

**CITY OF SOUTHGATE  
CAMPBELL COUNTY, KENTUCKY  
ORDINANCE NO. 12-03**

**AN ORDINANCE OF THE CITY OF SOUTHGATE, KENTUCKY, IN CAMPBELL COUNTY, CREATING CHAPTER 97 OF THE SOUTHGATE CODE OF ORDINANCES IN ORDER TO REQUIRE PROPERTY OWNERS TO OBTAIN LICENSES BEFORE RENTING DWELLING UNITS**

**WHEREAS**, the City of Southgate wishes to adopt legislation concerning the licensing of rental dwellings within the City in order to establish reasonable and uniform regulations concerning the same; and

**WHEREAS**, the regulation of rental dwellings promotes the health, safety and general welfare of the owners and occupants of rental dwellings within the City of Southgate, Kentucky;

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

**SECTION I**

That Chapter 97 of the Code of Ordinances of the City of Southgate is hereby created and shall provide as follows:

**CHAPTER 97: RENTAL DWELLING LICENSES**

**SECTION 97.01 DEFINITIONS.**

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

**CODE CITATION OFFICER.** The Civil Citation Officer of the City of Southgate.

**LICENSEE.** The owner of a rental dwelling who has applied for and received a rental dwelling license.

**MIXED-USED BUILDING.** A building that is being utilized, simultaneously, for both residential and commercial purposes; for example, a building that has a storefront on street level and residential apartments on upper floors. The provisions set forth herein only apply to the residential portion thereof.

**OCCUPANT.** A person who lives in a rental dwelling unit, other than the owner of the unit.

**OWNER.** The person, corporation or other entity who has title to a rental dwelling, as identified in the records of the Campbell County Clerk.

**RENTAL DWELLING.** Any structure that contains at least one unit in which a non-owner occupant lives for one month or longer with the permission or consent of the structure's owner, whether or not a rental fee is charged or collected. A dwelling occupied by an owner or a member of the owner's family as set forth in 97.02(C) is not a rental dwelling, even if a non-owner also resides there.

**TREASURER.** The Treasurer of the City of Southgate.

**UNIT.** Individual living quarters within a rental dwelling, including but not limited to a single family home, an apartment in a multi-family apartment building, an apartment in a mixed-use building, or a sleeping room in a structure of any type.

**SECTION 97.02**      **APPLICABILITY; EXEMPTIONS.**

(A)      This Chapter shall apply to all rental dwellings as defined herein, unless specifically exempt as set forth in (B), (C) or (D). That includes, but is not limited to, single-family homes, condominiums and townhouses that are not owner-occupied; carriage houses, apartments, sleeping rooms and other living quarters that are part of otherwise owner-occupied homes; duplexes and multi-family apartment buildings and complexes; and mixed-use buildings that are used, in part, for residential purposes.

(B)      The requirement to obtain a rental dwelling license and to pay a fee in connection with securing the license does not apply to rental dwelling units that are owned or operated by governmental agencies as public housing or by any entity recognized as a non-profit corporation or exempt organization under the provisions of 26 U.S.C. § 501(c) of the Internal Revenue Code. However, such rental properties and rental dwelling units shall be subject to the remaining provisions hereof, in particular, the licensing standards, conditions and inspection guidelines.

(C)      This Chapter does not apply to rental dwelling units in which one or more of the occupants is the grandparent, parent, child, grandchild, aunt or uncle (including steps and in-laws of the same relation) of the owner.

(D)      This Chapter does not apply to hotels, motels, apartments or dormitories that are owned by a college or university, jails, convents, monasteries, nursing homes, parsonages, parish houses, rectories, hospitals or orphanages.

**SECTION 97.03**      **LICENSE REQUIRED.**

(A)      It shall be unlawful for an owner to allow any rental dwelling unit to be occupied without first applying for a rental dwelling license for that unit under the terms of this Chapter.

(B)      A rental dwelling license is not transferable between owners. In the event a licensee sells a rental dwelling, the new owner shall apply for a rental dwelling license within sixty (60) days of purchasing the unit.

(C)      A rental dwelling license is not transferable between rental dwelling units. An owner is required to obtain a rental dwelling license for each rental dwelling unit he, she or it owns.

**SECTION 97.04**      **LICENSE PROCEDURE.**

- (A) The owner of a rental dwelling shall apply to the Treasurer or his or her designee for a rental dwelling license prior to allowing that unit to be occupied.
- (B) The application shall be accompanied by a non-refundable application processing fee of \$40, which will be applied to the licensing fee upon approval. If the application is denied or voluntarily withdrawn by the owner, the application fee shall be retained by the City.
- (C) The owner of two or more residential dwelling units that share the same street address (for example, the owner of a duplex or multi-family apartment building) may use a single application to apply for licenses for all of the units that share that address. In that event, the application shall be accompanied by a non-refundable application processing fee of \$40 per unit for which licenses are applied.
- (D) Application shall be made on a form furnished to the owner by the City and shall set forth the following information:
- (1) The name, address and telephone number of the owner of the rental dwelling or unit thereof. If the owner is a partnership, the name of the partnership and the name and residence of the managing partner shall be included. If the owner is a corporation, the name and address of the corporation, the name of the chief operating officer and its agent for service of process in Kentucky shall be included.
  - (2) If the owner has appointed an agent authorized to maintain and manage the property, the name, business or residence address and telephone number of such agent.
  - (3) Every applicant, whether an individual, partnership or corporation, must identify in the application by name, residence or business street address and telephone number, the person who is actively involved in, and responsible for the maintenance and management of the premises. That person shall, if other than the owner, affix his or her notarized signature to the application, thereby accepting joint and several responsibility with the owner (including any potential criminal, civil or administrative liability) for the maintenance and management of the premises. A post office box or commercial mail receiving service is not acceptable as an address for such person.
  - (4) The street address (including any applicable apartment, room or unit numbers) of the rental dwelling unit or unit(s) to which the application pertains.
- (E) In the event that any of the information required to be provided herein should change either before or after the rental dwelling unit license is issued, the applicant or licensee shall, within 14 days of such a change, notify the Treasurer or his or her designee, in writing, of the change.
- (F) After he or she has applied for a rental dwelling license, and pending the approval of his or her application, an owner may allow the rental dwelling unit to which the application pertains to be occupied, so long as the unit complies with

all applicable fire, zoning, life safety, property maintenance and/or building codes of the City.

- (G) The owner of any rental dwelling which has a valid occupational license upon the effective date hereof shall be deemed to have been issued a rental dwelling license hereunder, provided that such owner shall be required to apply for a rental dwelling license the year after this ordinance becomes effective.

**SECTION 97.05 LICENSE FEES; RENEWAL.**

(A) The license fee for each rental dwelling license shall be \$40 per license period.

(B) The license period shall be one full year, beginning on July 1 of each calendar year and ending on June 30 of the following calendar year.

(C) There shall be no proration of or reduction in the license fee for the first year in which a rental dwelling license is issued.

(D) A licensee must apply to renew his or her license on or before June 1 of each year if the unit will be occupied in the following license period. A non-refundable application fee of \$40 must accompany the renewal application, and will be applied toward the applicant's license fee for the new license period if the application is approved. If the application is not approved or if the licensee voluntarily withdraws his renewal application, the non-refundable application fee shall be retained by the City.

(E) There shall be a grace period for renewals, such that a license may be renewed if an application is received after June 2 and on or before June 30 for the following license period. However, such applications must be accompanied by the payment of a late fee of \$20 per unit.

(F) Any license not renewed on or before June 30 for the following license period will be deemed lapsed and, if the rental dwelling unit is occupied, Section 97.99 shall apply.

**SECTION 97.06 LICENSING STANDARDS AND CONDITIONS.**

Upon receiving an application for a rental dwelling license or an application for renewal of such a license, the Treasurer or his or her designee shall refer the application to the Civil Citation Officer, who shall review the application for compliance with this Chapter.

The following minimum standards and conditions shall be met in order to obtain or renew a rental dwelling license. Failure to comply with any of these standards and conditions shall be adequate grounds for the denial, refusal to renew, revocation or suspension of any rental dwelling license.

(A) The applicant shall have paid the required rental dwelling license fee.

(B) The unit must not be overcrowded or illegally occupied in violation of the fire, zoning, life safety, property maintenance and/or building codes of the City.

(C) The unit must not have been used or converted to any other type of use in violation of the zoning code.

(D) If the unit is one of 3 or more in a single building, it is subject to a fire inspection by the City Fire/EMS Department.

(E) The unit must comply with all provisions of the applicable City fire, zoning, life safety, property maintenance and/or building codes.

(F) The applicant shall maintain a current register of all tenants and other persons with a lawful right of occupancy to any rental dwelling.

(G) The applicant shall have submitted a complete application.

(H) There shall be no delinquent property taxes, assessments or any unpaid code enforcement citations and/or liens on the rental dwelling.

(I) No new rental dwelling license shall be issued for the property during the pendency of any adverse license action until disposition of the same.

#### **SECTION 97.07 ISSUANCE OF A LICENSE.**

(A) When the Civil Citation Officer or his or her designee finds that the minimum standards for licensing set forth herein have been met, he or she shall issue a rental dwelling license.

(B) The issuance of a rental dwelling license shall not have the effect of changing the legal status of a rental dwelling, including, but not limited to legalizing an illegally created dwelling unit, use or other circumstance, or recognizing a nonconforming use, structure or other nonconformity.

#### **SECTION 97.08 DUTIES OF A LICENSEE.**

(A) Every licensee shall display his license by placing it in a frame with a transparent cover and hanging it upon the premises of the rental dwelling unit to which the license applies. The certificate shall be conspicuously posted at or near the front entrance of the structure.

(B) Before a licensee sells the unit to which his or her license applies or the real property containing that unit, the licensee shall notify the prospective buyer, in writing, of all unabated orders and notices of violations issued against the unit or the structure containing it. The licensee must also notify the prospective buyer, in writing, that the prospective buyer is required to obtain a rental dwelling license in order to lease the property. A copy of the notification shall be mailed to the Treasurer or his or her designee within 5 days of furnishing the notification to the buyer. For the purpose hereof, **TIME OF SALE** shall be construed to mean when a written purchase agreement is executed by the buyer or, in the absence of a purchase agreement, upon the execution of any document providing for the conveyance of any rental dwelling required to be licensed.

#### **SECTION 97.09 DETERMINATION OF NON-COMPLIANCE.**

(A) If the Civil Citation Officer or his or her designee determines that any rental dwelling or unit thereof fails to meet the licensing standards and conditions set forth herein, he or she shall mail a notice to the owner or the owner's agent. Notice shall be deemed sufficient if sent by regular first class mail to the owner or owner's designated agent at the address specified in the last license application filed with the City. Notice shall also be conspicuously posted on the rental dwelling. The notice shall specify the reasons for the rental dwelling's failure to meet the required licensing standards and conditions and shall include a copy of any inspection report, if applicable.

(B) If the rental dwelling fails to meet 1 or more of the required standards and conditions, the notice shall indicate that the license holder or applicant has 30 days in which to correct the defects, after which time action may be taken to deny, refuse to renew, revoke or suspend the rental dwelling license.

(C) Whenever a notice of noncompliance is issued hereunder, the Civil Citation Officer or his or her designee shall also cause a notice to the tenants to be prominently posted on the rental dwelling. The notice shall indicate that a license proceeding has been commenced against the owner because the rental dwelling has been found to be in violation of the property maintenance code or any other applicable code and that the tenants may be required to vacate the building.

#### **SECTION 97.10      SUSPENSION OF LICENSE WHEN RENTAL DWELLING IS CONDEMNED.**

When any rental dwelling is condemned as hazardous or unfit for human habitation due to defects in its structure or its electrical, plumbing, or mechanical systems, or is boarded, requiring a code compliance inspection prior to re-occupancy, the rental dwelling license issued therefor shall be suspended by the Civil Citation Officer or his or her designee effective the date of condemnation. Any appeal thereof shall be taken to the Appeals Board. The rental dwelling shall thereafter only be eligible to hold a rental dwelling license upon issuance of a certificate of occupancy.

#### **SECTION 97.11      INSPECTION GUIDELINES.**

The Civil Citation Officer shall be required to periodically inspect all rental dwellings for which licenses are required hereunder to:

(A) Determine whether the rental dwelling complies with all provisions of the applicable City property maintenance, and/or city ordinances.

(B) The Civil Citation Officer, or any other designated city employee shall determine whether the owner of the rental dwelling is delinquent in paying property taxes or any other assessments.

(C) Determine whether the rental dwelling is in violation of the criminal nuisance ordinance, or other city ordinances.

(D) Identify rental dwellings that are unlicensed or unregistered.

- (E) Identify rental dwellings with police and/or fire/EMS runs relating to drug offenses, prostitution, crimes of force or violence or loud and disorderly disturbances.

**SECTION 97.12 CONDUCT ON LICENSED PREMISES.**

- (A) It shall be the responsibility of the licensee to prevent the use of, or condition upon, the premises of a rental dwelling unit for any purpose contrary to any State statute or City ordinance and to undertake corrective measures or appropriate action following any use or conduct by the licensee, tenants and/or guests upon the licensed premises which has been determined to be in violation thereof.

- (B) In the event that the Civil Citation Officer determines that any use of, conduct upon, or condition on, the premises of a rental dwelling unit is contrary to the Kentucky Revised Statutes or the Southgate Code of Ordinances, he or she will notify the licensee of his or her determination by regular first class mail, which shall act as prima facie proof that the licensee has been placed on notice of same. The licensee shall have 30 days from the notice of such determination to take such corrective measures or appropriate action to remedy that use of or conduct on the rental dwelling unit so as to prevent further use or conduct from occurring thereon or to evict the offending tenant, if necessary.

- (C) A determination that an unlawful use or conduct on the premises of the rental dwelling unit has occurred shall be made upon substantial evidence to support such a determination. It shall not be necessary that criminal charges be brought to support such a determination, nor shall the fact of dismissal or acquittal of any criminal charge operate as a bar to any adverse license action which may be taken hereunder.

- (D) Failure to comply shall be grounds for revocation of suspension of any rental dwelling license issued hereunder.

**SECTION 97.13 SUSPENSION, REVOCATION AND TERMINATION OF LICENSE.**

- (A) If the Civil Citation Officer or his or her designee determines or has probable cause to believe that any rental dwelling fails to comply with any of the licensing standards and conditions or any other provision set forth herein, the same shall be sufficient grounds to request the revocation or suspension of any rental dwelling license issued hereunder, with notice to the holder and upon a hearing as hereinafter provided.

- (B) The Civil Citation Officer or his or her designee shall mail, both certified and regular, the notice of any request for revocation or suspension of the rental dwelling license. In the event that the certified mail is returned unclaimed, the notice shall then be conspicuously posted on the building. The notice shall contain the following information:

- (1) That the Civil Citation Officer or his or her designee has determined that the rental dwelling unit fails to comply with the licensing standards and conditions or any other provision set forth herein, indicating the specific reasons for such failure, including copies of applicable inspection

reports or notices sent to the licensee of conduct on the premises of the rental dwelling unit which have not been remedied. Notice shall be delivered to the tenant of each rental dwelling unit and shall also be conspicuously posted on the building containing the rental dwelling unit.

(2) That the licensee has failed to take appropriate remedial action.

(3) That the Civil Citation Officer or his or her designee has referred the matter to the Appeals Board with a recommendation to revoke or suspend the rental dwelling license who shall have the final determination.

(4) The notice shall set forth the date, time and place for the hearing before the Appeals Board.

(5) That after any revocation or suspension, the rental dwelling shall not be reoccupied or rented until sufficient proof has been provided to the Civil Citation Officer or his or her designee that all violations are corrected and the rental dwelling license reinstated or reissued.

#### **SECTION 97.14 VACATION OF AFFECTED RENTAL DWELLINGS.**

When any rental dwelling license has been denied, revoked or suspended, has failed to be initially applied for or renewed, or when the license holder has failed to obtain a current rental dwelling license upon proper application, the Civil Citation Officer or his or her designee shall order the rental dwelling vacated, giving the tenants thereof a reasonable time, not to exceed 60 days, to arrange for new housing. No rental dwelling unit shall be rented again until the license holder/owner is properly licensed.

#### **SECTION 97.15 REINSTATEMENT AFTER SUSPENSION OR REVOCATION.**

A fee of \$500 must accompany any application for reinstatement of any rental dwelling license revoked or suspended. The reinstatement fee shall be in addition to the regular rental dwelling license fee imposed herein. Such fee however shall not apply to rental dwellings condemned because of destruction by an act of God or casualty for which the licensee is not responsible.

#### **SECTION 97.16 APPEALS BOARD.**

(A) The Civil Code Enforcement Board shall be designated as the Appeals Board authorized to conduct hearings on appeals from recommendations of the Civil Citation Officer or his or her designee for the revocation or suspension of any rental dwelling license and shall have the power to render decisions with regard thereto and to do any and all other acts as necessary to perform its function.

(B) The decision of the Appeals Board shall be reduced to writing and shall be final. The written decision shall be mailed to the licensee by both regular and certified mail. Any aggrieved party to a decision thereof may appeal the same, within 30 days of the date of the issuance thereof, to the Campbell Circuit Court, as provided by law, the indication of which shall be set forth thereon.

#### **SECTION 97.17 REMEDIES NOT EXCLUSIVE.**



The remedies 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, and/or criminal charges for violation of substantive provision of any City or state codes relating to fire, zoning, life safety, property maintenance and/or buildings. Further, the remedies herein do not supersede or affect the legal rights and remedies provided under law to the tenants to any rental dwelling or unit therein.

**SECTION 97.18 PROMULGATION OF RULES AND REGULATIONS.**

The Civil Citation Officer, with the approval of the City Council, shall have authority to issue and promulgate such rules and regulations as he or she may consider necessary for the administration of this chapter, provided such rules and regulations are not inconsistent with the provisions hereof.

**SECTION 97.19 EFFECTIVE DATE**

The provisions hereof shall take effect for the fiscal year 2011-2012.

**SECTION 97.99 PENALTIES.**

(A) (1) Any person who allows to be occupied, or leases to another, any rental dwelling or unit therein, without the required rental dwelling license or after such rental dwelling license has been revoked or suspended shall, upon conviction, be guilty of a Class B misdemeanor in accordance with the Kentucky Revised Statutes.

(2) In addition thereto, the City shall also have the right to seek civil injunctive relief against any person who allows to be occupied, or lets to another, any rental dwelling or unit therein, without either having obtained or renewed the requisite rental dwelling license, or who shall continue to allow to be occupied, or let to another, any rental dwelling unit therein, after such rental dwelling license has been revoked or suspended, requiring such person to cease and desist from the same until the appropriate rental dwelling license has been properly issued or renewed or until such time that the suspension or revocation has been removed.

(B) Any person who removes, defaces, tampers or in any way interferes with any notice posted pursuant to the provisions hereof, shall, upon conviction, be guilty of a Class B misdemeanor, in accordance with the Kentucky Revised Statutes.

**SECTION II**

All ordinances or parts of ordinances that are in conflict with this Ordinance are hereby repealed to the extent of the conflict.

**SECTION III**

This Ordinance shall be signed by the Mayor, attested by the City Clerk, recorded, published and shall be in effect at the earliest time provided by law.

**PASSED** by the City Council of the City of Southgate, Campbell County, Kentucky, assembled in regular session.

**CITY OF SOUTHGATE, KENTUCKY**

By: \_\_\_\_\_  
Jim Hamberg, Mayor

**ATTEST:**

\_\_\_\_\_  
Jody Anderson, City Clerk

First Reading: 01/04/2012  
Second Reading: 01/18/2012  
Published: