## CHAPTER 155 (Title) RENTAL DWELLING LICENSING

§ 155.01 PURPOSE.

(A) It is the purpose of this chapter to promote the health, safety and welfare of residents and of occupants of rental dwellings in the city.

(B) By requiring the registration of all rental dwelling units, it is the city's intent to ensure that rental housing is safe, sanitary and properly operated and maintained in continued compliance with all applicable regulations to meet basic housing maintenance requirements and to not become a nuisance to the neighborhood and community.

(1984 Code, § 155.01) (Ord. O-17-20, passed 8-11-2020)

## § 155.02 GENERAL PROVISIONS.

(A) All persons renting residential property in the city must obtain a rental dwelling license. This chapter shall apply to all rental dwellings and rental dwelling units as defined herein, including single-family residential dwellings and dwelling units in otherwise owner-occupied dwellings, including, but not limited to, boarding houses, condominiums, townhouses and leasehold cooperatives.

(B) The requirement to obtain a rental dwelling license shall not apply to rental dwellings owned by governmental agencies as public housing. However, such rental dwellings shall be subject to the remaining provisions hereof, in particular the licensing standards and conditions.

(C) The provisions hereof shall not apply to licensed hotels or motels, bed and breakfast establishments, jails, convents, monasteries, nursing homes, board and care homes, parsonages, parish houses, rectories or hospitals.

(1984 Code, § 155.02) (Ord. O-17-20, passed 8-11-2020)

## § 155.03 DEFINITIONS.

(A) Meaning of certain words. Whenever the words BUILDING, BUILDING UNIT, DWELLING. DWELLING UNIT, PREMISES and STRUCTURE are used in this chapter, they shall be construed as though they are followed by the words "or any part thereof or any premises accessory thereto". Words used in the singular include the plural and the plural the singular, the masculine gender includes the feminine and the feminine the masculine.

(B) Generally. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***APPLICANT. Any owner or managing agent applying for a rental dwelling license.***

***BOARD. The Code Enforcement Board established by Ch. 92 of the city's code of ordinances.***

***BUILDING. A fixed construction with walls, foundation and roof, such as a house, factory and garage.***

***DWELLING UNIT. A room, or group of rooms forming a single habitable unit, including mobile homes, used or available for use for living or sleeping purposes. DWELLING UNIT shall not include a room in a rooming house or a sleeping room let to another in any house. DWELLING UNIT shall not include hotels, suite hotels or motels that primarily rent rooms on a daily or weekly basis.***

***KENTUCKY BUILDING CODE. The statewide Building Code adopted pursuant to KRS 198B.010 et seq.***

***KENTUCKY STANDARDS OF SAFETY. The Kentucky Standards of Safety (Fire Prevention Code), as promulgated in Chapter 10, Title 81.5 of the Kentucky Administrative Regulations by the State Commissioner of the Department of Housing, Buildings and Construction, on the advice and recommendation of the State Fire Marshal, and all codes adopted by reference therein.***

***MANAGING AGENT. Any person responsible for the maintenance or operation of any residential rental property.***

***NUISANCE CODE. Ch. 92 of the city's code of ordinances.***

***OCCUPANT. Any individual having possession of a premises or any individual over one year of age, living, sleeping, cooking or eating in or having possession of a dwelling unit or a rooming unit; except that in dwelling units a guest shall not be considered an occupant.***

***OWNER. Any person who, alone or jointly or severally with others:***

(a) Shall have legal title to any premise, building or building unit, with or without accompanying actual possession thereof; or

(b) Shall have charge/care, or control of any premises, building unit, as owner or managing agent of the owner, or any executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter and of rules and regulations adopted pursuant thereto, to the same extent as if he or she were the owner.

***PERSON. Any individual, firm, corporation, association, partnership, cooperative or governmental agency.***

***PREMISES. A platted lot or part thereof or unplatted lot or parcel of land or plat of land, either occupied or unoccupied by a dwelling or other structure, and includes any such building or part thereof, accessory structure or other structure thereon.***

***PROPERTY MAINTENANCE CODE. The International Property Maintenance Code, as adopted by the city pursuant to §§ and of the city's code of ordinances.***

***PROVISIONAL RENTAL DWELLING LICENSE. The rental dwelling license issued after application but before inspection of a rental dwelling unit. The provisional rental dwelling license converts to a regular rental dwelling license upon successful inspection.***

***RENTAL DWELLING. Any residential structure or residential or commercial building containing one or more units, which the owner or managing agent either actually rents or leases or intends to rent or lease to the public for residential purposes, excluding those buildings not covered by this chapter. This definition shall also include situations where the residential structure is occupied by a person or persons who is/are not the title owner of the structure and the title owner is being compensated for such arrangement.***

***RENTAL DWELLING LICENSE. The rental dwelling license established by this chapter.***

***RENTAL DWELLING UNIT. Any residential unit within a rental dwelling that is actually rented, leased or otherwise made available to the public or is intended to be rented, leased or otherwise made available to the public for residential purposes, excluding those units not covered by this chapter. This definition shall also include situations where the residential structure is occupied by a person or persons who is/are not the title owner of the structure and the title owner is being compensated for such arrangement. With regard to mixed-use properties, only those units within the parcel that are rented, leased or made available to the public for residential purposes shall require a rental dwelling license.***

***RENTAL INSPECTOR. Any employee so designated by the Mayor[~~City Manager~~] or his or her designee, including, but not limited to, Code Enforcement Officers employed by the Code Enforcement Division.***

***RESIDENT. Any adult residing within the city.***

***SAFETY. The condition of being reasonably free from danger and hazards which may cause accidents or disease.***

***TENANT. A person 18 years of age or older who occupies a dwelling unit and is either the owner of the unit or one who legally occupies the unit pursuant to a lease, rental agreement or other financial arrangement with the owner or managing agent.***

***UNIT. A room or group of rooms located within a building forming a single habitable unit.***

***ZONING ORDINANCE. The city's Zoning Ordinance (Commissioners' Ordinance O-22-20) and all amendments thereto.***

(1984 Code, § 155.03) (Ord. O-17-20, passed 8-11-2020)

## § 155.04 RESPONSIBILITIES OF OWNERS OR MANAGING AGENTS.

(A) No person shall let to another person for occupancy any unit unless it complies with all applicable laws and ordinances, including the Kentucky Standards of Safety, Kentucky Building Code. Property Maintenance Code, Nuisance Code, zoning ordinance and/or any other applicable laws.

(B) Every owner or managing agent of a rental dwelling containing two or more rental dwelling units shall maintain in an unobstructed, secure and sanitary condition any shared entrances or shared stairways or public areas.

(C) The owner or managing agent of any rental dwelling which is required to be licensed hereunder, prior to the time of sale of the rental dwelling, shall notify the buyer, in writing, of all unabated orders and notices of violations issued against the rental dwelling. A copy of the notification shall be mailed to the ***Mayor***[~~City Manager~~] or his or her designee within five days of furnishing the notification to the buyer. For the purpose hereof, TIME OF SALE shall be construed to mean when a written purchase agreement is executed by the buyer or, in the absence of a purchase agreement, upon the execution of any document providing for the conveyance of any rental dwelling required to be licensed.

(1984 Code, § 155.04) (Ord. O-17-20, passed 8-11-2020)

## § 155.05 RENTAL DWELLING LICENSE.

(A) No person shall rent, offer for rent or allow to be occupied any rental dwelling unit unless the owner or managing agent has first obtained a provisional or regular rental dwelling license as provided herein.

(B) One rental dwelling license shall be issued per parcel to allow registered owners or managing agents to hold more than one rental dwelling license if the person rents residential property on more than one parcel.

(C) The city shall have authority to exercise its regulatory powers under this chapter, including the power to issue, deny or renew any rental dwelling license, with respect to any rental dwelling unit.

(1984 Code, § 155.05) (Ord. O-17-20, passed 8-11-2020)

**§ 155.06 ISSUANCE AND DURATION OF RENTAL DWELLING LICENSE; FEES.**

(A) The owner or managing agent of each rental dwelling unit shall make initial written application for a rental dwelling license to the ***Mayor***[~~City Manager~~] or his or her designee on a form provided by the city. The city may provide an electronic application in lieu of, or in addition to, a written application. Failure to file an application shall be deemed a violation of this division (A).

(B) A license fee shall be payable before a rental dwelling license or renewal license is issued. Rental dwelling license and renewal license fees shall be assessed [~~per~~] ***on each rental dwelling unit in the amount of $50 per unit, regardless of the number of units located on a parcel.***[~~the number of rental dwelling units per parcel according to the following schedule:~~]

| | |
|---|---|
| ~~1 Unit/Parcel~~ | ~~$30~~ |
| ~~2—4 Units/Parcel~~ | ~~$60~~ |
| ~~5—12 Units/Parcel~~ | ~~$90~~ |
| ~~13—99 Units/Parcel~~ | ~~$120~~ |
| ~~100+ Units/Parcel~~ | ~~$150~~ |

(C) All first-time applicants will be issued a three-year provisional rental dwelling license.

(D) Upon successful inspection as described hereunder, the provisional rental dwelling license will convert to a regular rental dwelling license. The regular rental dwelling license will be valid through the date listed on the provisional rental dwelling license unless sooner terminated.

(E) No regular rental dwelling license or renewal thereof shall be issued unless:

(1) The rental property is in compliance with all the provisions of the Kentucky Building Code, Kentucky Standards of Safety, Nuisance Code, Property Maintenance Code and zoning ordinance; and

(2) The property owner provides the certification of a City Code Enforcement Officer attesting that the rental property at issue is in compliance with the requirements of the Kentucky Building Code, Kentucky Standards of Safety, Nuisance Code, Property Maintenance Code and zoning ordinance. Nothing in this chapter, except in the case of an emergency pursuant to § , shall be deemed to authorize the city to conduct an inspection of any property without the consent of the owner or managing agent, if the rental dwelling or rental dwelling units are unoccupied, and if occupied, upon the consent of the occupant of the property, in the absence of a warrant duly issued by a court of law.

(F) Any rental dwelling license issued hereunder is nontransferable.

(G) In the event ownership of rental property is transferred to a new owner, the new owner or managing agent shall apply for a rental dwelling license within 30 days of the closing of title if any portion of the premises is rented or leased at the time of closing. If an application is not filed as required by this division (G) there shall be a presumption that the property is being utilized as rental property by the new owner(s) or managing agent(s) in violation of law. Failure to file an application or to apply within the specified period shall be deemed a violation of this division (G).

(H) ***Failure to submit a complete license application for a rental dwelling license or failure to renew a rental dwelling license within the specified time period, and payment by the deadline established in this chapter shall constitute a civil offense and shall subject the owners or managing agents to a late civil penalty of two hundred dollars ($200.00) per actual rental dwelling unit, not to exceed five thousand dollars ($5,000.00) per parcel for each licensing year.*** [~~A late charge equal to three times the amount of the license fees set forth in division (B) above shall be charged to owners or managing agents who fail to apply for a rental dwelling license or to renew a rental dwelling license within the specified period. The late charge shall be assessed~~] ***For example, if there are five rental dwelling units on a parcel, the late fee would be $1,000.*** ~~per the number of rental dwelling units per parcel according to the following schedule:~~]

| | |
|---|---|
| ~~1 Unit/Parcel~~ | ~~$90~~ |
| ~~2—4 Units/Parcel~~ | ~~$180~~ |
| ~~5—12 Units/Parcel~~ | ~~$270~~ |
| ~~13—99 Units/Parcel~~ | ~~$360~~ |
| ~~100+ Units/Parcel~~ | ~~$450~~ |

(I) A re-inspection fee of $***100***[~~50~~] shall be charged if the owner or managing agent fails to appear for a scheduled inspection for a second time.

(J) A re-inspection fee of $***100***[~~50~~] shall be charged if the unit has to be re-inspected because it failed to meet the standards set forth in this chapter or if the owner or managing agent failed to appear for a scheduled inspection.

(K) Rental dwelling licenses shall be renewed on April 15 each year, or the next applicable business day following if April 15 falls on a weekend or legal holiday. The ***Mayor***[~~City Manager~~], or his or her designee, may implement prorated license fees and staggered inspection dates to facilitate successful operation of the rental dwelling license program.

(L) A rental dwelling license shall be posted in a conspicuous place in a common area of any multi- family building.

(1984 Code, § 155.06) (Ord. O-17-20, passed 8-11-2020)

## § 155.07 RENEWAL OF RENTAL DWELLING LICENSE.

(A) The owner or managing agent of each rental dwelling unit holding a current and valid regular rental dwelling license shall make written application, with payment of the license fee as set forth in § (B). for a renewal of the original rental dwelling license application to the ***Mayor***[~~City Manager~~], or his or her designee, on a form provided by the city. The city may provide an electronic renewal application in lieu of, or in addition to, a written application. All renewal applications shall be filed before the expiration of the regular rental dwelling license. Failure to file a renewal application within the specified period will result in a late charge as set forth in § (H).

(B) A rental dwelling license may only be renewed by the same owner or managing agent for the property who is listed on the original rental dwelling license application upon the payment of the rental dwelling license fee as set forth in § .

(C) No application for renewal or reissuance shall be granted while a rental dwelling license is subject to enforcement proceedings until the violations that resulted in enforcement proceedings have been remedied and any civil fines imposed during the enforcement proceedings have been paid, or the proceedings are dismissed.

(1984 Code, § 155.07) (Ord. O-17-20, passed 8-11-2020)

## § 155.08 DENIAL OF RENTAL DWELLING LICENSE.

(A) Failure to comply with any of these standards and conditions shall be adequate grounds for refusal to issue a regular rental dwelling license:

(1) The rental dwelling does not comply with all applicable provisions of the Kentucky Building Code, Kentucky Standards of Safety, Nuisance Code, Property Maintenance Code and zoning ordinance;

(2) The rental dwelling exceeds the maximum number of units permitted by the zoning ordinance;

(3) The rental dwelling is overcrowded or illegally occupied in violation of any applicable code;

(4) The rental dwelling has been used or converted to another type of use in violation of the zoning ordinance;

(5) The owner or managing agent of the rental dwelling is delinquent in the payment of any financial obligation owed to the city, including, but not limited to, occupational license taxes or other taxes, liens, and rental dwelling license fees or late charges;

(6) The owner or managing agent of a rental dwelling fails to correct any code violations within a proscribed timeframe;

(7) The rental dwelling is determined to be hazardous or unfit for human habitation due to defects in its structure or its electrical, plumbing or mechanical systems, or is boarded, requiring a code compliance inspection prior to re-occupancy; or

(8) The existence of any other condition or circumstance which, in the opinion of the city, is dangerous, unsafe or jeopardizes the health, welfare and safety of the general public or occupants.

(B) In the event a provisional rental dwelling license does not convert to a regular rental license, or if a regular rental dwelling license is not eligible for renewal, and the subject property is still being operated as rental dwelling, a code enforcement citation shall be issued to the owner of the property for failure to obtain a rental dwelling license pursuant to the procedures set forth in  of the city's code of ordinances.

(1984 Code, § 155.08) (Ord. O-17-20, passed 8-11-2020)

## § 155.09 VACATION OF AFFECTED RENTAL DWELLINGS.

When any provisional rental dwelling license does not convert to a regular rental license, or if a regular rental dwelling license is not eligible for renewal, or if a license holder has failed to obtain a current rental dwelling license upon proper application, the ***Mayor***[~~City Manager~~], or his or her designee, shall order the rental dwelling or rental dwelling unit vacated, giving the tenants and/or occupants thereof a reasonable time to arrange for new housing, not to exceed 60 days. No rental dwelling unit shall be rented again until the owner or managing agent is properly licensed under this chapter.

(1984 Code, § 155.09) (Ord. O-17-20, passed 8-11-2020)

## § 155.10 REMEDIES NOT EXCLUSIVE.

The remedies provided herein are not to be deemed exclusive. They shall be in addition to and do not supersede or preempt other remedies such as application for a search warrant pursuant to § 10.23 emergency inspections authorized under § 10.22, condemnation, written violation orders and warnings, citations issued pursuant to Ch. 92 of this code of ordinances, and/or criminal charges for violation of substantive provision of any city or state codes relating to fire, zoning, life safety, property maintenance and/or buildings. Further, the remedies herein do not supersede or affect the legal rights and remedies provided under law to the tenants to any rental dwelling or unit therein (1984 Code, § 155.10) (Ord. O-17-20, passed 8-11-2020)

**§ 155.99 PENALTY.**

(A) ***Except as specified in §155.06(H),*** [~~A~~]***a*** violation of this chapter shall constitute a civil offense, and any person who violates any provision of this chapter shall be subject to the civil fines specified in §92.99 of this code of ordinances.

(B) The city shall possess a lien on property for all fines, penalties, charges, attorney's fees and other reasonable costs associated with enforcing this chapter and placing of a lien on a parcel of real property pursuant to this code. The lien shall be superior to and have priority over all other liens filed subsequently, except state, county, school board and city taxes.

(1984 Code, § 155.99) (Ord. O-17-20, passed 8-11-2020)