

CITY OF BLUE RIDGE MANOR
ORDINANCE No. 1
SERIES 2018

AN ORDINANCE ESTABLISHING THE REGISTRATION &
PERMITTING OF RENTAL PROPERTIES IN THE CITY OF
BLUE RIDGE MANOR

WHEREAS, The City of Blue Ridge Manor 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 Blue Ridge Manor:

Section 1: Definitions.

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 ordinance.
- 2) Owner means an individual, fiduciary, partnership, association, corporation or other entity holding legal or equitable title in a rental dwelling.
- 3) Rental dwelling or rental property means any residential dwelling, which is 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 dwellings that are 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 dwelling.

Section 2: Registration of rental dwellings.

- a) Registration required: All owners of rental dwellings shall annually register the rental property with the city on an application in a form provided by the city. At the time an application is filed, a registration fee of \$250.00 shall be paid in full.

- b) Annual registration: The annual registration date shall be July 1st of each year beginning January 1, 2018.
- c) Registration of new rental dwellings: The owner of a new rental dwelling or of any dwelling newly converted to a rental dwelling shall register the rental dwelling prior to allowing occupancy.
- d) Change in registration information: If there is any change in the information supplied in a rental application, the owner must re-register within 60 days after any change occurs in registration information but does not have to pay another \$ 250.00 registration fee.
- e) Registration of rental dwellings: Application for registration or re- registration shall include:
 - 1) The address of the rental dwelling
 - 2) The number of rental dwelling units.
 - 3) The name, residence address, business address, business phone number and personal phone number of the owner and/or the local agent, if applicable.
 - 4) The address where the owner and/or the local agent, if applicable, will accept notices or orders from the city.
 - 5) Verification that all state and city taxes levied and assessed against the rental dwelling that are due and payable at the time of the filing of the application have been paid. Delinquencies on such taxes may result in the denial of an application for registration or re- registration under this section.
- g) Inaccurate or incomplete registration information: It shall be a violation of this ordinance for an owner to provide inaccurate information for the registration or re-registration of rental dwellings or to fail to provide information required by the application.
- h) Designation of local agent: If the owner of a rental dwelling, 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 dwelling in compliance with this ordinance and other applicable laws or 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.
- i) 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 must be kept in compliance with the City of Blue Ridge Manor Ordinances, as well as Metro Louisville Ordinances, as a condition of operating a rental property in the City of Blue Ridge Manor.
- b) The Registration application must be accurate and complete. If there is any change in the application information, it must be updated within 60 days.
- c) Each rental dwelling shall provide measures acceptable to the city to prevent any excessive noise at any property line.
- d) Each rental dwelling shall provide measures acceptable to the City to prevent violations of the City's parking ordinance by Tenants of the rental unit.

Section 4: Issuance of Permit

- a) Within 30 days of receipt of an application for registration (or re-registration), along with the registration fee, by the City of Blue Ridge Manor, the City shall either issue the Owner a Permit to operate the rental property, or, if the City decides not to issue the permit, the City shall provide a written list 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 regular City meeting, at which time the Owner may present evidence relevant to whether the rental property is in compliance with the requirements above.

Section 5: Penalties

A. Criminal

1. Any person who shall violate any provision of this Ordinance shall be guilty of a violation and fined \$500.00.
2. Where Kentucky Revised Statutes mandates a fine higher than that stipulated herein, the fine contained in Kentucky Revised Statutes shall apply.
3. Any continuing violation of this Ordinance shall be considered a separate and distinct offense for each day on which a violation occurs or continues, and a separate penalty may be imposed thereon.

B. Civil.

1. Any person who shall violate any provision of this Ordinance shall subject the offender to a civil penalty in an amount equal to two times the minimum fine prescribed in this ordinance, with a minimum civil penalty of \$ 1000.00 for each violation.

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 penalty within twenty (20) days after the offender has been cited for the ordinance violation. As used herein “cited” shall mean notified of the violation and the penalty in writing by an elected or appointed official of the City or the attorney for the City. 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 remedies above, the City of Blue Ridge Manor may elect to place a lien against the property relating to the unpaid rental registration fee penalty for the amount of the penalty plus the cost(s) of filing the lien plus an Attorney’s fee of \$100.00.

Section 6: Effective Date.

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

FIRST READING THE 27th day of November, 2017

SECOND READING THE 22nd day of January, 2018

PASSED AND APPROVED THE 22nd day of January, 2018

/S/Signature Affixed
Mayor, City of Blue Ridge Manor, Kentucky

ATTEST: /S/ Signature Affixed
Elizabeth McDaniel /City Clerk

Those voting Aye:
Carla Kreitman, Mayor
Hans Klose, Commissioner
Ken Conliffe, Commissioner
Art Sims, Commissioner
Porter Lady, Commissioner

Those voting Nay:
None