

CITY OF BARBOURMEADE

ORDINANCE NO. 4

SERIES 2018

AN ORDINANCE ESTABLISHING THE REGISTRATION &  
PERMITTING OF RENTAL PROPERTIES IN THE CITY OF  
BARBOURMEADE

WHEREAS, The City of Barbourmeade finds that the operation of rental properties in the City is a business, which the City is entitled to regulate and permit under KRS 92.280,

NOW THEREFORE, be it resolved by the City of Barbourmeade:

**Section 1: Definitions.**

- a) The following definitions shall apply to this article:
  - 1) **“Local Agent”** means an individual, fiduciary, partnership, association, corporation or other entity, which represents the owner of a rental dwelling for purposes of this article.
  - 2) **“Owner”** means an individual, fiduciary, partnership, association, corporation or other entity holding legal or equitable title in a rental dwelling.
  - 3) **“Rental property”** means any residential dwelling, including but not limited to structures zoned residential, apartments and/or condominiums which are unoccupied or in whole or in part occupied by one or more person(s) pursuant to an oral or written agreement for monetary or any other consideration, but which person(s) is not acquiring an ownership interest in the dwelling. *It does not include* property which is occupied only by members of the owner’s immediate family, who do not pay rent. This definition *includes* residential dwellings known generically as “Airbnb’s” that are rented on a short-term basis.
  - 4) **“Tenant”** means any person, other than an owner, occupying all or part of a “rental property”.

## **Section 2: Registration of rental dwellings:**

*Registration required:* All owners of “rental property” as defined above shall annually register with the City of Barbourmeade on an application form provided by the City. At the time an application is filed, a registration fee of \$120.00 shall be paid in full.

*Annual registration:* The annual registration date shall be January 1st of each year beginning January 1, 2019. If an owner acquires “rental property” after January 1st of a given year, the property must be registered within 30 days after the closing purchase of the property or, if a previously existing property has been converted to “rental property” then within 30 days from the completion of the conversion.

*Change in registration information:* If there is any change in the information supplied in a rental application form, the owner must re-register within 60 days after the date of such change but does not have to pay another \$120.00 registration fee.

*Inaccurate or incomplete registration information:* It shall be a violation of this article for an owner to provide inaccurate information for the registration or re-registration of “rental property” or to fail to provide information required by the application.

*Designation of local agent:* If the owner of a “rental property”, or a responsible member or officer of the owner, does not reside within 60 miles of the city, the owner shall designate a responsible local agent who shall be legally responsible for operating such “rental property” in compliance with this ordinance and other applicable state/local laws/regulations. All official notices may be served on the responsible local agent, and any notice so served shall be deemed to have been served upon the owner of record.

*More than one owner or ownership entity:* Where more than one person has an ownership interest, the required information shall be provided for each owner. If those cases in which the owner is not a person, the information required for registration shall be provided for the organization owning the rental dwelling and for the president, general manager, director(s), partner(s), executor, trustee(s), or other chief executive officer(s) of the organization.

## **Section 3: Condition of Rental Property**

- a) All “rental property” shall comply with City of Barbourmeade and Metro Louisville Ordinances.
- b) The Registration application must be accurate and complete. If there is any change to the application information, it must be updated within 60 days.
- c) Each “rental property” Owner shall provide measures to prevent any excessive noise at any property line.
- d) Each “rental property” Owner shall provide measures to prevent tenants from violating of the City’s parking ordinance.

#### **Section 4: Issuance of Permit**

- a) Within 30 days of receipt of an application for registration (or re-registration), along with the registration fee, the City Clerk shall either issue the Owner a permit or if the City Clerk decides not to issue the permit, then he/she shall provide a written list, to the Owner or his delegate, of deficiencies or violations that must be corrected before a permit may be issued.
- b) If the Owner contests the permit denial, the Owner may appeal the denial to the full city commission. The appeal must be filed within 20 days of the receipt of the denial by Owner. The Appeal will be heard by the full commission at its next regularly scheduled monthly meeting, at which time the Owner may present evidence relevant to whether the “rental property” is in compliance with this Ordinance.

#### **Section 5: Penalties**

##### ***A. Violation:***

1. Any person who shall violate any provision of this Ordinance shall be guilty of a violation and fined \$100.00
2. Any continuing violation of this Ordinance shall be considered a separate and distinct offense for each day the “rental property” remains non-compliant with this ordinance and a separate penalty may be imposed for each violation.

##### ***B. Civil:***

1. Any person who shall violate any provision of this Ordinance shall subject the offender to a civil penalty in the amount of \$100.00 for each violation. Each day that the offender remains in violation may constitute a separate and distinct penalty.
2. The civil penalty provided herein may be recovered by the City in a civil action in the nature of a debt. If the offender does not pay the violation within twenty (20) days after the offender has been provided notice by first class mail, the civil penalty may be used as an alternative to or in conjunction with the criminal penalties authorized herein. In addition, and/or in conjunction with the Civil remedy above, the City of Barbourmeade may elect to place a lien against the property relating to the unpaid rental registration fee plus the amount of the fine, plus the cost(s) of filing the lien and an attorney’s fee of \$100.00.

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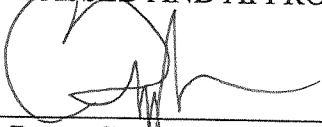
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**FURTHER**, this Ordinance shall take effect upon approval, passage and publication as required by law.

FIRST READING THE 21st day of May 2018

SECOND READING THE 16th day of July 2018

PASSED AND APPROVED THE 16th day of July 2018

/s/   
Bryan Coomer, Mayor

ATTEST:/s/   
Brian Davis, City Clerk

Those voting Aye:  
Mayor, Bryan Coomer  
Commissioner, Lisa Crockett  
Commissioner, Dan Streit  
Commissioner, Rob Longshore  
Commissioner, Tom Budniak,

Those voting Nay: