



The City Of
GOSHEN

ORDINANCES



Non-Codified

**CODE OF ORDINANCES
TABLE OF CONTENTS
CITY OF GOSHEN
ORDINANCE NO. 5,2010**

**AN ORDINANCE CREATING A CODE ENFORCEMENT BOARD
FOR THE CITY OF GOSHEN**

WHEREAS, the City Commission of Goshen, Kentucky has determined that it is the interest of the health and safety of its citizenry to actively enforce the Ordinances of the City of Goshen, and

WHEREAS, the City Commission of Goshen has determined that the property values of structures in the City of Goshen are more likely to be protected if City Ordinances are enforced, and

WHEREAS, the City Commission of Goshen has determined that the creation of a code enforcement board will promote the efficient enforcement of City Ordinances,

BE IT ORDAINED BY THE CITY OF GOSHEN:

SECTION ONE: CREATION OF CODE ENFORCEMENT BOARD.

- A. There is hereby created a City of Goshen code enforcement board.
- B. The code enforcement board shall consist of three (3) members who shall be appointed by the City Commission of Goshen. Each member of the code enforcement board shall have resided within the boundaries of the City of Goshen for a period of at least one (1) year prior to the date of the member's appointment and shall reside there throughout his or her term in office.
- C. The initial appointments to the code enforcement board shall be as follows: one member of the board shall be appointed for a term of one (1) year. One member of the board shall be appointed for the term of two (2) years. One member of the board shall be appointed for a term of three (3) years. All subsequent appointments shall be made for a term of three (3) years.
- D. All members of the code enforcement board shall, before entering upon their duties take the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky.
- E. A member of the code enforcement board may be removed from office by the City Commission for misconduct, inefficiency, or willful neglect of duty. The City Commission must submit a written statement to the member setting forth the reason(s) for removal.
- F. Members of the code enforcement board shall receive a salary of \$_____. The out-of-pocket expenses incurred by the members of the code enforcement board may be reimbursed by the City of Goshen upon approval by the Goshen City Commission.

SECTION TWO: MEETINGS

G. The code enforcement board shall annually elect a chair from its members. The chairman shall preside over the meetings of board and shall be a full voting member of the board.

H. Regular meetings of the code enforcement board shall be scheduled by the chairman as needed. All meetings and hearings of the code enforcement board shall be held in accordance of the requirements of the Kentucky Open Meetings Act and KRS 65.8815.

I. The affirmative of vote of a majority of the code enforcement board shall be necessary for any official action of the board.

J. Minutes shall be kept of all meetings of the code enforcement board and the vote of each member on any issue decided by the board shall be recorded in the Minutes.

SECTION THREE: CONFLICT OF INTEREST

Any member of the code enforcement board who has any direct or indirect financial or personal interest in any matter to be decided, shall disclose the nature of the interest and shall disqualify himself from voting on the matter in which he has an interest and shall not be counted for purposes of establishing a quorum.

SECTION FOUR: JURISDICTION AND POWERS

A. The code enforcement board shall have jurisdiction to enforce those City of Goshen Ordinances which have a civil penalty for their violation.

B. The code enforcement board found shall have all powers granted code enforcement boards by KRS 65.8821.

SECTION FIVE: ENFORCEMENT PROCEEDINGS PROCEDURE

A. Enforcement proceedings before the code enforcement board shall by initiated by the issuance of a citation by a code enforcement officer.

B. The code enforcement officer may, in lieu of immediately issuing a citation, give notice that a violation shall be remedied within a specified period of time. If the person to whom the notice is given fails or refuses to remedy the violation within the time specified, the code enforcement officers is authorize to issue a citation.

C. The citation issued by the code enforcement officer shall be in the form prescribed by the Goshen City Commission and shall contain, in addition to any other information prescribed by the Commission:

1. The date and time of issuance.
2. The name and address of the person to whom the citation is issued.
3. The date and time the offense was committed.
4. The facts constituting the offense.
5. The section of the code of ordinances or number of ordinance alleged to be violated.
6. The name of the code enforcement officer.
7. The civil fine that will be imposed if the person does not contest the violation.
8. The maximum civil fine that may be imposed if the person elects not to contest the citation.
9. The procedure for the person to follow in order to the civil fine or to contest the violation.
10. A statement that if the person fails to pay the civil fine set forth in the citation or contest the citation, within the time allowed, the person shall be deemed to have waived his right to a hearing before the code enforcement board to contest the citation and that the determination that a violation has been committed shall be final.
11. After issuing a citation to the alleged violator, the code enforcement officer shall notify the code enforcement office by delivering the citation to the chairman of the code enforcement board.
12. When a citation is issued, the person to whom the citation is issued shall respond within seven (7) days of the date of the citation by either paying the civil fine set forth in the citation or requesting, in writing, a hearing before the code enforcement board to contest the citation. If the person fails to respond to the citation within seven (7) days, the person shall be deemed to have waived the right to a hearing to contest the citation and the determination that a violation was committed shall be final. In this event, the code enforcement board shall enter a final order determining that the violation was committed and imposing the civil fine set forth in the citation.

SECTION SIX:

A. When a hearing before the code enforcement board has been requested, not less than seven (7) days before the date set for the hearing, the board shall notify the person who requested the hearing of the time, date and place of the hearing. The notice may be given by certified mail, return receipt requested; by personal delivery, or by leaving the notice at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the notice. Any person requesting a hearing who fails to appear at the hearing shall be deemed to have waived his right to contest the citation, and the board shall enter a final order determining that the violation was committed and imposing the civil fine set forth in the citation.

B. All testimony at a hearing before the code enforcement board shall be under oath and shall be recorded. The code enforcement board shall take testimony from the code enforcement officer, the alleged offender and any witnesses to the alleged violation. The formal rules of evidence shall not apply but fundamental due process shall govern the proceeding.

C. At the hearing, the code enforcement board shall determine, based upon the evidence presented, whether a violation was committed. If the board determines that no violation was committed, it shall enter an order dismissing the citation. If the board determines a violation has been committed, the board shall issue an order upholding the citation and may order the offender to pay a civil fine in an amount up to the maximum authorized by ordinance, or may order the offender to remedy a continuing violation within a specified time to avoid the imposition of a fine.

D. Every final order of the code enforcement board shall be reduced to writing, which shall include the date the order was issued; a copy of the order shall be furnished to the person named in the citation. If the person named in the citation is not present at the time a final order is issued, the order shall be delivered to that person by certified mail, return receipt requested; by personal delivery, or by leaving the order at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the order.

SECTION SEVEN: APPEALS

Any final order of the code enforcement board may be appealed to the Oldham District Court within thirty (30) days of the date the order is issued. The appeal shall be limited to a review of the record created before the code enforcement board.

SECTION EIGHT: LIENS

A. The City of Goshen shall possess a lien on property owned by the person found by a final, non-appealable order of the code enforcement board, or by a final judgment of the court, to have committed a violation of a Goshen Ordinance for all fines assessed for the violation and for all charges and fees incurred by the City of Goshen in connection with the

enforcement of said Ordinance. The lien shall be recorded in the office of the county clerk. The lien shall bear interest at the rate of ____% until paid. The lien shall take precedence over all other subsequent liens, except state, county, school board, and city taxes, and may be enforced by judicial proceedings.

B. In addition to the remedy prescribed in subsection A of this Section, the person found to have committed the violation shall be personally responsible for the amount of all fines assessed for the violation and for all charges and fees incurred by the City of Goshen in connection with the enforcement of the Ordinance. The City of Goshen may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt.

This Ordinance may be published in summary.

Given first reading at a meeting by the City Commission of Goshen on July 19, 2010.

Given second reading at a meeting by the City Commission of Goshen on August 16, 2010.

Todd Hall, Mayor

ATTEST:

Joyce Morphew
City Clerk

**CITY OF GOSHEN
ORDINANCE NO. 6, SERIES 2010**

**AN ORDINANCE AMENDING THE PENALTIES FOR VIOLATION OF
CERTAIN CITY ORDINANCES AND MAKING THE VIOLATIONS OF
THOSE ORDINANCES CIVIL OFFENSES**

WHEREAS, the Commission of the City of Goshen, Kentucky has determined that it is the best interest of the citizens of the City of Goshen for the City to create a code enforcement board pursuant to the authority of KRS 65.8801 *et seq.*, and

WHEREAS, a requirement and condition of a code enforcement board operating under the authority of KRS 65.8801 *et seq.* is that the penalty for violation of the ordinances which the code enforcement board be enforced as a civil offense, and

WHEREAS, the City of Goshen presently has a series of ordinances, more specifically identified herein, that it wishes to have enforced by its Code Enforcement Board, which Board shall be created by a separate City ordinance,

THEREFORE, it is ordained by the City of Goshen as follows:

SECTION ONE: CREATION OF CODE ENFORCEMENT BOARD.

E. The violation of each of the Ordinances identified in Section Two of this Ordinance shall be deemed a civil offense and the penalties for such violation shall be those set forth in subsection B below.

F. The penalty for violating any of the ordinances identified in Section Two herein is (a) a fine of up to \$25.00 per day, with each day of violation of the ordinance constituting a separate offense.

G. In addition to the fine provided for in subsection B above, upon a finding of violation of any of the ordinances set forth in Section Two herein, the Code Enforcement Board may order the offender to remedy a continuing violation within a specified time to avoid the imposition of a fine.

SECTION TWO: The penalty for violation of any of the Ordinances of the City of Goshen Code of Ordinances identified below shall be as stated in Section One of this Ordinance. Any other penalty for said Ordinances is hereby repealed.

- H. Chapter 50.01 Garbage Containment; Ord. No. 4, Series 2005.
- I. Chapter 70.20 Parking in Residential Areas; Ord. 4, Series 1998; Ord. 5, Series 2005.
- J. Chapter 70.21 Pull-Off Areas; Ord. 6, Series 2000.
- K. Chapter 90.01 Restrictions of Dogs; Ord. 6, Series 2006.

L. Chapter 91.01 through 91.09; Nuisances on Private Property; Ord. 8, Series 1990; Ord. 3, Series 1996.

M. Chapter 91.22 Unlawful Utilization of the Public Way; Ord. 9, Series 1990.

N. Chapter 91.23 Unlawful Parking Ord. 9, Series 1990; Ord. 2, Series 1996.

O. Chapter 130.01 Discharge of Firearm or Child Carrying Firearm; Ord. 3, Series 1993.

P. Chapter 150.01 through 150.06; Ord. 3, Series 2003.

Q. Chapter 150.20 and 150.21; Requirements Relating to Fences; Ord. 3, Series 1999.

R. Chapter 150.35 through 150.37 Requirements Relating to Building Conditions; Ord. 3, Series 1998.

S. Ordinance No 1, Series 2010, Restrictions on Window Treatments.

Given first reading at a meeting by the City Commission of Goshen on July 19, 2010.

Given second reading at a meeting by the City Commission of Goshen on August 16, 2010.

Todd Hall, Mayor

ATTEST:

Joyce Morphew
City Clerk

**CITY OF GOSHEN
ORDINANCE NO. 3, 2011**

**AN ORDINANCE REPEALING THE CITY ORDINANCE
RELATING TO FIREARMS**

BE IT ORDAINED BY THE CITY OF GOSHEN:

Chapter 130 of the City of Goshen codified ordinances relating to the use, discharge and carrying of firearms in the City of Goshen is hereby repealed.

Given a first reading at a meeting of the Goshen City Commission on June 20, 2011.

Given a second reading and enacted at a meeting of the Goshen City Commission on July 18, 2011.

Bob Thacker, Mayor

ATTEST:

Joyce Morpew
City Clerk

CITY OF GOSHEN, KENTUCKY

ORDINANCE NO.01, SERIES 2013

**AN ORDINANCE AMENDING THE PENALTY FOR VIOLATION
OF SPECIFIED CITY ORDINANCES**

BE IT ORDAINED BY THE CITY OF GOSHEN:

SECTION ONE: The penalty sections of Chapters 50, 70, 90 and 91 of the Goshen Codified City Ordinances, and the penalty section of City of Goshen Ordinance No. 01, Series 2010, are hereby amended as follows:

A.

50.99 Any person who violated 50.01 shall be fined ~~\$10~~ up to \$25 for the first violation, up to \$50 for the second violation, and up to \$100 for the third and subsequent violations, with each day constituting a separate violation.

B.

70.99

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) Any person who violates 70.20 shall be subject to a find of ~~\$10~~ up to \$25 for the first violation, up to \$50 for the second violation, and up to \$100 for the third and subsequent violations, with each day constituting a separate violation.

(C) Any person who parks in a parking pull-off area on property purchased after 8-1-99 and more than 60 days after the property was purchased shall be fined ~~not less than \$10, nor more than \$50~~ up to \$25 for the first violation, up to \$50 for the second violation, and up to \$100 for the third and subsequent violations. Each day a person violates 70.21 shall be considered a separate and distinct offense. Any property owner who does not remove a pull-off parking are within the time period prescribed by ' 70 21 shall be fined ~~not less than \$10, nor more than \$50~~ up to \$25 for the first violation, up to \$50 for the second violation, and up to \$100 for the third and subsequent violations. Each day a person violates 70.21 shall be considered a separate and distinct offense.

C.

90.99

(A) The City Commission may cause a warning letter to be sent to any person deemed to be in violation of ' 90.01, directing the person to correct the violation within ten days of the date of the letter. In the event the violation is not corrected,

the person violating ' 90.01 shall be fined up to \$25 ~~per day~~ for the first violation, up to \$50 for the second violation, and up to \$100 for the third and subsequent violations for each day the violation continues to exist after the date of the warning letter advising the person of the violation of '90.01.

(B) In addition to enforcement through the application of the penalty set forth in section (A) above, ' 90.01 may be enforced through injunctive relief by legal action initiated by the city in the County Circuit Court.

D.

91.99

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) Any person who violated '' 91.01 through 91.08 shall be fined ~~\$10~~ \$25 for the first violation, up to \$50 for the second violation, and up to \$100 for the third and subsequent violations, for each day the nuisance continues to exist after receiving the notice pursuant to ' 91.06, provided, however, that the fine shall be suspended if the person to whom the notice is sent abates or causes the abatement of the nuisance within ten days of receipt of the notice.

(C) (1) Any person who violates ' 91.21 shall be served by an officer or agent of the city with written notice thereof and be required to abate the encroachment or be subject to the penalties in this division (C)(1).

(2) Any person who violates '' 91.22 ~~and or~~ 91.23 shall be served by an officer or agent of the city with written notice thereof and fined no more than \$100 for each violation. Each day in which any violation of '' 91.22 ~~and or~~ 91.23 occurs shall be deemed a separate violation. In addition to the penalties set forth in this division (C)(2), any person found in violation of '' 91.22 ~~and or~~ 91.23 shall be liable to the city for any and all expenses, losses or damage to the city as a result of the violation.

(D) Any person who violates '' 91.35 through 91.37 shall be fined a total of \$50, with each day of violation constituting a separate offense.

E.

Ordinance Number 01, Series 2010,

(13) Penalties. Any person who ~~violated~~ violates this Ordinance shall be ~~subject~~ subject fined ~~\$10.00~~ up to \$ 25 for the first violation, up to \$50 for the second violation, and up to \$100 for the third and subsequent violations, for each day ~~such nuisance~~ the violation continues to exist after receiving such notice pursuant to Section 9 of this Ordinance, provided, however, that such fine shall be

suspended if the person to whom the notice is sent abates or causes the abatement of the nuisance within ten (10) days of receipt of the notice.

This Ordinance may be published in summary.

Given first reading at a meeting of the Goshen City Commission on _____, 2013.

Given second reading and adopted at a meeting of the Goshen City Commission on _____, 2013.

Mayor

ATTEST:

City Clerk

60327405.1

CITY OF GOSHEN, KENTUCKY
ORDINANCE # 05, SERIES 2014
AN ORDINANCE AMENDING SECTIONS OF CHAPTER
90 OF THE CITY ORDINANCES REGARDING ANIMALS

WHEREAS, the City of Goshen Commission has decided that the Animal Ordinance needs to be corrected and updated to address the issue of cats.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF GOSHEN, KENTUCKY:

Section 1: Section 90.01 Dogs, Subsection (A), (B) and (C) are hereby amended to read:

90.01(A) No Dog or Cat within the city shall be permitted off of the property of the dog's or cat's owner unless the dog or cat is being restrained by the owner through use of a leash.

(B) Except as provided in division (C) below, no dog within the city shall be permitted to be kept any closer to its owner's front property line than the front corner of the main residential structure on the lot.

(C) The restrictions in division (B) above shall not apply if the dog's owner or member of the owner's household who is capable of restraining the dog is also in the front yard and in the immediate presence of the dog during the time the dog or cat is in the front yard.

Section 2: This ordinance amendment shall take effect after its reading, passage and publication, according to law.

First Reading: May 19, 2014

Second Reading: June 16, 2014

Passed and Approved: June 16, 2014

Mayor

ATTEST:

City Clerk

In Favor: _____

Opposed: _____

CITY OF GOSHEN, KENTUCKY
ORDINANCE 2, SERIES 2015
AN ORDINANCE AMENDING SECTION ONE F OF ORDINANCE 5, 2010
CREATING A CODE ENFORCEMENT BOARD

WHEREAS. The City of Goshen Commission has decided that Ordinance 5, 2010 needs to be corrected and updated.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF GOSHEN, KENTUCKY:

Section 1: Creation of Code Enforcement Board

F. Members of the code enforcement board shall receive a salary of ~~\$100~~-\$50 per month. The out-of-pocket expenses incurred by the members of the code enforcement board may be reimbursed by the City of Goshen upon approval by the Goshen City Commission.

Section 2: This ordinance shall take effect after its reading, passage and publication, according to law.

First Reading: 1-26-2015

Second Reading: 2-23-2015

Passed and Approved: 2-23-2015

ATTEST:

Signatures on file _____

City Clerk

Mayor

In Favor: 5

Opposed: 0

CITY OF GOSHEN
ORDINANCE NO. 01, SERIES 2016
PERMITTING THE OPERATION OF GOLF CARTS ON CITY ROADS

WHEREAS, the Kentucky Revised Statutes authorizes Cities to permit the operation of golf carts on City roads by the adoption of an appropriate ordinance; and,

WHEREAS, Oldham County has passed such an ordinance in Oldham County and the City of Goshen would like to pass a constant regulation for its City streets,

WHEREAS, it is in the best interests of the City of Goshen, Kentucky to create a new Chapter of the Codified Ordinances to read as follows:

SECTION ONE: OPERATION OF GOLF CARTS ON CITY ROADS

1.1 Definitions as used in this Chapter:

- a. "Golf Cart" shall mean any self-propelled vehicle that is designed for the transportation of players or maintaining equipment on a golf course, while engaged in the playing of golf, supervising the play of golf or maintaining the conditions of the grounds of a golf course and as further defined in the Kentucky Revised Statutes.
- b. Authorized Public Roads

Any City of Goshen, Kentucky street not prohibited specifically herein may be used for the operation of golf carts, but only in accordance with this Ordinance.

1.2 Operation of Golf Carts. Golf Carts that meet the requirements of this Chapter may be operated on the City streets of the City of Goshen. Operational standards for any golf cart include:

- a. Any golf cart operating on streets under the jurisdiction of the City of Goshen, Kentucky shall be inspected by a certified inspector designated by the City of Goshen or Oldham County Sheriff and certified through Department of Vehicle Regulation to ensure that the golf cart complies with the requirements of this subchapter. The proof of inspection/ permit issued by the Oldham County Sheriff

shall be kept in the golf cart at all times of operation on a public roadway. This permit shall be valid as long as the original permittee owns the golf cart.

- b. Any permitted golf cart shall be insured in compliance with KRS 304.39-080 by the owner or operator and the proof of insurance shall be maintained inside the golf cart at all times of operation on a public roadway.
- c. The golf cart shall not be driven on a roadway that has a posted speed limit of *more than thirty-five (35) miles per hour*.
- d. The operator shall have a valid operator's license in his/her possession.
- e. The golf cart shall only be operated on public streets between sunrise and sunset.
- f. The permitted golf cart shall display a slow-moving vehicle emblem in compliance with KRS 189.820.
- g. Any person operating a golf cart on a public roadway shall be subject to the traffic regulations of KRS chapter 189.
- h. The provisions of this Chapter shall not apply to a golf cart that is not used on a public roadway except to cross a roadway while following a golf cart path on a golf course.

1.3 Exemptions from certain Regulations. A golf cart permitted by this Chapter is not considered to be a motor vehicle and is exempt from title requirements of KRS 186.020, vehicle registration requirements of KRS 186.050 and emissions compliance certificates pursuant to KRS 224.20-720.

4. The provisions of this ordinance are hereby declared to be severable and if any section, phrase, or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this ordinance.

SECTION TWO: REPEAL INCONSISTENT ORDINANCES/EFFECTIVE DATE

1. All prior ordinances or parts of any ordinance on conflict herewith are hereby repealed.

2.2 This ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on this 18th day of April, 2016 and given a final reading on the 16th day of May, 2016 and said ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS chapter 424.

Bob Thacker, Mayor

ATTEST:

Joyce Morphew,
City Clerk

THOSE IN FAVOR: 5

THOSE OPPOSED: 0

CITY OF GOSHEN, KENTUCKY
ORDINANCE #4, SERIES 2016
AN ORDINANCE AMENDING A SECTION OF CHAPTER
150 OF THE CITY ORDINANCES REGARDING
ARCHITECTURAL CONTROL

WHEREAS, the City of Goshen Commission has decided that Chapter 150 of its ordinances dealing with the Architectural Control Committee needs to be updated to address new fence building techniques.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF GOSHEN, KENTUCKY:

Section 1: Section 150.20 Prohibited Fence Types, Subsection (A) is hereby amended to read:

150.20 (A) For all lots within the city, improved or unimproved, no privacy fence shall be permitted that is over six feet in height and any privacy fence must be constructed with the finished side facing the public. No other types of fencing shall exceed four feet in height and also must be constructed with the finished side facing the public. There will be no welded wire or chicken wire fences or any similar type of fencing permitted within the city. Welded wire fencing (not chicken wire type) is permitted in one limited application, which is as a secondary fencing material, attached to an otherwise compliance primary fence. It must be of must be of heavy gauge and only for use on the inside of the primary fence of approved material. Only those fences constructed of wood, chain link, or such materials as are otherwise approved by the Architectural Control Committee will be permitted; provided, however, all fences constructed or erected in the city shall be approved by the Architectural Control Committee of the city.

Section 2: This ordinance amendment shall take effect after its reading, passage and publication, according to law.

First Reading: June 20, 2016
Second Reading: August 15, 2016
Passed and Approved: August 15, 2016

Mayor

ATTEST:

Signatures on file

City Clerk

in Favor: 4
Opposed: 1

Signatures on file

CITY OF GOSHEN, KENTUCKY
ORDINANCE # 01, SERIES 2017
AN ORDINANCE REPEALING AN ORDINANCE
REGARDING ANIMALS

WHEREAS, the City of Goshen Commission has decided that the 2014 change to the Animal Ordinance requiring cats to be restrained by their owners has proved difficult to enforce and has yielded little noticeable public benefit and it should therefore be repealed,

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF GOSHEN, KENTUCKY:

Section 1: Ordinance 5, Series 2014 is hereby repealed in its entirety.

Section 2: This ordinance amendment shall take effect after its reading, passage and publication, according to law.

First Reading: February 20, 2017

Second Reading: March 20, 2017

Passed and Approved: March 20, 2017

Mayor

ATTEST:

City Clerk

In Favor: 4
Opposed: 1

CITY OF GOSHEN

ORDINANCE # 01-2018

**AN ORDINANCE REQUIRING A LICENSE FOR RENTAL PROPERTY IN
THE CITY OF GOSHEN**

WHEREAS, the City of Goshen finds that the operation of rental properties for compensation is a recognizable and distinct class of occupation within the City, which the City is entitled to tax and license under KRS 92.280, with the fees from said license going to the general fund of the city to help defray the cost of maintaining current contact (ownership, rental agent, occupant) information for all rental properties in the city and also the cost of the providing of city services, such as lighting, police protection and public work expenditures, which the rental properties use each day,

AND WHEREAS, the City finds that a narrowly tailored ordinance that establishes a registration and permitting process enabling the City to keep and establish a means of clear and concise communication with the owners, rental agents and occupants of rental property in the City is a reasonable regulation that addresses a real public health and safety concern and which power is specifically authorized and given to the City under KRS 92.280 and KRS 92.330,

**NOW THEREFORE, BE IT ORDAINED BY THE CITY OF GOSHEN
COMMISSION:**

Section 1: Definitions

The following definitions shall apply unless the context clearly indicates or requires a different meaning.

YEAR The calendar year or the fiscal year employed by a person subject to the license fee imposed by this Ordinance, if the tax payer reports for federal income tax purposes on the period other than a calendar year.

PERSON. Any natural person, partnership, firm, joint venture, fiduciary, association or corporation. Whenever PERSON is used in any clause prescribing and imposing a penalty in the nature of a fine, the work, as applied to a partnership or other form of unincorporated enterprise shall mean the partners or members thereof and as applied to corporations, shall mean the officers and directors thereof.

RECEIPTS. Money or other property of value.

Section 2: License Required

No person shall engage in any rental of real property in the City of Goshen for which licenses are required by any provision of this code or any other ordinance of the city without first applying for and obtaining a license from the City Clerk or other duly authorized issuing authority. The fee for a license shall be \$100.00.

Section 3: Rental

- A) Registration of rental dwellings: Application shall include:
- (i) The address of the rental dwelling. The number of rental dwelling units.
 - (ii) The name and contact information for the primary Tenant on the date of the application.
 - (iii) The name, residence address, business address, business phone number and personal phone number of the owner and/or the local agent, if applicable. The address where the owner and/or the local agent, if applicable, will accept notices or orders from the city. Designation of local agent: If the owner of a rental dwelling, or a responsible member or officer of the owner, does not reside within 60 miles of the city, the owner shall designate a responsible local agent who shall be legally responsible for operating such rental dwelling in compliance with this article, this code of ordinances, and other applicable laws or regulations. All official notices may be served on the responsible local agent, and any notice so served shall be deemed to have been served upon the owner of record.
 - (iv) Verification that all state and city taxes levied and assessed against the rental dwelling that are due and payable at the time of the filing of the application have been paid. Delinquencies on such taxes may result in the denial of an application for registration or re-registration under this section.
 - (v) Inaccurate or incomplete registration information: It shall be a violation of this article for an owner to provide inaccurate information for the

registration or re-registration of rental dwellings or to fail to provide information required by the application.

- (vi) All rental property must be kept in compliance with the City of Goshen Code of Ordinances, as well as Oldham County Ordinances, as a condition of operating a rental property in the City of Goshen. Each rental dwelling shall provide Tenants a physical copy of City codes of ordinances or ensure Tenants have understanding of ordinances and have means of access to ordinances. Each rental dwelling shall provide measures acceptable to the City to prevent violations of the City's parking ordinance by Tenants of the rental unit.

Section 4: Application

- (A) All original applications for licenses, unless otherwise specifically provided, shall be made to the City of Goshen in writing upon forms to be furnished by City of Goshen and shall contain but is not limited to :
 - (1) Name of applicant and of each officer, partner, or business associate;
 - (2) Parent Company, Corporation Name (if different than applicant Name);
 - (3) Present occupation and local site address of property owner or business;
 - (4) Address of property to be listed as rental;
 - (5) Primary Tenant name and contact information;
 - (6) Payment of \$100 license fee made payable to City of Goshen;
- (B) Renewal of an annual license may be granted to a licensee in good standing upon the original application, with provided updated Tenant information.
- (C) Tenant information must be kept current throughout the year with primary tenant name, number of occupants and current contact information for primary tenant.
- (D) New application must be made if change of ownership, or rental agent.

- (E) It shall be unlawful knowingly to make any false statement or representation in the license application.

Section 5: Standards for Issuance

A license will not be granted unless the said property is current on all taxes and fines associated with said property and not in violation of any City of Goshen ordinances.

Section 6: Date and Duration Of License

All license fees shall be due or payable by July 1 of each year beginning July 1, 2018. Fees not paid by August 1 shall be delinquent and shall automatically be increased by a ten percent (10%) penalty. Interest on any delinquent fee shall increase at 1% per month. The license is valid from July 1 to June 30.

Section 7: License Not Transferrable

Every license shall be issued to a real party in interest in the property, and unless otherwise provided no license shall be assigned or transferred.

Section 8: Revocation or Suspension

- (A) Any license may be revoked by the legislative body at any time for conditions or considerations which, had they existed at the time of issuance, would have been valid grounds for its denial; for any misrepresentation of a material fact in the application discovered after issuance of the license; for violation of any provision

of this chapter or other law or ordinance relating to the operation of the rental property for which the license has been issued.

- (B) The revocation shall become effective upon notice served upon the licensee or posted upon the premises affected.

- (C) As a preliminary to revocation, the legislative body may issue an order suspending the license, which shall become effective immediately upon service of written notice to the licensee. This notice shall specify the reason for suspension, and may provide conditions under which reinstatement of the license may be obtained. Upon compliance with these conditions within the time specified, the license may be restored.

Section 9: Appeal and Review

In case any applicant has been denied a license, or if his license has been revoked or suspended, the applicant or licensee as the case may be, shall within three business days have the right to appeal to the legislative body from the denial, revocation, or suspension. Notice of appeal shall be filed in writing with the City Clerk who shall fix the time and place for a hearing which shall be held not later than one month thereafter. The City Clerk shall notify the Mayor, all members of the legislative body and the code enforcement board of the time and place of the hearing not less than 24 hours in advance thereof. The Code Enforcement Board shall hear the appeal. The appellant may appear and be heard in person or by counsel. If, after hearing, a majority of the members of the Code Enforcement Board present at the meeting declare in favor of the applicant, the license shall be issued or fully reinstated as the case may be; otherwise the order appealed from shall become final.

Section 10: Exemptions/Severability

The provisions of this chapter shall not apply to any business, occupation or profession which is exempt from municipal licensing and/or license taxes pursuant to state or federal

law. If any provision, clause, sentence, paragraph, or phrase of this Ordinance or the application thereof to any person or circumstances is held, for any reason by a court of competent jurisdiction, to be invalid or unconstitutional, such decision shall not affect the validity of other provisions or applications of the provisions of this Ordinance, which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 11: Penalty

Whoever violates any provision of this chapter shall be guilty of a code of ordinance violation and shall be fined \$250.00. On second violation, (separate year) shall be fined \$500. Upon a third violation (separate year) shall be fined \$750.

First Reading: January 23, 2018

Second Reading: February 26, 2018

Passed and approved this 26th day of February, 2018.

Mayor: Bob Thacker

ATTEST:

City Clerk: Joyce Morpew

Those in Favor: _____

Those Opposed: _____