

ORDINANCE NO. 319-2023

AN ORDINANCE OF THE CITY OF CRITTENDEN, KENTUCKY, REPEALING CHAPTER 64 OF THE CITY OF CRITTENDEN CODE OF ORDINANCES AS THEY PERTAIN TO THE SHORT-TERM VACATION/HOUSING RENTAL POLICY AND REPLACING SAME AS FOLLOWS

BE IT ORDAINED BY THE CITY OF CRITTENDEN, KENTUCKY, AS FOLLOWS:

SECTION I

The City of CRITTENDEN, hereby amends its Chapter 64 of the City of CRITTENDEN Code of Ordinances by deleting same *in toto* and substituting therefore the following:

WHEREAS, the City Council has determined that there is a need to address regulations for short-term vacation/housing rentals in order to allow property owners to occasionally utilize their properties for that purpose in a manner which shall not negatively impact property values; and

WHEREAS, the regulations contained in this Ordinance will be implemented in conjunction with short-term vacation/housing rentals to be approved by the designee of the City of Crittenden; and

WHEREAS, the City Council has determined that regulations are necessary to protect the public health, safety, morals, and general welfare.

**SECTION II
PURPOSE AND APPLICABILITY**

The purpose of this Ordinance is to establish regulations for the registration and use of short-term vacation/housing rentals, as defined herein, located in permitted zoning districts of the City of Crittenden.

**SECTION III
DEFINITIONS**

The following words, terms or phrases, when used in this Ordinance, shall have the meanings subscribed to them in this section except where the context clearly indicates a different meaning:

Advertise means the written, audio, oral, or other methods of drawing the public's attention whether by brochure, written literature, or on-line posting to a short-term vacation/housing rental in order to promote the availability of the short-term vacation/housing rental.

Local Emergency Contact means an individual other than the applicant, who resides within 25 miles of the subject property, and who is designated by the owner/applicant to act as the owner's authorized agent if the owner is outside of the immediate area or is otherwise unavailable. The local emergency contact should be available on a 24-hour basis, have access to the short-term vacation/housing rental property, and be authorized by the owner to act in the owner's absence to address any complaints, disturbances, and emergencies.

Owner means any person, agent, operator, firm, trust, corporation, limited liability company, partnership, or business organization having a legal or equitable interest in the property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor of the estate of such person if ordered to take possession of real property by a court.

Permit means the short-term vacation/housing rental permit which all persons must obtain from the City and keep in force in order to operate short-term vacation/housing rentals.

Short-term vacation/housing rental is defined as the rental of a single-unit dwelling unit, or a portion thereof, for a period not to exceed 14 consecutive days. The term does not include:

- (l) a unit that is used for a nonresidential purpose, including an educational, health care, retail, restaurant, banquet space, or event center purpose or another similar use;
- a bed and breakfast; or
- a hotel/residence hotel.

Residential Zoning Districts: Include Residential-Two (R-2), Residential-Three (R-3), Residential-Four (R-4), and Residential-Five (R-5) zoning districts.

SECTION IV SHORT-TERM VACATION/HOUSING RENTAL REGISTRATION REQUIREMENTS AND PERMITS

A. No person shall hereafter advertise, offer to rent or rent, lease, sublease, license, or sublicense a residential property within the City as a short-term vacation/housing rental until a registration has been properly made and a Permit obtained from the City. Short-term vacation/housing owners shall obtain and keep in force a City of CRITTENDEN short-term vacation/housing rental Permit ("Permit") under the following terms and conditions:

1. Applications for the Permit (attached hereto as Exhibit "A") shall be submitted to the City Zoning Department. Applications for the Permit will be considered in the order in which they are received by the City. Application forms shall require, but not be limited to, the following information:

- Name, address, phone number, and e-mail address of the owner of the short-term vacation/housing rental property.
 - Name, address, phone number, and e-mail address of the designated Local Emergency Contact.
 - The maximum number of occupants permitted for the dwelling unit or sleeping room in accordance with this Ordinance.
 - A submission of a sketch floor plan of the dwelling with dimensioned room layout.
 - Self-Safety Inspection Form indicating all proper safety devices are in place and in good working order.
 - Site Plan/Survey of the property indicating maximum number of vehicles that can be legally parked on the property, without encroaching onto street, sidewalks or alleys; other public rights-of-way or public property.
2. Applicant shall obtain an occupational license from the City of CRITTENDEN upon successful approval of a Zoning Permit for the operation of a short-term vacation/housing rental with the City.
 3. As long as the zoning classification allows for short-term vacation/housing rentals, the short-term vacation/housing rental shall run with the property and not to the property's current owner. Any subsequent buyer shall be entitled to use the residence as a short-term vacation/housing rental property upon successful completion and approval of any and all required Permits and occupational license through the City. This provision shall include all short-term vacation/housing rentals approved prior to the enactment of this Ordinance as set forth by City of CRITTENDEN Resolution.
 4. Applicant shall provide a certificate of insurance or other valid proof of general liability insurance in an amount not less than one million dollars (\$1,000,000.00) per occurrence which shall remain in effect at all times while engaged in the permitted activity.
 5. Applicant shall comply with all aspects of applicable provisions of the International Building Code with Kentucky Amendments (adopted edition), NFPA 1124 (National Fire Protection Association, currently adopted edition), and all other applicable state, federal, or local laws or regulations.
 6. The initially issued Permit shall expire June 30, or upon a date on which the applicant no longer qualifies as a short-term vacation/housing rental operation as defined herein. The Permit may be renewed with an effective date of July 1 for successive 365 calendar day periods so long as the applicant continues to qualify for issuance of the Permit. Applications for renewal periods shall be made to the City's Zoning Department on forms

approved by the City (attached hereto as Exhibit "B") by June 1 of each year. The fee for the initial permit period, payable at the time of application, shall be \$250.00 and may be prorated, depending upon when initial permit period begins. The fee for any subsequent permit period, payable at the time of application renewal by June 1 of each year, shall be \$150.00 per property address or \$250.00 per multi-unit property.

7. Upon receipt of an application for renewal of the registration, the Zoning Administrator or other designee may deny the renewal if there is reasonable cause to believe that:
 - The Owner has violated any ordinance of the City, or any state, or federal law on the premises or has permitted such a violation on the premises by any other person; or
 - There are grounds for suspension, revocation, or other registration sanction as provided in this Ordinance.
 - The Owner fails to apply for, be issued or appropriately renew a City of CRITTENDEN Occupational License

8. Any Permit issued under the provisions of this Ordinance may be revoked by the zoning administrator or other designee upon a showing that the Permit holder has violated any of the provisions of this Ordinance. Revocation shall be by written notice which describes the reasons for the revocation. The written notice of revocation shall be delivered to the Permit holder in person or by certified mail sent to the address listed on the application. If a Permit is revoked, and the applicant desires to contest the revocation, a Public Hearing before the CRITTENDEN Board of Adjustment may be obtained by filing with the office of the zoning administrator a written request for the Public Hearing within 15 days of the issuance of the revocation notice.

SECTION V SELF SAFETY INSPECTION REQUIRED

As part of the application process, the owner/applicant is required to perform a short-term vacation/housing rental Fire Safety Inspection and provide a Checklist (attached hereto as Exhibit "C") for the structure in addition to the inspection to be performed by the designated fire official and the city code enforcement officer. The fee for the inspection(s) mentioned herein shall be as established by the city council.

SECTION VI RESTRICTIONS ON SHORT-TERM VACATION/HOUSING RENTALS

- *Use.* In the permitted zones, all short-term vacation/housing rentals shall be approved by a Permit issued by the City's designee as contained within the City of

CRITTENDEN Zoning Ordinance and short-term rental ordinance.

- *External Signage.* There shall be no external on-site or off-site advertising signs or displays indicating the property is a short-term vacation/housing rental.
- *Non-Dwelling Units.* Short-term vacation/housing rentals shall not be allowed on any area not considered a primary dwelling, i.e., recreational vehicles, tents, boats, etc.
- *Limit on occupants allowed.* No more than two (2) adult guests per bedroom, plus no more than two (2) additional adults shall be allowed when renting a property as a short-term vacation/housing rental, except that:
 1. No room with less than 75 square footage shall be considered a bedroom for sleeping purposes nor shall any room be used as a bedroom which does not have at least two modes of egress without having to pass through another room.
- *Limits on number of vehicles.* There shall be a minimum of two parking spaces for all single-unit short-term vacation/housing rentals with additional parking spaces required for any single-unit short-term vacation/housing containing over three bedrooms. All parking for a short-term vacation/housing rental shall be provided off-street, except if the short-term vacation/housing rental is located within the Central Business District and has access to Municipal parking.
- *Advertisement and contracts.* Any advertisement of the property as a short-term vacation/housing rental and all rental contracts must contain language that specifies the allowed maximum number of occupants and maximum number of vehicles.
- Other restrictions. It is unlawful:
 1. To operate or allow to be operated a short-term vacation/housing rental without first obtaining a Permit for the property in which the rental is to occur with the City in accordance with this Ordinance;
 2. To advertise or offer a short-term vacation/housing rental without first registering the property in which the rental is to occur with the City in accordance with this Ordinance; documented advertisement of the subject property as a short-term vacation/housing rental, online or offline, shall be considered evidence of a violation of this Ordinance;
 3. To operate a short-term vacation/housing rental that does not comply with all applicable city and state laws and codes;
 4. To operate a short-term vacation/housing rental without paying the required hotel occupancy taxes;
 5. To offer or allow the use of a short-term vacation/housing rental in a manner which violates the City Noise Control Ordinance;
 6. Permit the use of the short-term vacation/housing rental for any illegal purpose or any use not permitted by Zoning Regulations.

SECTION VII

INFORMATION BROCHURE

- A. Information to be provided. Each owner operating a short-term vacation/housing rental shall provide to guests' information that includes:
1. The registrant's twenty-four (24) hour contact information;
 2. A local responsible party's twenty-four (24) hour contact information, if the property owner is not within the city limits when guests are renting the premises;
 3. Pertinent neighborhood information including, but not limited to, parking restrictions, restrictions on noise and amplified sound, and trash collection schedules;
 4. Information to assist guests in the case of emergencies posing threats to personal safety or damage to property, including emergency and non-emergency telephone numbers for police, fire, and emergency medical services providers and instructions for obtaining severe weather, natural, or manmade disaster alerts and updates.
 5. Policy regarding pet(s) and garbage disposal to include trash can removal from curb as well as telephone number for non-emergency reporting.

SECTION VIII

SAFETY FEATURES

Each short-term vacation/housing rental property shall have working smoke detectors in accordance with adopted codes and at least one working carbon monoxide detector and alarm per floor level, and one working fire extinguisher. The premises shall otherwise comply with applicable Codes of Ordinance, including but not limited to, Building and Fire Codes. Owner agrees that in the event his/her property does not meet the minimum standards for a short-term rental as established by the ordinances of the city, said property shall not be listed for rent with any rental agency and further agrees that the city may notify any such agency where same may be found to be listed that the subject property is not in compliance with said ordinances.

SECTION IX

ENFORCEMENT

The provisions of this Ordinance will be enforced by the Code Enforcement Officer of the City of CRITTENDEN following the procedures set forth within this Ordinance. Proceedings against any person violating any of the provisions of this Ordinance may be initiated by the Code Enforcement Officer. If the Code Enforcement Officer finds, after investigations have been made,

that there is a violation of this Ordinance, the following procedures shall be followed:

- a. The Code Enforcement Officer shall give written notice, by certified mail or hand delivered with a signed receipt, to the Permit holder for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the Code Enforcement Officer believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Code Enforcement Officer within thirty (30) consecutive calendar days of receipt of such notification. The notice shall state that failure to reply or to correct the alleged violation to the satisfaction of the Code Enforcement Officer within thirty (30) consecutive calendar days of receipt of said notice constitutes admission of violation of the terms of this ordinance and may also result in communication to the host web site that the subject property is not in compliance with local ordinances. In the event personal service or service by mail cannot be accomplished with reasonable effort, service hereunder may be had by taping a copy of the notice to the front door of the rental property.
- b. If there is no reply within seven (7) consecutive calendar days of receipt of said notice, but the alleged violation is corrected to the satisfaction of the Code Enforcement Officer, he/she shall note "violation corrected" on his/her copy of the notice and shall retain it among his/her official records, taking such other action as may be warranted.
- c. If there is no reply within seven (7) consecutive calendar days of receipt of said notice or delivery as set forth herein, and the alleged violation is not corrected to the satisfaction of the Code Enforcement Officer within the established time limit, he/she shall either issue a citation to the offending party in accordance with KRS 65.8825 or any successor statute or proceed to contact the City Attorney to further investigate and enforce the rules and regulations of this Ordinance with the potential to revoke the approved short-term vacation/housing rental.

SECTION X

Any person, firm or corporation who violates this ordinance in any manner shall be fined:

For a first offense: \$50.00 per day;

For a subsequent offense related to the same violation: \$250.00 per day

AND

In addition to said fine or fines, have his/her permit to operate a short-term vacation/housing rental permit revoked for a period not to exceed one (1) year from the date of occurrence.

SECTION XI

The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

SECTION XII

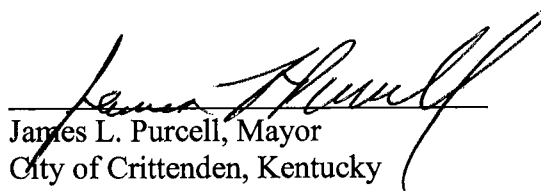
All ordinance or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION XIII

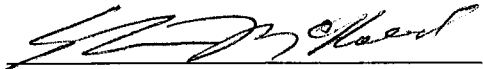
This ordinance shall be effective as soon as possible according to law.

SECTION XIV

This Ordinance shall be published in summary pursuant to K.R.S. 83A.060(9).


James L. Purcell, Mayor
City of Crittenden, Kentucky

ATTEST:



Shawn McHolland, City Clerk/Treasurer

1st Reading: 8/8/2023

2nd Reading 8/22/23

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