

## ORDINANCE O-06-2023

### AN ORDINANCE AMENDING CHAPTER 36, SECTIONS 36.001 THROUGH 36.004 OF THE FORT THOMAS CODE OF ORDINANCES PERTAINING TO THE BOARD OF ADJUSTMENT.

WHEREAS, it has been determined that certain amendments to the Ordinances governing the Board of Adjustments of the City of Fort Thomas, Campbell County, Kentucky are necessary and appropriate;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FORT THOMAS, CAMPBELL COUNTY, KENTUCKY:**

BOARD OF ADJUSTMENT

§ 36.001 CREATION.

There is hereby established and formed a Board of Adjustment with the same functions, powers, duties, and authority as hereinafter set forth, and as provided in KRS 100.217, et seq., insofar as these provisions are applicable to a Board of Adjustment as set forth in KRS 100.217 et seq., as now exist or may hereafter be amended or supplemented.

('83 Code, § 32.001)

§ 36.002 DEFINITIONS

Resident: A citizen who owns, rents, or leases a residential property and physically lives and sleeps within the city limits.

§ 36.003~~2~~ MEMBERS; TERM.

(A) The Board of Adjustment shall consist of seven members, all of whom must be resident members, and no more than two of whom may be resident members of the Planning Commission.

(B) The Mayor shall appoint each member of the Board of Adjustment subject to approval of the City Council.

(C) The term of office for Board of Adjustment members shall be four years.

(D) The term of office for the Board of Adjustment shall be four years, but the term of office of members first appointed shall be staggered so that a proportionate number serve one, two, three, and four years respectively.

(E) Vacancies on the Board of Adjustment shall be filled within 60 days by the Mayor. If the Mayor fails to act within that time, the Planning Commission shall fill the vacancy. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.

(F) All members of the Board shall, before entering upon their duties, qualify by taking the oath of office prescribed by section 228 of the State Constitution before any judge, county judge/ executive, notary public, clerk of a court, or justice of the peace within the district or county in which he resides.

(G) ~~Reimbursement for expenses or compensation, or both, may be authorized for members of the Board.~~ The members of the Board of Adjustment shall serve without compensation.

(H) Any member of the Board of Adjustment may be removed by the Mayor for inefficiency, neglect of duty, malfeasance, or conflict of interest. The Mayor, after exercising the power to remove a member of the Board, shall submit a written statement to the Planning Commission setting forth the reasons for removal. The statement shall be read at the next meeting of the Board of Adjustment, which shall be open to the general public. The member so removed shall have the right of appeal from the removal to the circuit court of the county.

(I) The Board of Adjustment annually shall elect a chairman, vice-chairman, and secretary and any other officers it deems necessary. Any officer shall be eligible for re-election at the expiration of his term.

(KRS 100.217) ('83 Code, § 32.002) (Ord. 0-3-67, passed 2-6-67; Am. Ord. 0-17-69, passed 10-20-69)

§ 36.004~~3~~ OFFICIAL OFFICE.

The official office of the Board of Adjustment shall be the City Clerk's Office in the city building, where all of the records of the Board of Adjustment shall be kept.

('83 Code, § 32.003) (Ord. 0-3-67, passed 2-6-67)

This Ordinance shall be effective when read, passed and advertised at the earliest date according to law.

This 20<sup>th</sup> day of March, 2023.

SIGNED:

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Eric Haas, Mayor

1<sup>st</sup> Reading: March 20, 2023

2<sup>nd</sup> Reading:

Published:

ATTEST:

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Melissa Beckett, City Clerk