

AN ORDINANCE OF THE CITY OF VILLA HILLS, IN KENTON COUNTY, KENTUCKY, AMENDING CHAPTER 33 OF THE CITY'S MUNICIPAL CODE OF ORDINANCES BY REPEALING SECTIONS 33.40 THROUGH 33.45 REGARDING VEHICLE LICENSE FEES AND AMENDING SECTIONS 33.99 AND 33.990 TO CONFORM.

WHEREAS The City of Villa Hills created a sunset provision for the Vehicle License fee effective December 31, 2014; and

WHEREAS the collection of delinquent Vehicle License fees was terminated by the city in July of 2018 and the third-party collection agency returned all uncollected cases to the city by September of 2018; and

WHEREAS the references to the Vehicle License Fee are no longer needed in the City Code of Ordinances;

BE IT ORDAINED BY THE CITY OF VILLA HILLS, KENTUCKY:

SECTION I: Sections 33.40-33.45 of the City's Code of Ordinances are hereby repealed:

~~§ 33.40 LICENSE REQUIREMENT.~~

~~From January 1, 2008 to December 31, 2014, it is unlawful for any person, individual, firm, company, or corporation, residing or located within the city, to keep or regularly use or operate any automobile, motorcycle, truck or other such motor vehicle covered by the provisions of §§ 33.40 through 33.990 of the City of Villa Hills Municipal Code of Ordinances upon the streets, alleys and ways within the limits of the city, other than continuous and nonstop operation through the city, without first having obtained a city license to keep, or regularly use or operate the motor vehicle within the city, and paid the necessary license fee therefor, as hereinafter provided. Any person, individual, firm, company, or corporation owning, leasing (as lessee), keeping, or regularly operating or using a motor vehicle which comes under the licensing provisions of this subchapter shall be required to secure the license required by this subchapter within thirty (30) days after the date the motor vehicle first comes under the licensing provisions, and annually thereafter during the month of January. If the license is not obtained within that time, it shall be considered delinquent, and there shall be added a penalty as set out in § 33.42, and/or fines as set out in § 33.99 and/or § 33.990.~~

~~§ 33.41 ISSUANCE OF LICENSE; USE OF FUNDS.~~

~~(A) During January of every year beginning in the year 2008, and within thirty (30) days after the motor vehicle is brought into the City of Villa Hills, each and every person, individual, firm, company, or corporation owning, leasing (as lessee), keeping, or regularly operating or using a motor vehicle registered in the Commonwealth of Kentucky or elsewhere at an address in the City of Villa Hills, Kentucky, who is required by the terms of § 33.40 to secure a city license therefor, shall make payment to the Kenton County Clerk as an agent of the City of Villa Hills and obtain the City of Villa Hills Motor Vehicle License at the time that the state registration and/or license is obtained or renewed with the Kenton County Clerk. The Villa Hills City Clerk may collect the payment and issue the city license for any vehicle for which the~~

~~Kenton County Clerk has not done so, or for any city vehicle license which has become delinquent.~~

~~(B) All license fees imposed, levied, and collected for the operation of motor vehicles, under the provisions of this subchapter, shall be used for the purpose of expenses and construction, repair, and maintenance of city roadways and streets and related uses with the same restrictions as those imposed on the use of Kentucky Municipal Road Aid Funds, and for administering and enforcing the motor vehicle license fee.~~

~~(C) The license shall be valid for the calendar year in which the license is issued.~~

~~§ 33.42 AMOUNT OF FEE.~~

~~The annual license fee required to be paid hereunder shall be forty dollars (\$40) for each automobile, motorcycle, truck, or other such motor vehicle. If a motor vehicle for which an annual license fee has been paid is replaced by a different motor vehicle during a license year, then the city license sticker for the replacement vehicle shall be issued by the city upon the payment of a one dollar (\$1) administrative fee. Any person who qualifies for a Homestead Exemption pursuant to § 170 of the Kentucky Constitution and KRS 132.810 may apply for and receive a twenty dollar (\$20) discount for one (1) motor vehicle subject to this license requirement, with a limit of two (2) discounted vehicles per household.~~

~~§ 33.43 DELINQUENCY.~~

~~(A) Any and all persons, individuals, firms, companies, or corporations paying or offering to pay such license fee after the same shall become delinquent and shall pay a penalty thereon of ten dollars (\$10) per month or part thereof that the delinquency continues, until all amounts due are paid.~~

~~(B) The City Attorney is hereby authorized, as an alternative method of collecting delinquent motor vehicle license fees (in addition to the provisions of §§ 33.99 and 33.990 of this code of ordinances), to file suit and obtain judgment in the courts of appropriate jurisdiction. Any such suit shall include collection of all owed motor vehicle license fees (past and present) together with any additional amounts thereon, plus interest at the rate of six percent (6%) per annum from the date due until judgment, and judgment interest thereafter, plus any delinquencies, fines, court costs and costs of collection, including the city's attorney fees.~~

~~§ 33.44 POSSESSION OF LICENSE CONCLUDES OWNERSHIP; REGULAR USE REQUIRES LICENSE.~~

~~Possession of any state license or license tags, lease, or other document entitling the vehicle user to possession thereof shall be conclusive evidence of the ownership and/or possession and operation of any motor vehicle under the provisions of this subchapter. Any motor vehicle kept, used or operated within the City of Villa Hills at least once a week ("regular use") shall be subject to the license requirement herein. "Take-home" vehicles owned by a person's employer or company, or used in conjunction with his or her business or employment at least once a week within the City of Villa Hills shall be subject to the license requirement herein. Provided, however, that any police, fire or any other city or government-owned vehicle, and the vehicle(s) of active duty service personnel of the United States Military, National Guard and Reserves, shall not be subject to the license requirement herein.~~

~~§ 33.44 POSSESSION OF LICENSE CONCLUDES OWNERSHIP; REGULAR USE REQUIRES LICENSE.~~

~~Possession of any state license or license tags, lease, or other document entitling the vehicle user to possession thereof shall be conclusive evidence of the ownership and/or possession and operation of any motor vehicle under the provisions of this subchapter. Any motor vehicle kept, used or operated within the City of Villa Hills at least once a week ("regular use") shall be subject to the license requirement herein. "Take-home" vehicles owned by a person's employer~~

or company, or used in conjunction with his or her business or employment at least once a week within the City of Villa Hills shall be subject to the license requirement herein. Provided, however, that any police, fire or any other city or government owned vehicle, and the vehicle(s) of active duty service personnel of the United States Military, National Guard and Reserves, shall not be subject to the license requirement herein.

§ 33.45 FEE FOR STREET USAGE.

The license fee provided for herein for the privilege of using the streets of the City of Villa Hills, Kentucky, and the issuance of a license hereunder shall not be construed to exempt the holder thereof from the obligation of compliance with any and all other ordinances of the city or the laws of the State of Kentucky or of the United States of America.]

SECTION II: Sections 33.99 and 33.990 of the City's Code of Ordinances are hereby amended as follows:

§ 33.99 PENALTIES AND VIOLATIONS.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

~~[(B) Any person, individual, firm, company, or corporation violating the provisions of §§ 33.40et seq. shall be fined in the amount of seventy five (\$75) upon citation for failure to secure the license when due and upon the finding of guilt, and the fine shall be doubled if the fine is not paid and the license obtained within five (5) working days from the date the citation is issued. This fine is to be in addition to the penalty set forth in § 33.43.~~

~~-(C) A Police Officer, or Citation or Codes Enforcement Officer, may (but shall not be required to) issue a warning, and give the offender ten (10) days within which to obtain a city motor vehicle license.]~~

§ 33.990 VIOLATIONS CLASSIFIED AS CIVIL OFFENSES WITH CIVIL FINES FOR VIOLATIONS.

(A) [Any violation of a provision contained in §§ 33.40et seq. of the city's Municipal Code of Ordinances is hereby classified as a civil offense, pursuant to KRS 65.8808 and Ch. 32; and such classification is intended, and shall be construed, to provide an additional or supplemental means of obtaining compliance with §§ 33.40et seq. of the city's Municipal Code of Ordinances, and nothing contained herein, or in Ch. 32, shall prohibit the enforcement of §§ 33.40et seq. by any other means authorized by law.

~~-(B) If a citation for a violation of a provision of §§ 33.40et seq. is not contested by the person charged with the violation, the civil fine to be imposed shall be seventy five dollars (\$75) for the first offense, one hundred and fifty dollars (\$150) for the second offense and two hundred and fifty dollars (\$250) for the third, and thereafter, offense.~~

~~-(C)] If a citation is requested and a hearing before the Code Enforcement Board is required, the maximum civil fine which may be imposed at the discretion of the Board shall be from twenty dollars (\$20) to two hundred dollars (\$200) for the first offense; from sixty dollars (\$60) to six hundred dollars (\$600) for the second offense; and from one hundred and eighty dollars (\$180) to one thousand eight hundred dollars (\$1,800) for the third, and thereafter, offense.~~

~~[(D)]B Each provision [of §§ 33.40et seq.] violated shall be considered a separate fineable offense.~~

(1) If two (2) or more provisions [of §§ 33.40et seq.] are violated, the fines shall be cumulative and be enforced under the same citation.

(2) Each day a violation exists shall be considered a separate offense without the requirement to issue a separate citation.

SECTION III

Any and all Ordinances in conflict with this Ordinance shall be, and hereby are, repealed to the extent of said conflict.

SECTION IV

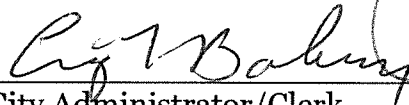
This Ordinance shall take effect and be in full force from and after its passage, publication, which may be in summary form, and recording, according to law.

Passed by the City Council this 18th day of March 2020

City of Villa Hills, Kentucky
A Municipal Corporation of the Home Rule Class



Heather H. Jansen, Mayor

Attest: 
City Administrator/Clerk

Sponsor: Thompson

First Reading: March 11, 2020

Second Reading: March 18, 2020

Ayes: Baehner, Cahill, Ringo, Thompson, Wadsworth

Nays: none

Abstain: none

Absent: Stover

Published: 03/23/2020