

CITY OF KINGSLEY
ORDINANCE NO. 3, SERIES 2023
AN ORDINANCE AMENDING KINGSLEY ORDINANCE NO. 2, SERIES 2022
REGARDING ANNUAL REGISTRATION OF LEASED OR RENTAL PROPERTIES

Whereas, the City Commission of the City of Kingsley, Kentucky has the authority pursuant to statute to enact Ordinances relating to the City, an Ordinance relating to the Annual Registration process of all Real Properties that are either leased or rented is being enacted.

Whereas all Real Property within the corporate boundaries of the City of Kingsley is limited by Zoning and the original Single Family Deed Restrictions to single family residential use [R5] except for the commercial plots abutting the northeast tip of Kingsley, and one plot on Taylorsville Rd initially approved as single family residential with a side room for a doctor's office but has since reverted to single family only zoning; and,

Whereas it is recognized that certain of the single-family homes [R5] are now being leased or rented, either long term or short term, by the Owners thereof, and in some instances the Owners do not reside in the City of Kingsley, and/or the homes are not their primary residence during the year as defined by the IRS; and,

Whereas the renting of property in exchange for compensation, or other consideration paid to the owner, is in fact a business and the operation of rental property can be detrimental to property values, community appearance and interfere with the comfortable enjoyment of adjacent property owners or premises.

Whereas the owners of certain of those leased or rental properties have failed to timely or properly maintain such properties in accordance with the City of Kingsley and Louisville Metro Ordinances; and,

Whereas the owners of certain of those leased or rental properties have allowed the property to be used in a manner contrary to parking, noise, nuisance, or public safety ordinances of the City of Kingsley; and,

Whereas it is incumbent upon the Owners of such leased or rental properties to properly maintain such properties and control the use thereof; and,

Whereas the owners of such leased or rented properties, being physically absent from the premises in the City, have proven unavailable to address any maintenance or other concerns arising from the use of or the condition of their property, unnecessarily giving rise to health, nuisance or public safety issues affecting neighboring residents and within the City.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF KINGSLEY THAT,

[A] A new Section of the City of Kingsley Code of Ordinances is hereby enacted to read as follows:

Use of Real Property for Lease or Rental Purposes be it Long or Short Term

1. No real property within the corporate limits of the City may be modified in any form contrary to the City of Kingsley's Single Family Deed Restriction, or to be used as Lease or Rental property until after and unless the Owner has notified in writing to the City of Kingsley Commissioners and complies with all building aspects for safe and suitable housing requirements specified by Federal, State and County laws; and,
 2. ~~[The City of Kingsley Mayor and Commissioners, as well, as the adjoining property owners and those living behind that block, have been notified of their intentions to lease or rent the property; and~~
 3. ~~Has notified and complied with the Louisville Metro Planning and Design Department, Metro Zoning and Codes or Metro Public Works, as well as all other applicable Metro Departments, including but not limited to the Metro Tax Revenue Department; and~~
 4. ~~Attends and presents all approved documents at a monthly Commissioners meeting within 120 days prior to a 'start' date of advertising availability of the unit demonstrating their compliance with all Federal, State, Metro and Kingsley guidelines/regulations.]~~
2. [5.] Failure to apply and adhere to items-[1-4] regarding registration and adherence to same shall be considered an offense and subject to fines.

~~[Note: Known rental or short term units that are complying with this ordinance will need to complete the registration form, submit documentation showing compliance and submit their payment. They will be "grandfathered" into the process. If their registration with Metro has lapsed, they will need to restart the process.]~~

[B] The following definitions apply:

1. "Owner" means any individual, fiduciary, partnership, association, corporation, LLC, or other entity holding legal or equitable title to the lease or rental property. Where more than one individual or entity owns an interest as joint tenant or tenant in common with another individual or entity, each such individual or entity shall be deemed the owner for purposes of this section. This would include the mortgage holder and home insurance provider.
2. "Leased" or "Rental Property" means any house and lot, or other structure occupied in whole or in part by one or more persons pursuant to an oral or written agreement in exchange for monetary or other consideration paid or provided to the Owner thereof, and provided the said agreement does not convey any ownership interest in the said house and lot to the Tenant.
3. "Tenant" means any person or persons, other than the Owner, occupying any portion of the leased or rental property.

[C] Other Time Lines and Requirements:

~~[C]~~ The owner of every leased or rental property in the City shall ANNUALLY register EACH such property on a form provided by the City and submit a registration fee of \$500 per property. One form is to be completed per each property. The form will be on the City website.

Such registration is to be submitted BEFORE AUGUST 1st of EACH year to the City Treasurer ~~[who will then present the documents to the Commission during the August monthly meeting [first Thursday].]~~

At a minimum such registration shall include:

1. Address of the leased or rental property
2. The Owner's name/s, personal address, business, email address and phone numbers (cell and landline).
3. In the event the Owner of the property resides or has a principal office address more than twenty-five (25) miles from leased or rental property the application shall also include the name, address, email address and phone numbers for a person residing within twenty-five (25) miles who shall serve as an emergency contact, responsible for addressing maintenance issues, safety concerns and nuisance complaints regarding the leased or rental property. The tenant shall not be listed as the emergency contact.
4. A description of the leased or rental property which includes:
 - ~~a. The number of bedrooms~~
 - ~~b. The number of off-street parking spaces, including the garage, and the number of spaces between the garage and the front property line, excluding the driveway approach.~~
~~[On street parking is not allowed unless all off-street parking is fully occupied. An alternate transportation method should be strongly encouraged [cabs, uber, etc.]~~
 - a. ~~[c.]~~ The registration number regarding rental property from Louisville Metro Government [Revenue Commission].
5. ~~[Once reviewed for full compliance by the Commissioners, the subsequent registration number assigned by the Louisville Metro Commission to the leased or rental property owner is to be provided to the City Treasurer.~~
6. ~~The Owner [refer to B.1] shall provide written notice to the City Treasurer of any changes, postmarked within 10 days of the occurrence.~~
~~Failure to provide written notice of changes will be considered an offense subject to fines.]~~

~~[C]~~ ~~[D]~~ Penalties and Fines:

Any owner in violation of this ordinance shall be subject to fines per each occurrence of \$500 per day until in compliance.

~~[This includes but is not limited to:~~

- ~~1. Failure to register.~~
- ~~2. Failure to register timely.~~
- ~~3. Failure to report changes timely.~~
- ~~4. Failure to timely pay ANNUAL Registration Fee.~~


5. ~~Failure to maintain the property.~~


6. ~~Tenants behavior creates a nuisance and/or fails to follow city ordinances.]~~

A written notification from the Mayor and/or City Attorney which notice shall set out the violation and the penalty imposed. In the event the penalty is not paid within [20] days following the citation the city may proceed to recover such penalty by civil action in the nature of a debt. The owner will also be are responsible for the City Attorney fees and any Court costs involved in this action.

[D] ~~[E]~~ This ordinance shall take effect immediately upon passage and publication.

First Reading 12/1/2023 Second Reading 1/4/2024

Signed By  Tom Schlindwein, Mayor

Signed By  Marilyn Whisler, City Clerk

	<u>Yes</u>	<u>No</u>
George Burns	<u>✓</u>	<u> </u>
Jamie Klein	<u>✓</u>	<u> </u>
Ron Peron	<u>✓</u>	<u> </u>
Andy Looney	<u>✓</u>	<u> </u>
Tom Schlindwein	<u>✓</u>	<u> </u>