

AN ORDINANCE AMENDING, REPEALING, OR READOPTING ORDINANCES 2-1982, 10-1994, 9-1999, 3-2004, 2014-6, 2014-7 AND VARIOUS SECTIONS OF THE VILLA HILLS CODE OF ORDINANCES TO RE-ESTABLISH THE CITY OFFICES OF A FULL-TIME CITY CLERK AND FULL-TIME CITY ADMINISTRATOR FOR THE CITY OF VILLA HILLS, KENTUCKY PURSUANT TO KRS 83A.085 AND KRS 83A.090.

WHEREAS KRS 83A.085 requires that the original ordinance establishing the position of City Clerk be amended should the office be combined with another office or separated from a combined position; and

WHEREAS KRS 83A.090 allows for the Office of City Administrative Officer, and

WHEREAS the City of Villa Hills, having previously combined the positions of City Administrator and City Clerk, desires to have the positions of City Clerk and City Administrator separated in order to reflect the distribution of job duties as practiced by the City;

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

SECTION I Ordinance 2-1982, as amended by Ordinance 2014-7, is amended as follows:

SECTION I

That the office of full-time City [Administrator/]Clerk is hereby established. The City [Administrator/]Clerk shall take the constitutional oath of office within thirty (30) days of receiving the notice of appointment. The City [Administrator/]Clerk shall have had prior experience [managing municipal projects, including, without limitation, supervisory experience and budgetary oversight] and other requirements outlined by the approved job description for the position.

SECTION II

The City [Administrator/]Clerk shall be an officer of the city and his or her duties shall include:

- (1) ~~[Advise the executive authority of the city in policy formulation on overall problems of the city;~~
- (2) ~~Have major responsibility for preparation and administration of operating and capital improvement budgets under direction of the executive authority;~~
- (3) ~~Advise the executive authority of the city in the appointment of subordinate administrative personnel if not delegated appointment authority by appropriate order; and~~
- (4) ~~Have continuing direct relationships with operating department heads on implementation and administration of programs.~~
- (5) Attendance at all City Council meetings and taking and recording the minutes thereof;
- (6) Preparation and handling of the official correspondence of the city as requested by Council;
- (7) Preparation of annual property tax bills;
- (8) ~~Administration and collection of occupational taxes and license fees;~~
- (9) Preservation and safekeeping of the city's public records, including minute books,

ordinances, contracts, and other public archives;
([10]5) Perform the duties required of the official custodian pursuant to the Open Records Law;
([11]6) Publication of all ordinances when enacted;
([12]7) Preparation and advertising of bids required by Council;
([13]8) Supervising the use of the municipal building and maintaining regular office hours at that building; and
([14]9) Performing all duties required by KRS 83A-[090, KRS 83A.]085 and other applicable statutes, and other necessary and customary duties as the Mayor and Council may direct from time to time and shall have the same powers as the executive authority in carrying out such duties.

SECTION III

The compensation, hours, and benefits of the City [Administrator/]Clerk [may be set by contract, otherwise they] shall be the same as provided to regular employees pursuant to the City's personnel policies and compensation and classification plan.

SECTION III Ordinances 9-1999, 3-2004, and 2014-6 are repealed effective the date of this ordinance and Ordinance 10-1994 is readopted and amended as follows:

SECTION I

There is hereby established the office of fulltime City Administrator (KRS 83A.090).

SECTION II

(Two-Year term, section not readopted, conflicts with KRS 83A.010(10))

SECTION III

The City Administrator shall be an officer of the city and his or her duties shall include:

- A. **Advise the executive authority of the city in policy formulation on overall problems of the city;**
- B. **Have major responsibility for preparation and administration of operating and capital improvement budgets under direction of the executive authority;**
- C. **Advise the executive authority of the city in the appointment of subordinate administrative personnel if not delegated appointment authority by appropriate order;**
- D. **Have continuing direct relationships with operating department heads on implementation and administration of programs;**
- E. **Administration and collection of occupational taxes and license fees or oversight thereof if delegated to another agency;**
- F. **Oversight of the administration of zoning, housing and building regulations as required and authorized by KRS 100.271;**
- G. **Oversight of grant writing, administration, and reporting;**
- H. **Serve and perform the duties of Personnel Administrator according to the Villa Hills Personnel Policies;**
- I. **Advise and oversee economic development activities of the city, including acting as the Agency of any Local Development Area Agreements;**

- J. Represent the Mayor and or the City on or before regional boards, committees, and commissions to promote the interests of the City of Villa Hills;
- K. Serve as the delegated executive officer of the City in the absence or incapacitation of the Mayor pursuant to KRS 83A.130(7) unless the Mayor delegates this function to another non-elected City officer or employee by executive order;
- L. Serve as the Alcohol Beverage Control Officer for the City and;
- M. Performing all duties required by KRS 83A.090 and other applicable statutes, and other necessary and customary duties as the Mayor and Council may direct from time to time and shall have the same powers as the executive authority in carrying out such duties.

SECTION IV

The compensation, hours, and benefits of the City Administrator may be set by contract, otherwise they shall be the same as provided to regular employees pursuant to the city's personnel policies and compensation and classification plan.

SECTION V

The City Administrator shall take the Constitutional Oath of Office within thirty (30) days of receiving the notice of appointment.

SECTION IV Various sections of the Villa Hills Code of Ordinances are amended as follows:

CHAPTER 30: MAYOR AND CITY COUNCIL

§ 30.17 PROMULGATION OF ADMINISTRATIVE PROCEDURES.

Subject to disapproval of the Council, the Mayor shall promulgate procedures to ensure orderly administration of the functions of city government and compliance with statute or ordinance. Upon promulgation or upon revision or rescission of the procedures, copies shall be filed with the City [Administrator/]Clerk.

§ 30.20 DELEGATION OF DUTIES BY EXECUTIVE ORDER.

Any delegation of the Mayor's power, duties, or responsibilities to subordinate officers and employees and any expression of his or her official authority to fulfill executive functions shall be made by executive order. Executive orders shall be sequentially numbered by years and shall be kept in a permanent file by the City [Administrator/]Clerk.

§ 30.23 APPOINTMENT OF CITY EMPLOYEES.

(B) If a city employee has been terminated or has been subjected to serious disciplinary action (disciplinary action that constitutes at least one (1) day of suspension without pay), the employee may file a Request for a Hearing in the office of the City [Administrator/]Clerk. This request must be submitted within ten (10) days after the termination or disciplinary action.

§ 30.66 PROVED BY CITY [ADMINISTRATOR/]CLERK; RECEIVED IN EVIDENCE.

All ordinances and orders of the city may be proved by the signature of the City [Administrator/]Clerk, and when the ordinances are placed in this code of ordinances by authority of the city, the printed copy shall be received in evidence by any state court without further proof of the ordinances.

CHAPTER 31: CITY OFFICIALS

§ 31.05 NONELECTED OFFICERS; APPOINTMENT AND REMOVAL.

(D) If a nonelected city officer has been terminated or has been subjected to serious disciplinary action (disciplinary action that constitutes at least one (1) day's suspension without pay), the officer may file a Request for a Hearing in the office of the City [Administrator/]Clerk. This request must be submitted within ten (10) days after the termination or disciplinary action.

§ 31.20 CITYADMINISTRATOR[/CLERK].

(A) The office of full-time City Administrator[/Clerk] is hereby established. The City Administrator[/Clerk] shall take the constitutional oath of office within thirty (30) days of receiving the notice of appointment. The City Administrator[/Clerk] shall have had prior experience managing municipal projects, including, without limitation, supervisory experience and budgetary oversight and other requirements outlined by the approved job description for the position.

(B) The City Administrator[/Clerk] shall be an officer of the city and his or her duties shall include:

- (1) Advise the executive authority of the city in policy formulation on overall problems of the city;
- (2) Have major responsibility for preparation and administration of operating and capital improvement budgets under direction of the executive authority;
- (3) Advise the executive authority of the city in the appointment of subordinate administrative personnel if not delegated appointment authority by appropriate order;
- (4) Have continuing direct relationships with operating department heads on implementation and administration of programs;
- (5) ~~[Attendance at all City Council meetings and taking and recording the minutes thereof]~~
Administration and collection of occupational taxes and license fees or oversight thereof if delegated to another agency;
- (6) ~~[Preparation and handling of the official correspondence of the city as requested by Council]~~
Oversight of the administration of zoning, housing and building regulations as required and authorized by KRS 100.271;
- (7) ~~[Preparation of annual property tax bills]~~ **Oversight of grant writing, administration, and reporting;**
- (8) ~~[Administration and collection of occupational taxes and license fees]~~ **Serve and perform the duties of Personnel Administrator according to the Villa Hills Personnel Policies;**

- (9) ~~[Preservation and safekeeping of the city's public records, including minute books, ordinances, contracts, and other public archives]~~ Advise and oversee economic development activities of the city, including acting as the Agency of any Local Development Area Agreements;
- (10) ~~[Perform the duties required of the official custodian pursuant to the Open Records Law]~~ Represent the Mayor and or the City on or before regional boards, committees, and commissions to promote the interests of the City of Villa Hills;
- (11) ~~[Publication of all ordinances when enacted]~~ Serve as the delegated executive officer of the City in the absence or incapacitation of the Mayor pursuant to KRS 83A.130(7) unless the Mayor delegates this function to another non-elected City officer or employee by executive order;
- (12) ~~[Preparation and advertising of bids required by Council;]~~ Serve as the Alcohol Beverage Control Officer for the City; and;
- (13) ~~[Supervising the use of the municipal building and maintaining regular office hours at that building; and]~~
- (14) Performing all duties required by KRS 83A.090~~[, KRS 83A.085]~~ and other applicable statutes, and other necessary and customary duties as the Mayor and Council may direct from time to time and shall have the same powers as the executive authority in carrying out such duties.

(C) The compensation, hours, and benefits of the City Administrator~~[Clerk]~~ may be set by contract, otherwise they shall be the same as provided to regular employees pursuant to the city's personnel policies and compensation and classification plan.

§ 31.21 ~~[(RESERVED)-]~~ CITY CLERK

(A) That the office of full-time City Clerk is hereby established. The City Clerk shall take the constitutional oath of office within thirty (30) days of receiving the notice of appointment. The City Clerk shall have had prior experience and other requirements outlined by the approved job description for the position.

(B) The City Clerk shall be an officer of the city and his or her duties shall include:

- (1) Attendance at all City Council meetings and taking and recording the minutes thereof;
- (2) Preparation and handling of the official correspondence of the city as requested by Council;
- (3) Preparation of annual property tax bills;
- (4) Preservation and safekeeping of the city's public records, including minute books, ordinances, contracts, and other public archives;
- (5) Perform the duties required of the official custodian pursuant to the Open Records Law;
- (6) Publication of all ordinances when enacted;
- (7) Preparation and advertising of bids required by Council;
- (8) Supervising the use of the municipal building and maintaining regular office hours at that building; and

(9) Performing all duties required by KRS 83A.085 and other applicable statutes, and other necessary and customary duties as the Mayor and Council may direct from time to time and shall have the same powers as the executive authority in carrying out such duties.

(C) The compensation, hours, and benefits of the City Clerk shall be the same as provided to regular employees pursuant to the City's personnel policies and compensation and classification plan.

CHAPTER 32: CITY BOARDS AND COMMISSIONS

JOINT CODE ENFORCEMENT BOARD

§ 32.02 CREATION AND MEMBERSHIP.

(J) A copy of the governing Interlocal Agreement shall be maintained in the Office of the City Clerk for inspection by the public.

CHAPTER 33: REVENUE AND FINANCE

§ 33.41 ISSUANCE OF LICENSE; USE OF FUNDS.

(A) During January of every year beginning in the year 2008, and **ending December 31, 2014** 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 ~~Administrator~~ 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.

CHAPTER 34: PERSONNEL

§ 34.02 PERSONNEL POLICIES AND PROCEDURES HANDBOOK OF THE CITY OF VILLA HILLS ADOPTED.

(2) Any personnel policy and/or procedure, or any replacement, addition, rescission or amendment thereto, which is promulgated under this procedure shall be included in the *Personnel Policies and Procedures Handbook of the City of Villa Hills*, and shall be filed with the City ~~Administrator~~ Clerk.

CHAPTER 35: AD VALOREM TAXATION

§ 35.03 PAYMENT OF TAX; DELINQUENCY, PENALTY, AND LIEN.

(A) This tax shall be levied on all real property, including land and improvements and all personal tangible property, including but not limited to property contemplated in Chapter 136 of the Kentucky Revised Statutes, within the city on the first of January of each year. The taxes shall be paid to the City ~~[Administrator/]~~Clerk on October 1 of each year.

(B) All taxes remaining unpaid on November 30 of each year shall be deemed delinquent, and returned to the City ~~[Administrator/]~~Clerk, who shall thereupon proceed to attach to each tax bill a penalty of fifteen percent (15%) on the unpaid taxes, and interest at the rate of six percent (6%) per annum from the date due until paid, plus the cost of collection including court costs and a reasonable fee to the City Attorney.

§ 35.20 ABANDONED URBAN PROPERTIES TAX.

(D) Prior to November 30 of each year, the city shall determine which properties in the city are abandoned urban properties and shall prepare and furnish a list of abandoned urban properties located in the city to the City ~~[Administrator/]~~Clerk and to the Kenton County Property Valuation Administrator.

(F) If the owner repairs, rehabilitates or otherwise returns the property to productive use, he or she shall notify the city to reevaluate whether the property meets the definition of abandoned urban property for the following tax year. If the city finds that the property no longer meets the definition of abandoned urban property, it shall notify the ~~[Administrator/]~~Clerk and the Kenton County Property Valuation Administrator to strike the property from the list of abandoned properties for the following tax year.

CHAPTER 50: GARBAGE

§ 50.16 STATEMENT OF ASSESSMENT.

The City ~~[Administrator/]~~Clerk is directed to annually prepare and forward a statement of the waste collection assessment to every owner of the residential unit subject to the assessment. The statement shall provide information regarding the amount of the assessment, the date when the assessment shall be due, the date when the assessment shall be deemed delinquent, and the penalties and interest to be imposed on delinquent payment. The waste collection assessment shall be charged to the property owner of record who shall be responsible for payment. The statement of the waste collection assessment shall be included on the annual ad valorem tax bill for the property.

§ 50.17 DUE DATE; DELINQUENCY.

(C) For the purpose of determining if a payment is made on-time, the City ~~[Administrator/]~~Clerk is authorized to accept a postmark no later than November 30th or the next business day if said date falls on a weekend or a holiday and any payment received in the drop box no later than the regular opening of the City Clerk's office on the first business day following November 30th as proof of on-time payment.

CHAPTER 51: ENCROACHMENTS

§ 51.05 REQUIRING REPAIRS AND RESTORATION OF ALL CUTS OR ALTERATIONS TO SATISFACTION OF THE CITY ENGINEER OR MAYOR'S DESIGNEE.

(D) Waivers to this section or any of its requirements, or waivers with conditions, may be granted by the city engineer, or the Mayor's designee, upon the recommendation and advice of the city engineer, who shall consider the following in determining whether to grant such waiver; (i) the amount of time that will lapse prior to the next repair or replacement of the street segment in question by the city; (ii) whether the city engineer believes or has issued an opinion regarding whether the waiver will not the shortening of the lifespan of the street segment in question or otherwise cause harm to the city; (iii) whether unique topography or engineering factors justify the granting of the waiver; (iv) the furtherance of the goals of this chapter are met through the granting of a waiver, including whether the repair or replacement of the street was foreseeable by the utility company during the last road reconstruction or repair by the city; and (v) the hardship to the applicant in light of the goals of this chapter. No waivers may be granted until the city engineer is consulted and renders an opinion. Requests for waivers shall be in writing and delivered to the City Clerk and shall be submitted, except in cases of emergency, prior to the encroachment into the surface, sub-grade, or other portion of any city street, curb or sidewalk. Any appeals to waiver determinations shall be made to the Mayor, by delivering a notice of appeal to the City Clerk, in writing, within seven (7) calendar days of the original determination; the Mayor shall hold a hearing on the appeal within thirty (30) days of the city's receipt of the appeal and issue a decision thereon within seven (7) days of the hearing. Further appeal may be had to the Circuit Court, by filing a notice of appeal and complaint within fourteen (14) days after the Mayor's determination, which shall be limited to a review of the record before the Mayor and a determination as to whether the Mayor abused his or her discretion and acted arbitrary and capricious.

§ 51.06 FEES FOR INSPECTION TIME.

The permit holder shall pay to the City ~~[Administrator/]~~Clerk a flat fee of one hundred dollars (\$100) for each inspection required by this chapter.

§ 51.08 PENALTIES; REMEDIAL ORDERS; REFUSAL TO ISSUE PERMIT; APPEALS THEREFROM.

(D) Any person, entity, or utility aggrieved by the issuance of a citation, remedial order, cease and desist order, or a refusal to issue a permit may request a hearing before the Mayor or his designee. A request for a hearing must be submitted to the City Clerk within thirty (30) days of receiving a notice of refusal from the city.

CHAPTER 74: TRAFFIC RULES, PARKING AND SCHEDULES

§ 74.26 HANDICAPPED PARKING SPACES.

The Villa Hills Chief of Police is hereby authorized to designate one (1) parking space abutting the residence of a handicapped person, as defined by state law, as a handicapped parking space, said space to remain in place until the Chief of Police has declared such parking space is no longer needed. A list of all active designated parking spaces shall be maintained in the Office of the City ~~[Administrator/]~~Clerk. The appropriate sign may be placed and the appropriate curb marking may be made designating such space as a handicapped parking space.

CHAPTER 90: ANIMALS

§ 90.02 LICENSES AND REGULATIONS REQUIRED; ANTIRABIC PROVISIONS.

(B) Dog and cat licenses shall be issued by the City [~~Administrator~~]Clerk upon payment of a license fee of five dollars (\$5) per annum, and with a presentation by the proposed licensee of a rabies vaccination tag from a licensed veterinarian or a receipt showing serum purchase and what dogs were so inoculated with the serum.

(D) Upon receipt of the properly executed application, and payment of the license fee, the City [~~Administrator~~]Clerk shall issue to the owner a license certificate and a metallic tag for each dog or cat so licensed.

(G) In case a dog or cat tag is lost, stolen, or destroyed, a duplicate or substitute will be issued by the City [~~Administrator~~]Clerk upon presentation of the receipt or registration showing payment of the license fee for the current year and the payment of fifty cents (\$.50) for each duplicate or substitute tag.

(Q) Any private citizen may inoculate his or her own dog or cat provided that at the time of registration he or she produces to the City [~~Administrator~~]Clerk a copy of the receipt of where the serum was purchased, date of purchase, and what dogs or cats were inoculated. Failure to provide the information shall be prima facie proof that the papers do not exist and constitute sufficient reason to refuse issuance of the city licenses for a dog or cat. The inoculation papers must be retained and held by the owners, to be produced if a demand is made by any police official or other empowered officials of the City of Villa Hills, and if the papers cannot be produced it shall be deemed prima facie evidence that they do not exist and subject the dog or cat owner to the penalty provisions in § 90.99.

CHAPTER 92: NUISANCES

§ 92.14 SUSPENSION OF LICENSE.

(B) The City Administrator[~~Clerk~~ or Code Enforcement Officer or city designate shall cause a notice of the suspension to be served personally upon the licensee, or upon any responsible agent of the licensee, at the premises where the licensed business or activity is being conducted. The notice shall clearly inform the licensee of the reason for the suspension, and the conditions that must be met for the suspension to be removed.

CHAPTER 94: ZERO KNOCK POLICY

§ 94.01 ZERO KNOCK LIST; REGISTRATION; AVAILABILITY OF INFORMATION ON LIST.

(A) Any person may apply to the City [~~Administrator~~]Clerk in order to have his or her residential address listed on the zero knock list, which shall be maintained by the City [~~Administrator~~]Clerk.

(B) The City ~~[Administrator/]~~Clerk may update the information on the list, but shall not remove the information unless requested to do so in writing by the applicant, or upon receiving notice that the given residential address is no longer held in the name of the applicant.

§ 94.02 PROHIBITED HOME SOLICITATION ACTS AND PRACTICES.

(A) Any person, company, firm, corporation, or other entity is prohibited from making or causing to be made any unsolicited visit or call upon any residence in the city to peddle, sell, vend, solicit, promote, dispense, distribute, or otherwise convey any items or merchandise or offer to do any of the above acts at any residential address which appears in the current publication of the zero knock list maintained by the City ~~[Administrator/]~~Clerk. Any occupier of a residence in the city may notify the city and be placed on its zero knock list, indicating the wish to not receive unsolicited home visits or calls by notification to the City ~~[Administrator/]~~Clerk.

CHAPTER 111: BUSINESS LICENSES AND OCCUPATIONAL LICENSE TAX AND FEES

§ 111.03 BUSINESS REGULATIONS.

(A) *Requirements.* Anybody who is engaged in any franchise, trade, occupation, profession or other business in the city, other than those who are only so engaged as employees, shall obtain an annual Business Regulatory License for that franchise, trade, occupation, profession or other business; and pay to the city a Business Regulatory License fee in the amount of either fifty dollars (\$50) or that part of a multi-jurisdictional occupational permit fee, collected by Kenton County and proportionally allocated to the city, pursuant to the provisions of an interlocal agreement between the city and Kenton County and some other cities therein, for a single multi-jurisdictional annual occupational permit fee of two hundred twenty-five dollars (\$225), which the Mayor is hereby authorized and directed to sign on behalf of the city.

(B) *Prohibitions.* Nobody, other than those who are only engaged as employees in the city, shall conspire, cause, permit, promote, allow, aid, assist, encourage or engage in any franchise, trade, occupation, profession or other business in the city for which the annual Business Regulatory License required hereby has not been issued.

(C) *Form and content of annual Business Regulatory License and application.* The form and content of the annual Business Regulatory License required by this chapter and the application for it shall be determined by the City Administrator~~/Clerk~~; provided, however, that the application shall include:

(16) Such additional information that the City Administrator~~/Clerk~~ determines to be reasonably necessary.

(D) *Application process.*

(2) *Payment of fees.* Each application for an annual Business Regulatory License required by this chapter shall be presented to the City Administrator~~/Clerk~~, or any designee thereof, along with both the Business Regulatory License fee and any Occupational License Fee that is due from the applicant. No application for a Business Regulatory License shall be accepted or received by the City

Administrator~~/Clerk~~] without payment of the Business Regulatory License fee and any Occupational License Fee due from the applicant.

(3) *Review of applications.* Each application for an annual Business Regulatory License required by this chapter that is received and accepted by the City Administrator~~/Clerk~~ or Tax Collector shall be reviewed according to the following standards within thirty (30) days after the receipt and acceptance thereof.

(a) When the applicant, or employees of the applicant, are required to have any license, permit, degree, certification or other similar document pursuant to the provision of any applicable law for the conduct of or employment in the business which is the subject of the application; the license, permit, degree, certification or other similar document shall have been duly issued to the applicant or employees of the applicant prior to the issuance of the Business Regulatory License. Documentary evidence of the issuance satisfactory to the City Administrator~~/Clerk~~] shall be provided by the applicant.

(b) The criminal record of the persons named or identified in the application shall be considered to the extent such record includes conviction of a felony, a misdemeanor for which imprisonment or other confinement was a possible penalty, any other crime in which moral turpitude was involved; or any other crime which was directly related to a business of the type which is the subject of the application. In determining if a conviction was directly related to a business, the City Administrator~~/Clerk~~] shall consider:

1. The nature and seriousness of the crime for which the person was convicted.
2. The relationship of the crime to the purpose of the regulation of the business.
3. The relationship of the crime to the ability, capacity and fitness required to perform the duties and discharge the responsibilities of the operation of the business.
4. The extent to which the person convicted has been successfully rehabilitated.

(c) The City Administrator~~/Clerk~~] shall consider whether the business is of a type that the operation, unless closely supervised, has a probability of generating or resulting in criminal activity or adversely affecting the health, safety, morals and welfare of occupants or residents of adjoining property, the citizens and residents of the city, or will constitute a nuisance.

(d) The City Administrator~~/Clerk~~] shall consider the business history of the applicant including:

1. Whether the persons named and identified in the application have been denied or had suspended or revoked a similar license by the City of Villa Hills or any other city, county or state and the reasons therefor; and
2. Whether complaints have been received by the city about the business practices or responsibility of the persons named and identified in the application, and the disposition of those complaints.

(e) The City Administrator~~/Clerk~~] shall consider whether the persons named and identified in the application are indebted to the city for delinquent taxes, assessments, fines or similar obligations.

(f) The City Administrator~~/Clerk~~] shall consider whether the business and the proposed location complies with all applicable laws, including, without limitation, land subdivision and use, zoning, building construction and maintenance, and fire prevention and life safety regulations.

(g) After review of the application in conformity with this chapter, the City Administrator~~[/Clerk]~~ shall notify the Tax Collector, or any designee thereof, of either:

1. The approval of the application; or
2. The approval of the application conditionally; but if the application is approved conditionally, the City Administrator~~[/Clerk]~~ shall determine and require those conditions that are reasonably necessary to accomplish the intent of this chapter, including, without limitation:
 - a. A requirement that the applicant post bond with surety acceptable to the City Administrator~~[/Clerk]~~ in a reasonable amount determined by the City Administrator~~[/Clerk]~~ to ensure compliance;
 - b. A requirement that a debt to the city be paid before a specified date;
 - c. A requirement that the applicant permit periodic inspection of certain parts of the premises or of certain records; and
 - d. A requirement that certain alterations be made in the premises before a specified date; or
3. The disapproval of the application.

(4) *Notice to the applicant.* Unless the Tax Collector receives a written notice from the City Administrator~~[/Clerk]~~, within thirty (30) days after an application for a Business Regulatory License required by this chapter has been accepted by the City Administrator~~[/Clerk]~~ for review pursuant to this chapter, that the application was either conditionally approved or disapproved, the Tax Collector, or the designee thereof, shall issue the Business Regulatory License that is the subject of the application and mail it to the applicant at the address indicated in the application; and, thereafter, the applicant may engage in the franchise, trade, occupation, profession or other business described in the application, but only at the address thereof indicated in the application, until that Business Regulatory License expires or is suspended or revoked according to the provisions of this chapter.

(5) *Conditional approval of application.* In the event that the Tax Collector receives a written notice from the City Administrator~~[/Clerk]~~, within thirty (30) days after an application for a Business Regulatory License required by this chapter has been referred to the City Administrator~~[/Clerk]~~ for review pursuant to this chapter, that the application was conditionally approved, the Tax Collector shall notify the applicant thereof and the reasons therefor identified by the City Administrator~~[/Clerk]~~, by certified mail, return receipt requested, to the address of the applicant indicated in the application, along with a notice that the license will be issued by the Tax Collector only upon receipt by the Tax Collector of a written signed acceptance by the applicant of the conditions to be performed prior to the issuance of the license. The notice shall also state that if the acceptance is not received by the Tax Collector within such time, the application will thereby be disapproved.

(6) *Disapproval of application.* In the event that the Tax Collector receives a written notice from the City Administrator~~[/Clerk]~~, within thirty (30) days after an application for a Business Regulatory License required by this chapter has been referred to the City Administrator~~[/Clerk]~~ for review pursuant to this chapter, that the application was disapproved by the City Administrator~~[/Clerk]~~, the Tax Collector shall notify the applicant of that denial and the reasons therefor identified by the City Administrator~~[/Clerk]~~, by certified mail, return receipt requested, to the address of the applicant indicated in the application, with a refund of any anticipated City Occupational License Fee paid with the application, and a notice of the procedure established in this chapter for an appeal from the denial of that application.

(7) *Business regulatory license revocation or suspension.*

(a) Any Business Regulatory License required by this chapter may be revoked or suspended by the City Administrator~~[/Clerk]~~ for any period of time determined by the City Administrator~~[/Clerk]~~ to be reasonable and appropriate for any of the following reasons; but only after a due process evidentiary hearing in regard thereto, for which a notice has been sent to the licensee at the address indicated in the licensee's application, by certified mail, return receipt requested, at least ten (10) days prior to the hearing:

(E) *Appeals.*

(1) Any conditional approval or disapproval of an application for a Business Regulatory License required by this chapter, or any suspension or revocation of any such license may be appealed to the Mayor of the City of Villa Hills, by filing with the City Administrator~~[/Clerk]~~ within thirty (30) days after the conditional approval, disapproval, revocation or suspension:

(G) *Kenton County Fiscal Court.* The Executive Authority of the city may contract with the Fiscal Court of Kenton County, Kentucky, for the performance of the duties imposed by this chapter on the City Administrator~~[/Clerk]~~ or Tax Collector.

§ 111.04 BUSINESS TAXATION.

(C) *Apportionment of gross receipts.*

(1) The property factor is a fraction, the numerator of which is the average value of the taxpayers real and tangible personal property owned or rented and used in the city during the computation period, and the denominator of which is the average value of all of the taxpayer's real and tangible personal property owned or rented and used anywhere during the computation period. In the determination of the property factor:

(b) The average value of property shall be determined by averaging the values at the beginning and ending of the computation period, but the City Administrator~~[/Clerk]~~ may require the averaging of monthly values during the computation period if reasonably required to reflect properly the average value of the taxpayer's property.

(D) *Administrative provisions.* The provisions of this chapter shall be administered and enforced by the City Administrator~~[/Clerk]~~, who is hereby authorized to promulgate any additional regulations in regard thereto which are not inconsistent with any state statute, or any ordinance of the city, or any executive order of the Mayor.

§ 111.05 COLLECTION.

The Business Regulatory License fees and Occupational License Fees imposed and levied by this chapter shall be received and collected by the City Administrator~~[/Clerk]~~ or by the Fiscal Court of Kenton County, Kentucky, with which the Executive Authority of the city is hereby authorized to contract for those services.

CHAPTER 131: CURFEW FOR MINORS

§ 131.04 APPEALS.

(A) Appeals of citations issued for violations of § 131.03 shall be made in writing to the Mayor within thirty (30) days of the date of the citation. The Mayor shall within ten (10) business days set a hearing before a review board consisting of the Mayor, the City Administrator~~[/Clerk]~~, and Chief of Police. The

board shall meet within thirty (30) days of the date of the appeal unless additional time is granted by mutual agreement of the parties involved. Decisions by the board may be appealed to Kenton District Court.

CHAPTER 150: GENERAL PROVISIONS

§ 150.01 ADOPTION OF THE KENTUCKY BUILDING CODE.

(A) *Adoption of the Kentucky Building Code.*

(2) A copy of the Kentucky Building Code is on file in the office of the City [Administrator/]Clerk and the [Administrator/]Clerk shall at all times keep a copy of said Building Code for reference.

§ 150.06 SCHEDULE OF BUILDING PERMIT AND ZONING FEES.

(B) *Fees to be increased annually.* In order for said Schedule of Fees to continue to reflect the increasing inflationary costs of administration of the above programs, said fees shall, on an annual basis, be adjusted by the NKAPC and reviewed by the City Administrator[/~~Clerk~~]to reflect any increase that would be necessary with the conventional application of the Consumer Price Index as promulgated by the Kentucky Department of Local Government to these fees. Based upon this calculation said fees shall be increased annually and this Schedule of Fees shall be so amended by operation of this provision.

SIDEWALK MAINTENANCE AND REPAIR

§ 150.52 NOTICE OF VIOLATION; COST ASSESSMENT; LIEN.

In the event that the City Inspector determines that any sidewalk or portion thereof in the city is in violation of this subchapter, the City [Administrator/]Clerk shall cause a written notice to be mailed by both first class mail and certified mail, return receipt requested, to every owner of abutting real estate in regard thereto along with a copy of this subchapter a written description and photograph of the sidewalk and the conditions in violation of this chapter. The notice shall state that unless the violations are eliminated and the condition of the sidewalk conforms to the requirements of this subchapter within sixty (60) consecutive calendar days after the notice was mailed, the city shall cause the condition of the sidewalk to conform to the requirements of this subchapter. Unless it is finally determined in an administrative hearing that there was no violation of the terms and provisions of this subchapter and the determination of the enforcement officer was erroneous, each owner of the abutting property shall be jointly and severally liable to the city for all costs and expenses incurred by the city in causing the sidewalk to conform to the requirements of this subchapter and the cost of the collection thereof, including reasonable court costs and attorney's fees. In order to secure payment, the city shall have a lien upon the abutting real estate, which shall be superior to all other liens thereon, except liens for ad valorem taxes and public improvement assessments.

§ 150.53 RIGHT TO HEARING; ADMINISTRATIVE PROCEDURES.

Within thirty (30) consecutive calendar days after any determination by the enforcement officer that any sidewalk or portion thereof in the city is in violation of the terms and provisions of this subchapter and the mailing of the notice to the owners of abutting property any owner of abutting property may request an appeal by the Mayor or Mayor's designee in regard to any violation of the terms and provisions of this subchapter and any determinations of the Enforcement Officer according to the following procedure:

(A) The appeal shall be in writing and shall include a description of the sidewalk and the conditions determined to be in violation of this subchapter and the name, address and telephone number of the owner of the abutting real estate appealing the decision. It shall be filed with the City ~~[Administrator/]~~Clerk during regular business hours;

(B) Immediately upon receipt of a hearing request conforming to the requirements described, the City ~~[Administrator/]~~Clerk shall schedule the hearing with the Mayor or Mayor's designee no later than fourteen (14) days after receipt of the written request, and shall mail a written notice of the time, date and place to the applicant by certified mail, return receipt requested, at least ten (10) days prior thereto;

CHAPTER 151: ZONING REGULATIONS

§ 151.01 ADOPTION BY REFERENCE.

The zoning code of the city, as set forth in Ordinance 1981-5, passed April 22, 1981, together with any and all amendments thereto, is hereby adopted by reference and made a part of this code as if set out at length herein. A copy of the code shall be maintained in the office of the City ~~[Administrator/]~~Clerk and shall be available for public inspection during normal business hours.

CHAPTER 153: VACANT RESIDENTIAL REAL PROPERTY REGISTRATION

§ 153.03 REGISTRATION.

(A) Prior to filing a complaint of foreclosure or executing a deed in lieu of foreclosure on a residential real property located within the city, a creditor shall inspect the residential real property to determine whether it is vacant. If the property is vacant, the creditor shall, on the same day the complaint of foreclosure is filed or the deed in lieu of foreclosure is executed, register the property as a vacant residential property with the ~~[Administrator/]~~Clerk for the purpose of minimizing hazards to persons and property because of the vacancy. Registration shall be made upon a form provided by the city and must be accompanied by the fee set forth in division (D).

(B) After filing the complaint of foreclosure or executing a deed in lieu of foreclosure, a creditor must periodically inspect the property for evidence of vacancy. If a residential real property becomes vacant at any time after a creditor files a complaint of foreclosure or executes a deed in lieu of foreclosure, the creditor shall, within ten (10) business days after obtaining knowledge of the vacancy, register the property as a vacant residential property with the City ~~[Administrator/]~~Clerk and pay the fee set forth in division (D).

(C) Registration of a residential real property as vacant shall include the address of the property and the name and contact information of a person located within the Commonwealth of Kentucky who is authorized to accept service of process on behalf of the creditor.

(D) The annual fee for registering vacant residential property shall be sixty dollars (\$60) made payable to "City of Villa Hills" and submitted to the City ~~Administrator~~/Clerk along with the required registration form. Should the property remain vacant for longer than one (1) year, the creditor must renew the vacant property's registration by submitting a new registration form and annual fee to the City ~~Administrator~~/Clerk.

CHAPTER 154: RENTAL LICENSE AND SAFETY INSPECTION PROGRAM

§ 154.11 PROMULGATION OF RULES AND REGULATIONS.

The City Administrator~~/Clerk~~ shall have authority to issue and promulgate such rules and regulations deemed needed for the administration of this chapter, provided such rules and regulations are not inconsistent with the provisions herein.

SECTION V

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

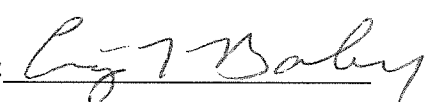
SECTION VI

The Effective Date of this Ordinance when it shall be in full force and effect shall be the first day of the month following its passage, approval and publication as required by law.

Passed by the City Council this 19th day of February 2020.

City of Villa Hills, Kentucky

A Municipal Corporation of the Home Rule Class

Attest:  
Heather H. Jansen, Mayor

Craig T. Bohman City Administrator/Clerk

Sponsor: Stover, Cahill

First Reading: January 15, 2020

Second Reading: February 19, 2020

Ayes: Baehner, Cahill, Ringo, Stover, Thompson, Wadsworth

Nays: none

Abstain: none Absent: n/a Published: 2/27/2020