

CITY OF BELLEVUE

ORDINANCE NO. 2019-04-03

AN ORDINANCE OF THE CITY OF BELLEVUE IN CAMPBELL COUNTY, KENTUCKY, ESTABLISHING RULES, REGULATIONS AND LICENSING REQUIREMENTS FOR SHORT TERM RENTAL OF OWNER OCCUPIED DWELLINGS INCLUDING GUEST ROOMS AND SUITES BY PERSONS NOT MEMBERS OF THE OWNER-OCCUPANT'S HOUSEHOLD, AND ESTABLISHING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING SECTION 24 (A) (3) OF ORDINANCE 2007-12-01.

WHEREAS, members of the Board of Council of the City of Bellevue are concerned about the health and welfare of its citizens and those persons temporarily visiting our community; and

WHEREAS, it has come to the attention of the Council members that Owner-occupied dwellings, and/or parts thereof are being rented on a short term basis by residents and/or property Owners in Bellevue; and

WHEREAS, the Board of Council has determined that rules, regulations, and licensing are necessary to regulate and inspect Owner-occupied dwellings for the safety and health of Bellevue's citizens, those persons visiting Bellevue, and adjacent landowners; and

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 Bellevue residents, property Owners and those persons visiting Bellevue; and

WHEREAS, the Board of Council, to provide consistency in fees for licensing, sees the need to repeal a certain ordinance for the purpose of providing consistency in fees;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BELLEVUE, IN CAMPBELL COUNTY, KENTUCKY, AS FOLLOWS:

Section _____ is hereby created:

Section _____ SHORT TERM RENTAL REGULATIONS

Section 1.0 – Definitions

As used herein, the following words and phrases have the meanings indicated for them:

1.1 Person The word “person” means any human being or beings, or organization, or combination thereof in the form of a corporation, limited liability company, partnership, joint venture, unincorporated association, sole proprietor, individual, or otherwise.

1.2 Short-Term Rental Building

A short-term rental building means an Owner-occupied dwelling which includes guestrooms or suites for rent by persons not members of the Owner-occupant’s household.

1.3 Owner

“Owner” means any person, as described in Section 1.1 herein, who has legal Ownership of a building used as a Short-Term Rental Building

1.4 Guest

“Guest” means any person or persons who rent a Short-Term Rental unit.

1.5 Unit and Short-Term Rental Unit

“Unit” and “Short-Term Rental Unit” is that portion of an Owner-occupied dwelling, where enclosed, exclusive and traditional sleeping quarters are provided (i.e. bedroom), and may not be a portion of the Short-Term Rental Building temporarily used to house Short-Term Rental guests, including but not limited to tents or structures in front, side or back yards, closets, living rooms, studies and/or dining rooms.

1.6 Off Street Parking

“Off Street Parking” means parking for vehicles of guests, provided by Owners of Short-Term Rental Buildings, not on City of Bellevue streets or City of Bellevue public parking lots.

1.7 Liability Insurance

“Liability Insurance” means insurance procured and paid for by Owner, in an amount sufficient to provide coverage to guests in the case of injury or death to guests while in or about the Short-Term Rental Building and/or Unit.

Section 2.0 – Rules and Regulations for Short-Term Rentals

The operation of short-term rental units is subject to the following standards and conditions:

- A. A permit from the City is required.

- B. Short-term rental units are permitted in attached single-family dwellings, detached single-family dwellings, two-family dwellings, townhomes, and condominiums.
- C. Short-Term rentals and/or Short-Term Rental Units are not permitted in the following: bed-and-breakfast, hotel or a motel, an extended stay hotel or motel, a dwelling organized as seniors' housing.
- D. A Short-Term Rental Building, for purposes of this section, must be the Owner's principal residence, and occupied by Owner for at least 183 days per calendar year.
- E. Short-term rental guests shall not stay more than fourteen (14) consecutive days in duration.
- F. A Short-Term Rental Building used for short-term rentals shall have no more than four (4) guest-rooms. Each floor of the Short-Term Rental Building shall have a functioning carbon-monoxide alarm, each hallway interconnecting guest-rooms shall have a functioning smoke detector, no guest-room shall have more than four occupants, and each guest room shall have a functioning smoke detector. All Short-Term Rental Buildings and Units shall be in compliance with the applicable building codes.
- G. Guests may use a kitchen to prepare meals. Kitchens used by guests equipped with a stove, oven, or range shall have a fire extinguisher conspicuously displayed and a functioning smoke detector.
- H. Signs for identifying or advertising short-term rentals are not permitted.
- I. Owners of short-term rental units must obtain an occupational/business license from the City of Bellevue.
- J. Each dwelling used for short-term rental shall be subject to inspection by the Building Inspector prior to the issuance of an annual business license, and at all renewals, and all Short-Term Rental Buildings shall be subject to Ordinance 156A regarding rental licensing.
- K. Pursuant to and consistent with Ordinance 156A.06, an annual fee of Forty Dollars (\$40) shall be paid by each short-term rental Owner.
- L. Owners of three (3) or more units in the same Short-Term Rental Building shall provide off-street parking for their Guest(s). The parking may be off-site on private property.
- M. Each Short-Term Rental Building shall conspicuously display Ordinance 94.01 prohibiting unusual or loud noise.

N. Each Short-Term Rental Owner shall obtain and maintain, at Owner's sole expense, liability insurance to cover guest(s) in the event of injury or death while Guest is in, on or about the Short-Term Rental Building and/or Unit.

Section 3.0 – Repeal of Ordinance Section:

To keep licensing fees consistent for Short-Term rentals and other rental properties, the following Section 24 (A) (3) of Ordinance 2007-12-01 is hereby repealed:

~~(3) Rental Property:~~

(a) Business or office units, each	\$40.00 payable April 15th
	each year
(b) Residential Units, each	\$40.00 April 15th
	each year

- ~~(i) Exception: If an Owner of a building with two or more residential units therein is the occupant of one unit in that building, no fee is required for the unit in which such Owner resides~~
- ~~(ii) Residential rental unit property Owners will not be subject to the criminal prosecution provided in Section 25 for violation of this Section. They will be subject to the civil penalties provided for in Bellevue's Code of Ordinances.~~

Section 4.0 – Civil Penalties

Each separate violation of this Ordinance is hereby classified as a civil offense, for which:

3.1 The maximum civil fine required by K.R.S. 65.8808(2)(b)(1) that may be imposed for each separate violation of this Ordinance, is hereby established as \$500.00; and

3.2 The specific civil fine required by K.R.S. 65.8808(2)(b)(2) that will be imposed for each separate offense and violation of this Ordinance if the person who has committed the violation and offense does not contest a citation therefor, is hereby established as \$100.00;

3.3 The Code Enforcement Board, pursuant to Ordinance No. 35.97 through Ordinance No. 35.105, shall enforce this ordinance and its penalty provisions.

3.4 Multiple violations (3 or more) of this Ordinance may result in Occupational License suspension as decided by the Code Enforcement Board;

3.5 An enforcement officer may, in lieu of immediately issuing a civil citation therefor, give notice that the violation of this Ordinance shall be remedied within a specific period of time.

Section 4.0 – Provisions Severable

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 5.0 – Conflicting Ordinances Repealed

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

Section 6.0 – Effective Date

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

Section 7.0 – Publication

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

The Ordinance shall be effective when read, passed and advertised according to law.

Charlie Cleves, Mayor

ATTEST:

Mary H. Scott, City Clerk

1st reading: _____

2nd reading: _____

Publication: _____