

## ORDINANCE 22 - 08

### **AN ORDINANCE PROVIDING REQUIREMENTS FOR THE OPERATION OF SHORT-TERM RENTALS WITHIN SCOTT COUNTY AND AMENDING ORDINANCE 20-06 TO PROVIDE FOR APPEALS.**

WHEREAS, the purpose of this Ordinance is to promulgate rules, regulations and licensing for certain standards, requirements and safety measures to ensure the health and safety of Scott County residents, property Owners and those persons visiting Scott County, while ensuring that all lawfully owed taxes are remitted to the relevant taxing agencies;

NOW, THEREFORE, BE IT ORDAINED BY SCOTT COUNTY, KENTUCKY:

#### **SECTION ONE**

##### **1. Definitions.**

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

*CODE ENFORCEMENT BOARD* shall mean the Local Governments of Scott County Joint Code Enforcement Board, as established in the Interlocal Agreement of record in the Scott County Clerk's Office, Miscellaneous Book 45, Page 147.

*DIRECTOR* means the Director of the Georgetown-Scott County Revenue Commission.

*HOST* means 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* means 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. The term hosting platform includes online travel companies that offer dwelling units, or portions 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* means a dwelling or dwelling unit that is rented, leased or otherwise assigned for a tenancy of less than thirty (30) consecutive days' duration, where no meals are served. One structure may contain multiple units that are rented, leased or otherwise assigned for a tenancy of less than thirty (30) consecutive days' duration, where no meals are served; each separate unit shall be considered an individual short-term rental. 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* means any method of soliciting use of a dwelling unit or portion thereof as a short-term rental.

*TRANSIENT USER* means 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 thirty (30) consecutive days' duration.

## **2. Annual registration required.**

No person, firm or corporation shall own or operate a short-term rental on any premises within Scott County unless the short-term rental has been registered annually with the Georgetown-Scott County Revenue Commission ("GSCRC").

- (A) The Director may refuse to issue or renew the registration of a short-term rental until all outstanding penalties associated with violations of this or any other applicable Scott County Ordinances 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 Scott County, GSCRC or Georgetown-Scott County Tourism Commission 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 or any other applicable Scott County Ordinances.
- (D) If the property is subject to two (2) or more substantiated civil complaints or the Host is found to have twice violated or failed to comply with any applicable provision of this or any other applicable Scott County Ordinances with respect to a given property

within a 12-month period, the Director may revoke the registration. When the Director revokes a registration pursuant to this sub-section, the owner and Host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal. Appeals shall be heard pursuant to the provisions set forth in Scott County Ordinance No. 20-06, as amended. If no appeal is requested, the revocation shall become final on the thirty-first (31<sup>st</sup>) 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.

- (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 (1) calendar year.

### **3. Annual registration; fee.**

- (A) Each annual registration for a short-term rental shall be per the procedure established 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 Scott County, Kentucky and/or within twenty-five (25) miles of the short-term rental, who shall be responsible for addressing any maintenance, safety concerns or nuisance complaints. The Host shall provide the emergency contact's information to Transient Users upon arriving at the short-term rental;
  - (2) Proof of registration and good standing with the Georgetown-Scott County Revenue Commission (GSCRC);
  - (3) The location of the short-term rental; and
  - (4) Proof of zoning compliance including, but not limited to, obtaining a conditional use permit where required.
- (B) A nonrefundable fee of twenty-five dollars (\$25.00) shall accompany the annual registration form of a short-term rental. Where a Host seeks to register multiple short-term rentals, under the same business name and on the same registration form, there shall be no additional fee.
- (C) A registration shall expire one (1) year from the date it is issued and shall be renewed annually.
- (D) A change in Host or ownership of a short-term rental shall invalidate any existing registration. The new Host or property owner must apply for a registration in his/her/its

name.

#### **4. Compliance with federal, state and local laws and regulations.**

Each separate short-term rental shall, at all times, maintain 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 regarding nondiscrimination, zoning, building, safety, property maintenance, health and sanitation, fire, electrical, plumbing, mechanical and other applicable laws.

#### **5. Registration with the Georgetown-Scott County Revenue Commission.**

- (A) The Host shall register with the GSCRC to ensure compliance with all applicable local taxes.
- (B) Pursuant to Scott County Ordinance 04-05, as amended, the Host is subject to occupational license taxes to the GSCRC.

#### **6. Transient room taxes to be remitted to Georgetown-Scott County Tourism.**

Pursuant to Ordinance No. 22 - 09, transient room taxes are to be collected and paid by the Host to the Georgetown-Scott County Tourism Commission ("GSCTC"). Transient room 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 GSCTC for collection and payment of such taxes to the GSCTC.

#### **7. Duties of a Host.**

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

- (A) There shall be no more than one (1) contract per short-term rental at a time;
- (B) There shall be no signage on the premises of the short-term rental advertising or identifying the short-term rental in residential zoning districts;
- (C) The name, telephone number and email address of the emergency contact, as identified in the annual registration, shall be conspicuously posted within the short-term rental;

and

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

**8. 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 thirty (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 herein.
- (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 shall 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 (10) business days of notification by the Director.
- (C) The Director may request that a Hosting Platform provide the following information to the Georgetown-Scott County Revenue Commission on a monthly basis:
- (1) The total number of short-term rentals in Scott County 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.

When requested, these reports shall be due on the last day of each month and shall include information from the preceding month (example: on June 30, the May report shall be due).

- (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 that Scott County has a reasonable belief, based on evidence, that a short-term rental may be in violation of this or other applicable Scott County Ordinances;
  - (2) Be served on the Hosting Platform via its registered agent;
  - (3) Be related to a specific investigation by Scott County relating to a short-term rental that is identified in the subpoena; and
  - (4) Identify the alleged violations of this ordinance.

The Hosting Platform shall notify its Host of the information requested in the subpoena within ten (10) business days of receiving the subpoena and shall produce records within twenty-one (21) days of providing notice to the Host, except to the extent that the Host has sought relief in a court of competent jurisdiction.

#### **9. Compliance timeline.**

All parties subject to the provisions of this ordinance shall achieve compliance within ninety (90) days of its passage and publication.

#### **10. Enforcement and penalties.**

- (A) Violation of any section of this Article, other than a violation which would also constitute a criminal offense under any provision of the Kentucky Revised Statutes, shall constitute a civil offense which shall be enforced according to the procedures set forth in Scott County Ordinance No. 20-07, as amended, by the Code Enforcement Board, hearing officers, code enforcement officers, citation officers and other persons duly authorized to investigate and enforce the violations through investigation, inspection and issuance of citations.
- (B) The penalty for violations of this Article shall be as set forth in Scott County Ordinance 20-07 Section ONE, paragraph 15. All violations of this section shall be considered Class 2 violations.
- (C) Penalties for a violation of any section of this article will be waived only if the same or similar violation has not occurred on the property within the same calendar year and the violation is remedied within seven (7) days of issuance of the citation or within the time period specified by the code enforcement officer.
- (D) In addition to the penalties provided herein, the Director is authorized to pursue remedial civil actions for violations of this ordinance by civil complaint or petition for injunctive relief, declaration of rights or other appropriate proceedings filed in the Scott County, Kentucky Circuit Court.

### **SECTION TWO**

If any section, subsection, paragraph, sentence, clause, phrase, or a portion of this ordinance is

declared illegal or unconstitutional or otherwise invalid, such declaration shall not affect the remaining portions hereof.

### SECTION THREE

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

### SECTION FOUR

This Ordinance shall be in full force and effect upon passage and publication.

PUBLICLY INTRODUCED AND READ FIRST TIME: July 28, 2022

PUBLICLY READ SECOND TIME AND PASSED: Aug. 12, 2022

APPROVED:

  
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Joe Pat Covington, Scott County Judge/Executive

ATTEST:

  
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Stacy Hamilton, Scott Fiscal Court Clerk