

City of Stanton, Kentucky
ORDINANCE No. 22-002

A COMPREHENSIVE ORDINANCE OF THE
CITY OF STANTON ADDRESSING SHORT TERM RENTALS

WHEREAS, the City of Stanton desires to enact a comprehensive ordinance which encompasses a variety of issues relative to Short Term Rentals inside the city limits of Stanton; and

WHEREAS, the City of Stanton acknowledges and recognizes the positive economic opportunities associated with Short Term Rentals and desires to encourage same; and

WHEREAS, the City of Stanton has likewise determined the regulation and oversight regarding Short Term Rentals is necessary and appropriate in order to preserve the character of the neighborhoods and to protect the safety and the welfare of the community,

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

Section 1. Definitions.

1. City. The City of Stanton.
2. Host. Any person who is the owner of record of residential real property or any person who is a lessee of residential real property pursuant to a written agreement for the lease of such real property, who offers a dwelling unit or a structure located on the property, (or a portion thereof), for Short Term non-primary residential Rental.
3. Short Term Rental. As used in this Ordinance, "Short Term Rental" shall mean and be defined as any dwelling unit that is not a permanent residence and is leased in its entirety or in which a portion of same is leased to one party for periods of less than 30 consecutive days. The location being leased would not be the primary residence of the party leasing the property from the Owner or their designated representative. The term "party" as used in this definition shall mean one or more persons who as a single group rent a Short Term Rental pursuant to a single reservation and payment.

4. Transient Guest. A person or persons who enter into a contractual arrangement with a host whereby the person or persons pay rent to the host or owner of the property or to a person designated by the host or owner to receive rent, including through a hosting platform, in exchange for occupancy of a Short Term Rental for a period of less than 30 days.

Section 2. Responsible Party

(1) The record owner of title, per the records of the Powell County Clerk's Office, to any Short Term Rental who offers a dwelling or a portion thereof for Short Term Rental shall be responsible for compliance with the City of Stanton's Code of Ordinances; the City of Stanton's Zoning Ordinance; all ordinances of the City of Stanton; all applicable fire and building codes; and all other laws and regulations that might be applicable.

Section 3. Zoning Requirements.- Location

(1) Short Term Rentals are permitted uses in both R-1, (Low Density Residential), and R-2, (Two-family Residential), Zoning Districts of the City of Stanton - as established by the City of Stanton's Zoning map and by the Stanton Planning Commission. A Short Term Rental shall not be located in any other zoned area of the City of Stanton.

Section 4. License Requirement.

(1) From the date of this ordinance forward, no person, individual, corporation or legal entity shall own or operate a Short Term Rental on any property or premises in the city limits of Stanton without first obtaining a Short Term Rental business license per the terms of this ordinance, and otherwise, and without also properly registering the property as a Short Term Rental per Section 5 of this Ordinance. All Short Term Rentals operating prior to the date of this Ordinance shall secure a Short Term

Business License per the terms of this Ordinance in order to continue to operate their properties as Short Term Rentals.

(2) A Short Term Rental business license is not transferrable between owners. In the event a person, corporation or legal entity either sells or transfers a Short Term Rental property, the new owner shall apply for a Short Term Rental business license prior to engaging in any short term rentals.

(3) The annual fee for a business license for a Short Term Rental business license is hereby set at \$300.00 for the first short term rental owned by an entity or individual in the city limits of Stanton. The fee for each additional short term rental owned by such individual or legal entity shall be \$100.00 per Short Term Rental. Said business license shall be paid by August 1st of each year.

Section 5. Registration

(1) No person, corporation or legal entity shall own, operate, rent, offer to rent, list or receive rent from a Short Term Rental on any premises within the City of Stanton without first registering the property as a Short Term Rental with the City of Stanton and obtaining a business license relative to same. This registration requirement shall include those Short Term Rentals operated prior to the effective date of this ordinance - which shall be registered within 30 days of the passage and publication of this ordinance.

(2) All owners of property being used as Short Term Rentals shall complete a registration form which shall include, (at a minimum), the name address and telephone number of the owner of the property; the name, address, and telephone number of any host associated with the property; and the physical address of the Short Term Rental

along with a copy of the deed placing the property into the name of the current owner.

(3) All registrations with the City of Stanton shall be renewed by the owner on an annual basis, on or before March 1st of each year.

(4) Failure to properly register property as a Short Term Rental and to pay the license fee regarding same in a timely manner in accordance with the terms of this Ordinance shall be sufficient grounds for denial, suspension or revocation of any and all licenses and privileges to do business in the City of Stanton.

Section 6. Compliance with City Ordinances Required.

(1) Any person, corporation or legal entity operating a Short Term Rental in the city limits of Stanton shall obtain and keep current a Stanton business license and shall also remain, (at all times), current on city property taxes, transient room taxes, property taxes and any and all other taxes enacted by the City of Stanton which may be applicable.

(2) Any person, corporation or legal entity operating a Short Term Rental in the city limits of Stanton shall insure that there are no criminal violations that occur on the property, as part of the use of the Short Term Rental or otherwise.

(3) Any person, corporation or legal entity operating a Short Term Rental in the city limits of Stanton shall insure that there are no nuisance violations associated with, or occurring on, the property on which the rentals are taking place.

(4) Any person, corporation or legal entity operating a Short Term Rental in the City of Stanton agrees to, (upon proper notice and request), to allow the Stanton Zoning Enforcement Officer to come onto the property and inspect same, (including the interior of the rental), for the purposes of insuring compliance with the terms of this Ordinance

and other ordinances of the City of Stanton.

Section 7. Parking

(1) Adequate off-street parking shall be required of each Short Term Rental. All parking lots and driveways associated with a Short Term Rental shall be either paved or properly and adequately graveled. No on-street parking shall be allowed for any Short Term Rental. A site not having adequate parking shall be grounds for the City of Stanton to deny a request for a property to be used as a Short Term Rental, or to revoke an existing license.

Section 8. Signs.

(1) No Short Term Rental shall have any sign on the property where the rental is located advertising the property as a rental property or providing contact information relative to how the property may be rented. Signs will be permitted showing the address of the property or denoting the location of the property - but shall otherwise comply with all ordinances of the City of Stanton relative to proper size and placement.

Section 9. Complaints.

(1) Upon the filing of two or more complaints within the same calendar year regarding any Short Term Rental, the City shall notify the owner of such complaints.

(2) If the City determines that violations of this Ordinance, or any other ordinance or law relating to the property on which the Short Term Rental is located has occurred, the right to operate the short term rental may be revoked by the City's Zoning Enforcement Officer. Before any revocation action is taken, (unless an emergency situation potentially harmful to life or property is determined to exist), the Zoning Enforcement Officer shall give the real property owner fifteen (15), days written notice

of the alleged violations and an opportunity to respond or to come into proper compliance, (in the event the violations may be cured in a timely manner by the Owner).

(3) Any party aggrieved by a determination of the Zoning Enforcement Officer may file an appeal of same with the Stanton Board of Adjustment within 30 days of said action being taken.

Section 10. Violation of this Ordinance - Criminal Penalties.

(1) Any person convicted of a violation of this Ordinance shall be subject to a fine in an amount not to exceed \$250.00. Each day of violation shall be deemed to be a separate violation.

Section 11. Violation of this Ordinance - Civil Penalties.

(1) In addition to the criminal penalties set forth in Section 10 of this Ordinance, the City may institute a civil action for injunctive relief in the Powell Circuit Court or otherwise. In such an action, it shall be sufficient to allege and prove that a violation of this ordinance has occurred, and it shall not be necessary to allege or prove that any person has been damaged or sustained any loss as a result of any such violation. When the provisions of this ordinance are enforced through civil procedures, the City shall be entitled to its costs, filing fees, service fees and attorney fees incurred in connection with the institution and maintenance of such a proceeding.

The City of Stanton shall likewise be entitled to civil penalties for up to \$100.00 per day, (beginning at such time that written notification is provided to the individual or entity by the City notifying of the violation and instructing the individual or entity to correct said violation or, (alternately), from such time as notice is given to the Owner by the City to discontinue use of the property due to violations having occurred), for each

day for violation of the terms of this ordinance.

(2) The City of Stanton shall possess a lien on property for all civil fines, penalties, charges, past-due amounts, attorney fees, and other reasonable costs associated with enforcing this ordinance, and the placing of a lien on a parcel of real property pursuant to this Ordinance. The lien shall be superior to, and shall have priority over, all other liens with the exception of county and city property taxes - which shall have equal priority.

Section 12. Exceptions.

(1) The provisions herein shall not apply to licensed hotels or motels, jails or nursing homes located in the City limits of Stanton.

Section 13. Severability.

(1) The provision of this ordinance are severable. If any provision , section, paragraph, sentence or part thereof, or the application thereof, shall be found to be invalid, illegal unconstitutional or otherwise unenforceable, such decision shall not affect or impair the remaining provisions of this Ordinance or the enforcement of same.

Section 14. Effective Date.

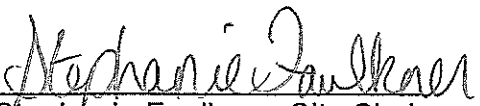
(1) This Ordinance shall become effective upon being duly passed by the City Council of the City of Stanton, signed by the Mayor and advertised according to law.

Enacted this the 9th day of June, 2022.



Dale Allen, Mayor
City of Stanton

Attest:


Stephanie Faulkner, City Clerk
City of Stanton

First Reading: 5/12/22
Second Reading: 6/9/22
Signed by Mayor: 6/9/22
Published: 6/16/22