

ORDINANCE NO. 24-02

**AN ORDINANCE OF THE CITY OF RICHMOND, KENTUCKY CREATING A
REGULATIONS OF SHORT-TERM RENTALS**

WHEREAS, the City experiencing growth in short-term rental in our community; and

WHEREAS, The City Commission finds it to be in the public interest to put in place regulatory policy for these rentals in order to both promote safe and responsible practices in the field and to protect the safety and property interests of the community.; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the City of Richmond, Kentucky that:

SECTION I

SHORT TERM RENTALS

DEFINITIONS.

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

DIRECTOR. The Director of the Richmond Codes Enforcement Department

HOST. Any person who is the owner of record of real property, or any person who is a lessee of real property pursuant to a written agreement for the lease of such real property, who offers a dwelling unit, or portion thereof, for short term rental.

HOSTING PLATFORM. A person or entity that provides a means through which a Host may offer a dwelling unit, or portion thereof, for short term rental use. Most platforms are internet based and allow a Host to advertise a dwelling unit as a short term rental through a website or mobile app.

SHORT TERM RENTAL. A dwelling unit that is rented, leased or otherwise assigned for a tenancy of less than 30 consecutive days duration, where no meals are served. This term does not include hotel or motel rooms, extended stay lodging facilities, bed and breakfast inns or boarding and lodging house rooms.

SHORT TERM RENTAL ADVERTISEMENT. Any method of soliciting use of a dwelling unit or portion thereof as a short term rental.

TRANSIENT USER. A person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of less than 30 consecutive days duration.

ANNUAL REGISTRATION REQUIRED.

No person, firm, or corporation shall own or operate a short term rental on any premises within The City of Richmond unless the short term rental has been registered annually with the Richmond Codes Enforcement Department.

(A) The Director may refuse to issue or renew the registration of a short term rental until all outstanding penalties associated with violations of an City Ordinance that have been assessed against the property owner and/or Host are paid in full.

(B) The Director may refuse to issue or renew the registration of a short term rental until all outstanding fines and liens that have been assessed by the City of Richmond against the subject property are paid in full.

(C) The Director may deny or refuse to renew the registration of any Host for violating or failing to comply with any applicable provision of this Ordinance.

(D) If the property is subject to two or more substantiated civil and/or criminal complaints or the Host is found to have twice violated or failed to comply with any applicable provision of this Ordinance with respect to a given property within a 12 month period, the Planning Director may revoke the registration. When the Planning Director revokes a registration under this section, the owner and Host shall be notified of the revocation and shall have 30 days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.

(E) When any owner or Host has a short term rental registration revoked, they shall be ineligible to receive any new short term rental registrations for a period of one calendar year.

ANNUAL REGISTRATION; FEE.

(A) Each annual registration for a short term rental shall be per the procedure prescribed by the Director. The registration form, at a minimum, shall include the following:

(1) The name, address, phone number, and email address of the Host and an emergency contact residing or located in Richmond, Kentucky and/or within 25 miles of the short term rental that shall be responsible for addressing any maintenance, safety concerns, or nuisance complaints. The Host shall provide the emergency contact's information to Transient Users prior to commencing their stays; and

(2) The location of the short term rental.

(B) A registration shall expire one year from the date it is issued and shall be renewed annually.

(C) A change in Host, ownership, or tenancy of a dwelling unit used as short term rental invalidates any existing registration. The new Host, property owner, and/or tenant must apply for a registration in their name.

COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS.

Each separate short term rental shall be in compliance with any currently applicable laws and regulations of the federal, state, or local governments, as may be amended from time to time including but not limited to, laws or regulations on nondiscrimination, zoning, building, safety, property maintenance, health and sanitation, fire, electrical, plumbing, mechanical, and other applicable laws.

REGISTRATION WITH THE CITY OF RICHMOND.

(A) Pursuant to City Ordinance, transient room taxes are to be collected and paid by the Host to the City of Richmond. Transient occupancy taxes are ultimately the responsibility of the host, but the collection and remission of all required taxes may be paid by a hosting platform on behalf of Host if the short term rental is created through a hosting platform that has an agreement with the City of Richmond for collection and payment of such taxes to the City of Richmond; and

(B) Pursuant to City Ordinance, the Host is subject to occupational license taxes to the City of Richmond.

(C) The Host shall register with the City of Richmond to ensure compliance with all applicable local taxes including the transient room tax and occupational license tax.

DUTIES OF A HOST.

It shall be the duty of a Host under this subchapter to ensure that:

(A) The short term rental meets the smoke detector requirements set forth in City Ordinances; has at least one functional carbon monoxide detector installed in an appropriate location as set forth in Kentucky Residential Code; has at least one properly maintained and charged fire extinguisher on each habitable floor; every sleeping room shall have at least one operable emergency and rescue opening as set forth in the Kentucky Residential Code; and that a clearly marked evacuation plan is posted on the premises;

(B) There shall be no more than one contract per short term rental at a time;

(C) There is no signage on the premises of the short term rental advertising or identifying the short term rental in residential zoning districts.

(D) The name and telephone number of the Host and any emergency contact shall be conspicuously posted within the short term rental.

(E) Any Host using a Hosting Platform shall include the valid, City of Richmond-issued registration number for the short term rental in the Short Term Rental Advertisement.

ADVERTISING ON A HOSTING PLATFORM.

(A) Short term rentals registered in accordance with this Ordinance may be advertised for short term stays of less than 30 days on a Hosting Platform. A Host and/or property owner that advertises an un-registered short term rental on a Hosting Platform is subject to enforcement as stated in this Ordinance.

(B) The Director may request that a Hosting Platform remove any listing or Short Term Rental Advertisement from the platform where the registration number associated with a short term rental listing is invalid, expired, or has been revoked. The Director must identify the listing(s) to be removed by the listing URL and displayed registration number (whether valid or invalid) and state the reason for removal. The Hosting Platform shall remove the listing within ten business days of notification by the Director.

(C) The Director may request that a Hosting Platform provide the following information to the Planning and zoning Department of Richmond KY on a monthly basis:

(1) The total number of short term rentals in the City of Richmond that were listed on the platform during the applicable reporting period; and

(2) The total number of nights all short term rental units were rented through the platform during the applicable reporting period.

These reports shall be due at the end of each month to include information from the preceding month.

(D) Pursuant to KRS 65.8821, the Code Enforcement Board shall have the authority to subpoena information from any Hosting Platform. Any such subpoena shall:

(1) Be submitted in writing by the Code Enforcement Board attesting The City of Richmond has a reasonable belief based on evidence that a short term rental may be in violation of this Ordinance;

(2) Be served on the platform via its registered agent;

(3) Be related to a specific investigation by the City of Richmond relating to a short term rental that is identified in the subpoena; and

(4) Identify the alleged violations of this ordinance.

The platform shall notify their user/Host of the information requested in the subpoena within ten business days of receiving the subpoena and produce records within 21 days of providing notice to the user/Host, except to the extent that the user/Host has sought relief in a court of competent jurisdiction.

ENFORCEMENT.

The owner of any property in violation of this Ordinance shall be fined not less than \$100 nor more than \$500 for each such violation. Each day that a nuisance continues unabated following notice of it to the owner from a Codes Enforcement Officer shall be considered to be a separate violation. The Director is authorized to enforce the

provisions of this subchapter through declaratory, injunctive and other civil actions filed in any court of competent jurisdiction.

SECTION II

This Ordinance shall be effective immediately upon its enactment by the Board of Commissioners following second reading, and publication in accordance with the requirements of applicable Kentucky law.

DATE OF FIRST READING: January 23, 2024
MOTION BY: Commissioner Cole
SECONDED BY: Commissioner Brewer

DATE OF SECOND READING: February 15, 2024
MOTION BY: Commissioner Cole
SECONDED BY: Commissioner Newby

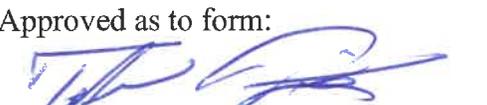
| VOTE | YES | NO |
|---------------------|------------|-----------|
| Commissioner Brewer | x | |
| Commissioner Cole | x | |
| Commissioner Goble | x | |
| Commissioner Newby | x | |
| Mayor Blythe | x | |



Mayor Blythe

ATTEST:


City Clerk

Approved as to form:


City Attorney, Tyler Frazier