

**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 26<sup>th</sup> day of February, 2018.

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Mayor: Bob Thacker

ATTEST:

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City Clerk: Joyce Morpew

Those in Favor: \_\_\_\_\_

Those Opposed: \_\_\_\_\_