

**CITY OF WALTON KY
ORDINANCE NO. 2021-10**

**AN ORDINANCE OF THE CITY OF WALTON, KENTUCKY
ESTABLISHING REGULATIONS FOR THE OPERATION OF
SHORT-TERM RENTALS WITHIN THE CITY.**

WHEREAS, the Walton City Council has proposed an ordinance governing the use of single family homes for short term vacation rentals; and

WHEREAS, the Walton City Council has determined that regulating short term rentals in single family neighborhoods is necessary to preserve the character of the neighborhoods and protects the safety and welfare of the community.

NOW, THEREFORE, be it ordained by the City of Walton in Boone County, Kentucky, as follows:

SECTION I

THE FOLLOWING SECTIONS ARE HEREBY CREATED UNDER OF THE CITY OF WALTON CODE OF ORDINANCES.

[NEW CHAPTER] : SHORT TERM RENTAL PROPERTIES

§1. DEFINITIONS

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

CITY. THE CITY OF WALTON.

CITY CLERK. THE CITY OF WALTON CITY CLERK OR HIS OR HER DESIGNEE.

DWELLING UNIT. A DETACHED SINGLE-FAMILY DWELLING, ATTACHED SINGLE-FAMILY DWELLING, OR SINGLE UNIT WITHIN A MULTIPLE-FAMILY DWELLING.

HOST. ANY PERSON WHO IS THE OWNER OF RECORD OF RESIDENTIAL REAL PROPERTY WHO OFFERS A DWELLING UNIT, OR PORTION THEREOF, FOR SHORT TERM RENTAL.

HOSTING PLATFORM. A WEBSITE, MOBILE APPLICATION, OR OTHER ONLINE PLATFORM THAT GENERALLY ALLOWS AN OWNER OR TENANT TO ADVERTISE A DWELLING UNIT AND PROVIDE A MEANS FOR POTENTIAL TRANSIENT GUESTS TO ARRANGE SHORT TERM RENTAL AND PAYMENT.

OWNER-OCCUPIED PROPERTY (HOSTED) NON OCCUPIED HOMES (NON HOSTED). A PARCEL OF REAL PROPERTY AND ACCOMPANYING DWELLING UNIT IN WHICH THE TITLE IS HELD BY ONE OR MORE PERSONS MAY RENT THEIR DWELLING FOR THE PURPOSES OF SHORT-TERM RENTAL WHILE THE EITHER OCCUPY THE PROPERTY OR JUST OWN. RENTING WITH THE OWNER ON PROPERTY SHALL BE KNOWN AS (HOSTED) AND RENTING WITHOUT THE OWNER PRESENT (NON-HOSTED).

SHORT TERM RENTAL. A DWELLING UNIT THAT IS RENTED, LEASED, OR OTHERWISE ASSIGNED FOR A TENANCY OF THIRTY (30) OR FEWER

CONSECUTIVE DAYS. THIS TERM DOES NOT INCLUDE HOTELS, MOTELS, EXTENDED STAY LODGING FACILITIES, OR BED AND BREAKFAST INNS.

TRANSIENT GUEST. A PERSON OR PERSONS WHO ENTERS INTO A CONTRACTUAL ARRANGEMENT WITH A HOST WHEREBY THE PERSON OR PERSONS PAYS RENT TO THE HOST, OR TO A PERSON DESIGNATED BY THE HOST TO RECEIVE RENT, INCLUDING THROUGH A HOSTING PLATFORM, IN EXCHANGE FOR OCCUPANCY OF A SHORT-TERM RENTAL FOR A PERIOD OF LESS THAN THIRTY (30) CONSECUTIVE DAYS.

§2. GENERAL PROVISIONS

(A) Effective, no person shall rent, offer for rent, list on any hosting platform, or receive rental income from any short-term rental unless the host has first registered the short-term rental in accordance with this chapter.

(B) This chapter shall apply to all short-term rentals as defined herein, including those short-term rentals operated prior to the effective date. This shall include single-family residential dwellings and dwelling units in otherwise owner-occupied dwellings, including, but not limited to, single family residences, condominiums, townhouses, and multi-family dwellings.

(C) The provisions herein shall not apply to licensed hotels or motels, bed and breakfast establishments, jails, convents, monasteries, or nursing homes.

(D) Short term rentals shall be permitted at owner occupied homes (HOSTED) and non-occupied homes (NON-HOSTED)

§3. SHORT TERM RENTAL REGISTRATION REQUIRED

(A) All owners of real property that intend to utilize their property as a short-term rental shall obtain a permit from the City Clerk. The owner shall complete a registration form which shall, at a minimum, include the following:

(1) THE NAME, ADDRESS, TELEPHONE NUMBER, EMAIL ADDRESS, OR ANY OTHER PERTINENT CONTACT INFORMATION NECESSARY TO PROVIDE ACCESS TO THE HOST;

(2) THE NAME AND CONTACT INFORMATION OF A PERSON RESIDING WITHIN TWENTY-FIVE (25) MILES OF THE SHORT-TERM RENTAL THAT SHALL BE RESPONSIBLE FOR ADDRESSING ANY SAFETY OR MAINTENANCE CONCERNS; AND

(3) THE PHYSICAL ADDRESS OF THE SHORT-TERM RENTAL, AND UNIT NUMBER, IF APPLICABLE.

(B) Registrations shall be renewed annually on or before February 1.

(C) In order to compensate the city for its costs in administering the short term rental registration program, all rental properties shall be subject to an annual registration fee of fifteen dollars (\$15.00), which shall be paid to by the host to the City with the host's registration form. New registrations obtained after July 1 of each year shall be prorated to \$7.50 for the remainder of the year.

(D) Registration under this chapter is nontransferable. A new owner of a short-term rental property shall file a new registration prior to offering the property for short term rental.

§4. RESPONSIBLE PARTY

The host shall be responsible for the short-term rental's compliance with the City's Code of Ordinances, the City's Zoning Ordinance, all adopted building and fire codes, and all other laws and regulations.

§5. GENERAL REQUIREMENTS

THE FOLLOWING GENERAL REQUIREMENTS SHALL APPLY TO ALL SHORT-TERM RENTALS WITHIN THE CITY:

(A) Proof of a current insurance covering fire, hazards, and general liability shall be presented annually to the City Clerk with the annual registration. Liability insurance shall have limits of not less than \$1,000,000. This insurance coverage shall be continuous during periods of short-term rental.

(B) Owners of real property who register their property for short term rental shall notify all adjoining property owners of the registration.

(C) All short term rental occupants shall abide by all applicable noise, nuisance, and waste restrictions of the City.

(D) The short-term rental unit shall have approved smoke alarms meeting underwriter's laboratory (UL) standards in the following locations:

(1) ALL SLEEPING ROOMS.

(2) EVERY ROOM IN THE PATH OF THE MEANS OF EGRESS FROM A SLEEPING AREA TO THE MAIN EXIT.

(3) EACH STORY, INCLUDING BASEMENTS.

(E) No food shall be prepared or served by the owner or responsible party to the transient guests.

(F) Contact information for the host shall be conspicuously posted within the short-term rental unit. This shall include names and phone numbers that can be reached twenty-four (24) hours per day, seven (7) days per week for the entire duration of the rental period.

(G) A maximum of 4 (Four) homes per city street may be used and/or registered for short term rentals.

(H) A maximum of 10 (Ten) homes per established subdivisions can be used as short-term rental properties.

(I) Short term rental properties shall be permitted in all the following zones Residential (RS), Urban Residential (UR-1), Suburban Residential (SR-1), Agricultural (A-2), Commercial (C-2), Recreational (R).

§6. MAXIMUM OCCUPANCY

(A) The maximum number of occupants permitted within a short-term rental at any time shall be determined by the number of beds and sleeper sofas, with a limit of two (2) persons per bed/sleeper sofa. For example, the maximum occupancy for a short-term rental unit with four (4) bedrooms (with 4 beds) and two (2) sleeper sofas would be twelve (12).

(B) No host shall simultaneously rent to more than one party under separate contracts.

(C) The maximum occupancy permitted by this section shall be conspicuously posted within the short term rental unit.

§7. MAXIMUM RENTAL DAYS

No host shall rent his, her, or its short-term rental for more than two hundred forty (240) days per calendar year. The allocation of days shall be at the discretion of the host, provided that no short-term rental shall be for a period of less than twenty-four (24) hours.

§8. PAYMENT OF FEES REQUIRED

(A) All hosts shall register with the city prior to listing his, her, or its property for short term rental.

(B) The host shall be responsible for payment of all transient room taxes and occupational license taxes if applicable at the city, county, state or federal level.

§9. COMPLAINTS

The following regulations shall apply to the administration of complaints related to the short-term rental property:

(A) Upon the filing of three or more complaints within the same calendar year regarding the short-term rental unit, the City shall notify the registrant of such complaints.

(B) If the City determines that violations of this section or any other ordinance or law relating to the short-term rental have occurred, the right of operate the short-term rental may be revoked by the City Clerk. Before any revocation action is taken, the City Clerk shall give the real property owner seven (7) days 'written notice of the alleged violations and an opportunity to respond.

(C) The real property owner may appeal the revocation of the short term rental registration to the Mayor. The Mayor shall reduce his or her decision to writing.

§10. PENALTY

Any violation of a provision contained in this Chapter of this Code of Ordinances is hereby classified as a civil offense, pursuant to KRS 65.8808 and §§ 34.40 through 34.77 of this code.

(A) Any person who violates any provision of this chapter shall be subject to a civil penalty of twenty-five dollars (\$25.00) per day for each day the property is in violation of the Ordinance. Each day of violation constitutes a separate offense without issuance of a separate citation.

(B) The City shall possess a lien on property for all civil 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 future registrations with the city for short term rentals.

(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 short-term rental dwelling or unit therein.

SECTION II

Any ordinances or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed. All ordinances or parts thereof not in conflict herewith shall remain in full force and effect.

SECTION III

This ordinance shall take effect and be in full force when passed, published, and recorded according to law. Publication may be in summary form.

SECTION IV

If any sentence, clause, section or part of this ordinance or the application thereof to any particular situation is, for any reason, found to be unconstitutional, illegal or invalid, the invalidity of any provision of this Ordinance shall not affect the validity of any other provisions hereof, and such other provisions shall remain in full force and effect as long as they remain valid in the absence of that provision determined to be invalid.

PASSED AND APPROVED ON FIRST READING BY 6 OF 6 MEMBERS OF CITY COUNCIL ON THE 14th DAY OF SEPTEMBER, 2021.

PASSED AND APPROVED ON SECOND READING BY 6 OF 6 MEMBERS OF CITY COUNCIL ON THE 20th DAY OF SEPTEMBER, 2021.

APPROVED:

Gabriel D. Brown, Mayor

ATTEST:

Tammy Wilhoite, Assistant City Clerk

DATE OF PUBLICATION: September 30, 2021