OF PARK, HILLS, KENTUCKY, as follows:

SECTION I

That there is hereby created Section 96 of Title IX: General Regulations of the official Code of Ordinances of the City of Park Hills, Kentucky to read as follows:

TITLE IX: GENERAL REGULATIONS

SECTION 96 NOISE CONTROL

96.1 DEFINITIONS

LOUD, UNREASONABLE OR EXCESSIVE NOISE. Noise measured in excess of 85 dBa (decibels), as measured within one hundred (100) feet of the source of the noise or from the nearest property line from its origination, either being projected outside of any building or structure or out-of-doors.

PERSON. Any individual, corporation (for profit or non-profit), limited liability company, partnership, joint venture or any other business entity, charitable or social association.

SOUND AMPLIFICATION DEVICE. Any instrumentality, device or apparatus for the amplification of sounds from any radio, television, stereo, phonograph, record player, tape player, cassette player, compact disc player or other electronic device; any band, musical group or orchestration; any drum, synthesizer or musical instrument(s); or, any car alarm. Sound amplification shall also mean any other sound making or sound producing device or attachment, including any apparatus for the amplification of the human voice.

96.2 GENERAL PROHIBITION

No person shall make or cause to make any loud, unreasonable or excessive noise in the city, by whatever means or from whatever source such may emanate, such constituting a disturbance of the peace.

96.3 RESIDENTIAL IMPACT

It shall be unlawful to carry out the following activities within the City between the hours of 11 p.m. and 7 a.m., current local time, during any day of the week.

- a. Operate refuse collection machinery or loaders, unless otherwise set forth in any refuse collection contract with the City.

- b. Operate construction machinery for the erection, demolition, excavation, alteration or repair of any building, structure, roadway or parking lot unless otherwise permitted by the City, excepting public utility repairs during emergencies.
- c. Operate or use any sound amplification device.
- d. Operate industrial machinery.
- e. Operate lawn mowers and other gardening or domestic related tools or machinery, out-of-doors.
- f. The ignition of fireworks or any explosive device.

96.4 AMPLIFIED SOUND

It shall be unlawful to operate at anytime any sound amplification device or similar equipment, including musical instruments, so as to create noise which is plainly audible at a distance of one hundred (100) feet from the source by a person of normal hearing.

96.5 AUTOMOBILE SAFETY DEVICES

The use of any device whose purpose is to protect an owner's motorized vehicle through the mechanical creation of a warning or alert noise of sufficient magnitude to be plainly audible at a distance of one hundred (100) feet from its source which does not automatically terminate within five (5) minutes of its activation, shall be unlawful.

96.6 MOTOR VEHICLES/MOTORCYCLES

It shall be unlawful for any person to operate a motor vehicle or motorcycle in the City which has its muffler or exhaust equipment removed, altered or maintained in such a condition as to create loud, unreasonable or excessive noise which is disturbing to the neighborhood. It shall also be unlawful to spin tires, race engine or undertake "jackrabbit" starts which would create loud, unreasonable or excessive noise.

96.7 AMPLIFICATION DEVICES IN MOTOR VEHICLES

It shall be unlawful for any person to operate a sound amplification device or similar equipment which causes loud, unreasonable or excessive noise in or on a motor vehicle while it is either moving or standing within any public rights-of-way of the City.

96.8 AMPLIFICATION DEVICES IN PUBLIC PLACES

It shall be unlawful for any person to operate a sound amplification device or similar equipment which may cause loud, unreasonable or excessive noise on a public rights-of-way or upon or within any public place within the City.

96.9 ANIMALS

It shall be unlawful for any person to own, keep, possess or harbor any dog or other animal or bird which, by frequent or habitual howling, yelping or barking causes loud,

unreasonable or excessive noise which produces an annoying disturbance to any person or neighborhood.

96.10 USE OF SOUND LEVEL METER

Any properly calibrated sound level meter or device complying with the provisions of the American National Standards Institute's specifications for sound level meters may be utilized to determine and verify the sound level in decibels for the purposes set forth herein.

96.11 EXEMPTIONS

The following are exempted from the provisions hereof and shall not constitute loud or excessive noise:

- a. Noise from law enforcement vehicles.
- b. Noise from fire and emergency vehicles.
- c. Noise made where such person has received and maintains a valid permit from the City.
- d. Noise emanating from premises located within the Institutional Zone of the City.

96.12 PERMIT REQUIREMENT

In the event any person desires to utilize any sound amplification device for additional amplification (by way of example, but not limited to, concerts, parades, etc.) or to operate such devices within the restricted hours of operation, such person shall be required to first obtain a permit issued by the City permitting the same to occur.

Applications for such permit shall be made on a form provided by the City and submitted to, reviewed and approved by the city Police Department or Mayor and shall set forth the time duration, location, manner, conditions and additional sound level restrictions on the use of any sound amplification device so granted or approved in addition to the payment of any requisite fee, if assessed.

96.13 ENFORCEMENT

The provisions hereof may be enforced by any police officer or code enforcement officer employed or contracted to enforce the same on behalf of the City.

96.14 PENALTY

Any person who shall violate any of the provisions hereof shall, upon citation, be subject to a civil fine of \$100 for the first violation which shall increase by \$100 for each subsequent violation thereof not to exceed a maximum of \$500.

SECTION II

That this Ordinance shall be signed by the Mayor, attested to by the City Clerk, published and be effective upon publication.

1ST Reading: _____

2nd Reading: _____

MAYOR KATHY ZEMBRODT

ATTEST:

JULIE ALIG, CITY CLERK

Publication:

ORDINANCE NO. 11, 2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PARK HILLS, KENTUCKY, IMPOSING TAXES FOR THE CALENDAR YEAR 2021, AND PROVIDING FOR THE PAYMENT AND COLLECTION OF SUCH TAXES, AND THE PENALTIES AND INTEREST THEREON FOR FAILURE TO PAY SAME

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF PARK HILLS, KENTUCKY, AS FOLLOWS:

SECTION I

The City of Park Hills hereby provides for the assessment of all real and personal property for calendar year 2021. The City elects to use the County assessment prepared by the Kenton County Property Valuation Administrator.

SECTION II

The following ad valorem taxes for the calendar year 2021 are hereby levied, assessed and imposed by and for the City of Park Hills, upon the following described property and the owners thereof, jointly and severally:

- A. An ad valorem tax on real property at the rate of \$.209 Dollars for each One Hundred Dollars (\$100.00) of the value thereof, as assessed pursuant to the provisions hereof. The foregoing rate, however, shall not apply to real property determined to be an Abandoned Urban Property under Ordinance No. 6, 2004. Abandoned Urban Property shall be taxed at the rate of \$.75 Dollars for each One Hundred Dollars (\$100.00) of the value thereof, as assessed pursuant to the provisions hereof.
- B. An ad valorem tax on all motor vehicles assessed as of January 1, 2021, is hereby fixed at the rate of .334 Dollars for each One Hundred Dollars (\$100.00) of the value thereof.
- C. An ad valorem tax on all corporate franchises and personal property other than motor vehicles at the rate of \$.731 Dollars for each One Hundred Dollars (\$100.00) of the value thereof, as assessed pursuant to the provisions hereof. Corporate franchises shall be assessed and returned according to Kentucky law.
- D. A road tax on all real property at the rate of \$.155 Dollars for each One Hundred Dollars (\$100.00) of the value thereof, as assessed pursuant to the provisions hereof.

SECTION III

The procedures set forth in Sections 33.010, 33.011, and 33.012 of the Park Hills Code of Ordinance shall govern the collection of the ad valorem taxes levied pursuant to this Ordinance.

SECTION IV

The tax as provided herein, shall be payable to the City Clerk/Treasurer between the dates of September 1, 2021 and September 30, 2021.

The City has a lien upon the property assessed under the terms of this chapter for the taxes levied upon that property, and for all penalties, interest, fees, commissions, charges, and other expenses, including court costs and attorney's fees as an additional penalty under KRS §90A.070(2), incurred by reason of delinquency in payment of the tax bill or in the process of collecting it. The lien has priority over all other obligations or liabilities for which the property is liable.

SECTION V

Any and all persons, corporations, companies or other legal entities failing to pay said taxes during the period set forth above, shall be assessed a penalty on the amount of the taxes in an amount equal to ten percent (10%) between October 1 and October 31, 2021; and an amount equal to twenty-five percent (25%) after October 31, 2021, together with interest at the rate of twelve percent (12%) *per annum* from due date, and the costs of collection including reasonable attorney fees, court costs and related expenses.

SECTION VI

Any and all ordinances in conflict herewith shall be, and hereby are, repealed to the extent of said conflict.

SECTION VII

If any part of this ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this ordinance are severable.

SECTION VIII

That this ordinance shall be signed by the Mayor, attested to by the City Clerk, be published and effective upon publication.

CITY OF PARK HILLS, KENTUCKY

By: _____
Kathy Zembrodt, Mayor

ATTEST:

Julie Alig, City Clerk

FIRST READING: August 9, 2021

SECOND READING: August 23, 2021

PUBLICATION: _____

ORDINANCE NO. 12, 2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PARK HILLS, KENTUCKY AMENDING ARTICLE X, SECTION 10.9 A. OF THE OFFICIAL ZONING CODE TO INCLUDE LIQUOR, MALT BEVERAGE AND WINE STORES, EXCLUDING DRIVE-THRUS, AS A PERMITTED USE WITHIN THE HC (HIGHWAY COMMERCIAL) ZONE

WHEREAS, the Council of the City of Park Hills, Kentucky, having considered a request to include liquor, malt beverage and wine stores, excluding drive-thrus, as a permitted use within the HC (Highway Commercial) Zone, thus requiring a zoning text amendment to allow the same be adopted; and,

WHEREAS, as a result thereof, the City of Park Hills, Kentucky submitted its authorized request and application to Planning and Development Services of Kenton County, Kentucky (PDS) for review, approval and incorporation of the same into its Official Zoning Code; and,

WHEREAS, PDS, upon application for the text amendment, held a public hearing upon such request, after giving notice as required by KRS Chapter 424, on August 5, 2021, Number PC2107-0001; and,

WHEREAS, PDS reviewed the application and voted to approve the request and made recommendation to the Council of the City of Park Hills, Kentucky to approve the requested text amendment; and,

WHEREAS, the Council of the City of Park Hills, Kentucky agreeing with the recommendation of PDS,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PARK HILLS, KENTUCKY, as follows:

SECTION I

That Article X, Section 10.9 A. of the Official Zoning Code of the City of Park Hills, Kentucky, adopted and incorporated by reference in Section 150.01 of the Code of Ordinances, shall be and is hereby amended to read, as follows:

ARTICLE X
ZONES

SECTION 10.9 HC (HIGHWAY COMMERCIAL) ZONE

A. PERMITTED USES

15. Liquor, malt beverage and wine stores, excluding drive-thrus.

SECTION II

That this Ordinance shall be signed by the Mayor, attested to by the City Clerk, recorded, published and effective upon publication.

PASSED: First reading: _____

PASSED: Second reading: _____

KATHY ZEMBRODT, MAYOR

ATTEST:

JULIE ALIG
City Clerk