

**CITY OF COLDSTREAM
ORDINANCE NO. 18-04**

**AN ORDINANCE PERTAINING TO REGISTRATION OF
RENTAL HOUSING UNITS IN THE CITY OF COLDSTREAM**

BE IT ORDAINED by the Council of the City of Coldstream, Kentucky:

WHEREAS, it is the desire of the City Council of the City of Coldstream (hereinafter the “City”), being in the best interests of all residents and property owners within the City, to regulate the use, appearance, and maintenance of properties within the City, and

WHEREAS, the City of Coldstream is empowered by general statutory provisions to regulate the use, appearance, and maintenance of properties within the City, and

WHEREAS, the City of Coldstream desires at this time to carry out such regulation and supervision of the condition of properties by requiring the registration of all rental properties located in the City;

NOW, THEREFORE, the City Council of the City of Coldstream does ordain as follows:

I. DEFINITIONS

Except where terms are expressly defined otherwise herein, or unless the context clearly indicates or requires a different meaning, the following words, when used in this Ordinance, shall have the following meanings:

“**City**” shall mean and refer to the City of Coldstream, Kentucky, its successors and assigns.

“**Lot(s)**” shall mean and refer to those portions of the real property located within the corporate boundaries of the City, and shown as Lots on the Plats recorded with the Jefferson County, Kentucky Clerk.

“**Plat**” shall mean and refer to the Plats of the City, of record in the Plat and Subdivision Books in the office of the Clerk of Jefferson County, Kentucky.

“**Residential Property**” shall mean and refer to all real property located in the City and intended for use and occupancy as single family residences as evidenced by Lots shown on the Plats.

“**Apartment Complex**” shall mean any rental housing unit that contains four or more housing units in the same building or buildings managed under the same owner.

“**Housing Unit**” shall mean any structure or part of a structure that is used or may be used by one or more persons as a home, residence, dwelling, or sleeping place, including but not

limited to single-family residences, duplexes, multi-family dwellings, condominium units, boarding and lodging house units, single-room occupancy units, accessory dwelling units, and any other structure or part of a structure having similar living accommodations.

“**Let for Occupancy**” or “**Let**” shall mean to permit, provide or offer possession or occupancy of a housing unit by a person who is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

“**Managing Operator**” shall mean any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

“**Owner**” shall mean an individual, record owner, corporation, partnership, trustee, lessee, agent or assignee or any equitable title in real property.

“**Rental Housing Unit**” shall mean any housing unit that is or may be available for rent, or is occupied or rented by a tenant or subtenant in exchange for any form of consideration.

“**Tenant**” shall mean a person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

I. APPLICABILITY

The registration provisions of this Ordinance shall apply to all rental housing units with the exception of:

(A) Hotels, motels, inns, bed and breakfasts, or similar accommodations that provide lodging for transient guests;

(B) Hospitals, hospice facilities, assisted living facilities, nursing homes, and residential care facilities meeting the definition of KRS 100.982;

(C) Convents, monasteries, or other facilities occupied exclusively by religious order or congregation;

(D) Transitional housing, homeless shelters, rehabilitation homes, and other emergency or temporary shelters;

(E) Housing units owned, operated, or managed by a major educational or medical institution or by a third party for the institution;

(F) Housing units that a governmental entity or housing authority owns, operates, or manages, or those exempted by federal, state, or local law;

(G) Accessory apartments and dwelling units, when the principal dwelling unit located on the same property is occupied by the owner of record.

II. REGISTRATION REQUIRED

(A) The owner of any rental housing unit, other than those exempted above, shall register all housing units with the City in accordance with the provisions of this section. An owner of an apartment complex is not required to register individual rental housing units and may register the apartment complex as a whole.

(B) The registration shall be available online through the City website, or may be mailed by the City to the Owner of a known or suspected Rental Housing Unit, and shall include the following information:

- (1) A description of the rental housing unit by street address;
- (2) The name, mailing and physical address(es), telephone number, and email address of the owner of the property;
- (3) The name, mailing and physical address(es), telephone number, and email address of the responsible managing operator, if other than the owner;
- (4) If the owner is a corporation, limited partnership, limited liability company, or similar entity, the organization shall furnish the name, mailing and physical address(es), telephone number, and email address of a responsible individual partner or officer;
- (5) If the owner is a partnership or similar entity, the entity shall furnish the name, mailing and physical address(es), telephone number, and email address of a responsible individual partner or officer.

(C) Whenever ownership of a rental housing unit changes, the new owner shall register the rental housing unit within 30 days of the transfer of ownership. Whenever the contact information changes for an owner and/or managing operator, the registration statement shall be updated within 30 days to provide the new contact information.

III. CONFIDENTIALITY

Confidentiality of Information. All rental registration information collected by the City hereunder shall be maintained as confidential and not disseminated or released to the public except as provided herein, required by law, or in the event the property is cited for violations of Ordinances. If a rental registry property is cited for a violation, rental registry information may become part of the property maintenance case file, which is maintained by the City and available for public inspection.

IV. ENFORCEMENT

Any person or entity that violates the provisions of this chapter shall be subject to citation issued by any law enforcement officer, citation officer or code enforcement officer. Citations shall be enforced through the City as provided herein, or as may be amended. The City shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, requirements, liens and charges now or hereafter imposed by the provisions of this Ordinance. Failure by the City to enforce any covenant, requirement or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

V. VIOLATIONS AND PENALTIES

(A) The failure to register a rental housing unit or apartment complex in accordance with this Ordinance shall be classified as a civil offense with a penalty of up to \$100 per rental housing unit or apartment complex. The owner or managing operator will be sent a ten day notice of violation with a warning of the failure to comply with the rental registry. Failure to

comply at the end of ten days will result in a fine of up to \$100 per rental housing unit or apartment complex. Thereafter, each day of such violation(s) shall constitute a separate offense. Any violation of this Ordinance may be enforced by citation written by duly authorized officer of the City, which shall include a city police officer, safety officer, citation officer, code enforcement officer, county police officer, sheriff, deputy sheriff, or other public law enforcement officer with the authority to issue a citation.

(B) The City shall possess a lien on the property of the owner of the property on which the rental housing unit or apartment complex is located for all civil penalties assessed for the violation and for all costs and fees incurred by the City in connection with the enforcement of this Ordinance. The affidavit of the responsible officer shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to this ordinance, and shall be recorded in the office of the county clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest at 12% per annum thereafter until paid. The lien created shall take precedence over all other subsequent liens, except state, county, school board, and city taxes, and may be enforced by judicial proceeding. The owner of the subject property upon which a lien has been attached pursuant to this section shall be personally liable for the amount of the lien, including all interest, civil penalties and other charges, and the City may bring a civil action against the owner and shall have the same remedy as provided for the recovery of a debt owed.

VI. SEVERABILITY; MODIFICATION

Severability; Modification. The provisions of this Ordinance are severable. While the covenants, conditions or requirements set forth above are considered to be reasonable in all circumstances, it is recognized that covenants, conditions or requirements of this nature may fail for reasons unforeseen, and accordingly it is hereby declared that if any of such covenants, conditions or requirements shall be adjudged void as going beyond what is reasonable in all instances, the said covenant, condition or requirements shall apply with such modifications as may be necessary to make it valid and effective. In the event any provision or portion of this Ordinance shall be held or adjudged invalid or unenforceable and incapable of reasonable modification to make it valid and effective in accordance with this section, the remaining provisions or portions of this Ordinance shall not be invalidated thereby, but shall remain in full force and effect.

This Ordinance shall take effect 60 days after its passage and approval, with registration required for applicable Rental Housing Units and Apartment Complexes by May 1, 2018, or thereafter within 30 days of the creation of a Rental Housing Unit, or within 30 days after the date of mailing of an application by the City to the Owner of a known or suspected Rental Housing Unit.

First Reading on the ___ day of February, 2018.

ENACTED this _____ day of March, 2018.

MAYOR

ATTEST:

CITY CLERK