

ORDINANCE NO. 2016-03-01

AN ORDINANCE OF THE CITY OF CRESTVIEW HILLS, IN KENTON COUNTY, KENTUCKY, ADDING CHAPTER 117 TO THE CITY CODE OF ORDINANCES TO PROVIDE FOR THE REGISTRATION OF RENTAL PROPERTY LOCATED WITHIN THE CITY.

Whereas, a major obstacle in providing effective and prompt enforcement of the City of Crestview Hills Code of Ordinances, or even to assist or respond to residents who are tenants in residential property, is the City's inability to access accurate public records for making contact with the owner of such rental properties; and

Whereas, the City Council desires to implement a registration program for rental properties located within the City; and

Whereas, the City Council finds that a registration fee of fifteen dollars (\$15) per rental property is a reasonable regulatory fee, which does not exceed the City's costs in administering and enforcing a rental property registration program.

NOW THEREFORE, BE IT ORDAINED BY THE CRESTVIEW HILLS CITY COUNCIL, CRESTVIEW HILLS, KENTUCKY, IN KENTON COUNTY, KENTUCKY, AS FOLLOWS:

SECTION 1

Chapter 117 is hereby added to and amends the Code of Ordinances of the City of Crestview Hills and shall read as follows:

CHAPTER 117: RENTAL PROPERTIES

§ 117.01 GENERAL PROVISIONS.

(A) This chapter shall apply to all Rental Properties as defined herein, including single-family residential dwellings and dwelling units in otherwise owner-occupied dwellings, including, but not limited to, single-family residences, boarding houses, condominiums, townhouses, and leasehold cooperatives, and any multi-family dwelling that has less than 3 separate rental dwelling units.

(B) The requirement to register Rental Properties shall not apply to rental dwellings owned or operated by governmental agencies as public housing.

(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, hospitals, or apartment buildings.

§ 117.02 DEFINITIONS.

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

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

(1) Has legal title to any premise, building, or building unit, with or without accompanying actual possession thereof; or

(2) Has charge/care, or control of any premise, building unit, as owner or agent of the owner, or any executor, administrator, trustee, or guardian of the estate of the owner.

PERSON. Any individual, firm, corporation, limited liability company, association, partnership, cooperative, or similar entity.

RENTAL DWELLING. Any residential structure or residential or commercial building, including mobile homes, containing one or more units, which the owner 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.

RENTAL DWELLING UNIT. A room or group of rooms located within a Rental Dwelling and forming a single habitable unit

RENTAL PROPERTY. A parcel of land located within the City that contains one or more Rental Dwellings. For purposes of this chapter, what constitutes a parcel of land shall be determined in the same manner as parcels are determined for purposes of City property taxes.

APARTMENT OR APARTMENTS. Means any units or structure(s) defined as apartment or apartment building under the City of Crestview Hills' Zoning Code.

§ 117.03 RENTAL PROPERTY REGISTRATION.

(A) The City shall maintain a registry of rental properties located within the City. No person shall rent, offer for rent, or receive rental income from any Rental Dwelling or Rental Dwelling Unit unless the owner has first registered the Rental Property where the Rental Dwelling is located in accordance with this chapter.

(B) The owner of each Rental Property located within the City shall register the Rental Property with the City Clerk on a form provided by the City. After initially registering a Rental Property, the owner of each registered Rental Property shall re-register the Rental Property annually no later than January 31st of each year. The owner of a registered property that is no

longer offered for rent shall request in writing that the property be removed from the City's rental property registry.

(C) Each Rental Property owner shall provide the following information upon registration and re-registration:

(1) The street address of the Rental Property;

(2) The number of Rental Dwelling Units at the Rental Property;

(3) The name and address of the Rental Property owner(s);

(4) Contact information for a responsible party, who shall be a natural person, which shall include:

(a) The responsible party's name;

(b) The responsible party's mailing address;

(c) The responsible party's telephone number(s);

(d) The responsible party's email address;

(e) The responsible party's fax number, if one exists.

(5) All contact information required by division (4) for a person authorized to make or order repairs or service in order to remedy violations of state or City codes at the Rental Property, if different from the responsible party.

(D) The owner of each registered Rental Property shall update any information provided to the City within thirty (30) days of any change.

(E) In order to compensate the City for its costs in administering the rental property registration program, all Rental Properties shall be subject to an annual registration fee of fifteen dollars (\$15.00), which shall be payable at the time of registration or re-registration. Any unpaid registration fee shall be added to the City property tax bill for the Rental Property. Any owner who fails to pay a fee added to the Rental Property's City tax bill by the due date for City property taxes shall be assessed a late fee of fifteen dollars (\$15.00) for each month within the calendar year that the registration fee remains unpaid. Any unpaid registration fees and/or late fees shall be added to City property tax bills in subsequent years.

(F) Registration under this chapter is nontransferable. A new owner of a Rental Property shall register the Rental Property within thirty (30) days of acquiring title or other legal right of possession.

(G) Upon fulfillment of the registration application and payment of registration fee, and compliance with licensing requirements set forth in Section 117.04, the applicant shall be issued a license for the one year period, which is non-assignable and non-transferrable.

§ 117.04 LICENSING AND LICENSING REQUIREMENTS

(A) The following minimum standards and conditions shall be met in order to obtain and maintain a rental dwelling license:

1. The rental dwelling shall comply with all applicable provisions of the Kentucky Building Code, Kentucky Standards of Safety, Nuisance Code, Property Code and Zoning Ordinance.
2. The rental dwelling shall not exceed the maximum number of units as permitted under the Zoning Code.
3. The rental dwelling shall not within the preceding twelve month period have had four or more Building Code, Zoning Code, or Nuisance Code violations, or any combination thereof in the preceding twelve month period.
4. The rental dwelling shall not be overcrowded or illegally occupied in violation of any applicable Code
5. The owner of the rental dwelling shall not be delinquent in the payment of any financial obligation owed to the City, included, but not limited to, occupational license taxes or other taxes, liens, and/or inspection fees

(B) Failure to comply with any of the City, State, or Federal standards and conditions shall be adequate grounds for denial, refusal to renew, revocation or suspension of any rental dwelling license following the procedures established by this Chapter.

§ 117.05 VACATION OF AFFECTED RENTAL DWELLINGS

When any rental dwelling license has been denied, suspended, revoked, or the property owner has failed to apply for or renew, or register the property, the City Administrator shall order the rental dwelling or rental dwelling unit vacated, giving the tenants thereof a reasonable time to arrange for new housing, not to exceed 60 days. No rental dwelling unit shall be rented again until the rental dwelling property owner/license holder is properly licensed.

§ 117.06 CIVIL ACTION TO ENFORCE

Civil action may be commenced by the City Attorney to enforce any provision of this Ordinance, including, but not limited to, injunctive relief to compel the vacating of the premises

and/or to prohibit the renting out of a dwelling unit which has not been properly registered, damages for past due rental fees, fines, penalties and interest. In addition to injunction and/or damages, the City may also recover from the dwelling unit owner all legal costs, fees, and attorney fees attendant with commencing civil action to enforce this Ordinance.

Any Civil action to enforce this Ordinance shall be brought in the Kenton Circuit Court.

§117.07 APPEALS

Any rental dwelling property owner/license holder who is denied a license, or whose license has been suspended or revoked by the City Administrator, may appeal that decision to the Mayor. The Mayor may affirm the appealed action; reverse the appealed action; and/or modify the appealed action by reversing with conditions or granting an extension of time for performance of any act required where there is undue hardship connected with the performance of any act required by this Chapter.

The decision of the Mayor shall be reduced to writing and shall be final. The written decision shall be mailed by certified mail to the appellant. Any aggrieved party to a final decision may appeal within 30 days of the date of the issuance thereof to the Kenton Circuit Court.

§ 117.99 PENALTY.

- (A) Any person who violates any provision of this chapter shall be deemed guilty of a Class B misdemeanor and imposition of a civil penalty of fifty dollars (\$50.00) per day for each day the property is in violation of the Ordinance. Each day of violation constitutes a separate offense.
- (B) The City shall possess a lien on property for all fines, penalties, charges, past-due amounts, fees, attorney fees, and all other reasonable costs associated with enforcing this chapter, and the 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.
- (C) Failure to register property and pay the registration fee in accordance with this Chapter, or revocation, suspension, or denial of said registration license, may constitute grounds for denial of or revocation of any and all other licenses and privileges to do business in the City, including, but not limited to, the occupational license.
- (D) The remedies and penalties provided herein are not to be deemed exclusive. They shall be in addition to and do not supersede or preempt other remedies such as condemnation, written violation orders and warnings, citations, nuisance code violation remedies, etc. Further, the remedies herein do not supersede or affect the legal rights and remedies

provided under the law to the tenants vis-à-vis the landlord in any rental dwelling or unit therein.

SECTION 2

Any ordinances, or parts of ordinances, inconsistent with the provisions of this Ordinance shall be and are hereby repealed.

SECTION 3

The provisions of this Ordinance are severable. Any invalidity of any provision of this Ordinance shall not affect the validity of any other provision thereof, and such other provisions shall remain in full force and effect so long as they remain valid, in the absence of Court determination otherwise.

SECTION 4

This Ordinance shall take effect and be in full force when passed, published, and recorded according to law.

CITY OF CRESTVIEW HILLS, KENTUCKY

By: _____
PAUL W. MEIER, MAYOR

ATTEST: _____
KARA KRAMER, ACTING CITY CLERK

DATE OF FIRST READING: March 10th, 2016

DATE OF SECOND READING AND ENACTMENT: _____

DATE OF PUBLICATION: _____