

ORDINANCE NO. 2022-14

**AN ORDINANCE OF THE CITY OF WILLIAMSTOWN, KENTUCKY,
AMENDING ORDINANCE 2022-04 AND CHAPTER 107 TO TITLE IX
(GENERAL REGULATIONS) OF THE CITY OF WILLIAMSTOWN CODE
OF ORDINANCES AS THEY PERTAIN TO THE SHORT-TERM
VACATION/HOUSING RENTAL POLICY**

**BE IT ORDAINED BY THE CITY OF WILLIAMSTOWN, KENTUCKY, AS
FOLLOWS:**

SECTION I

The City of Williamstown, hereby amends its Ordinance 2022-04 and Chapter 107 to Title IX (General Regulations) of the City of Williamstown Code of Ordinances as they pertain to the Short-Term Vacation/Housing Rental Policy with the words and numbers being added indicated by a single solid line beneath them, and the words and numbers being deleted indicated by a single, broken or shaded line through item as required by K.R.S. 83A.060(3).

WHEREAS, the City Council has determined that there is a need to address regulations for short-term vacation/housing rentals in order to allow property owners to occasionally utilize their properties for that purpose in a manner which shall not negatively impact property values; and

WHEREAS, the regulations contained in this Ordinance will be implemented in conjunction with short-term vacation/housing rentals to be approved by the Williamstown Zoning Administrator; and

WHEREAS, the City Council has determined that regulations are necessary to protect the public health, safety, morals, and general welfare.

**SECTION II
PURPOSE AND APPLICABILITY**

The purpose of this Ordinance is to establish regulations for the registration and use of short-term vacation/housing rentals, as defined herein, located in residential zoning districts, agricultural zoning district, and the Central Business District.

**SECTION III
DEFINITIONS**

The following words, terms or phrases, when used in this Ordinance, shall have the meanings subscribed to them in this section except where the context clearly indicates a different meaning:

Advertise means the written, audio, oral, or other methods of drawing the public's attention whether by brochure, written literature, or on-line posting to a short-term vacation/housing rental in order to promote the availability of the short-term vacation/housing rental.

Local Emergency Contact means an individual other than the applicant, who resides within 25 miles of the subject property, and who is designated by the owner/applicant to act as the owner's authorized agent if the owner is outside of the immediate area or is otherwise unavailable. The local emergency contact should be available on a 24-hour basis, have access to the short-term vacation/housing rental property, and be authorized by the owner to act in the owner's absence to address any complaints, disturbances, and emergencies.

Owner means any person, agent, operator, firm, trust, corporation, limited liability company, partnership, or business organization having a legal or equitable interest in the property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor of the estate of such person if ordered to take possession of real property by a court.

Permit means the short-term vacation/housing rental permit which all persons must obtain from the City and keep in force in order to operate short-term vacation/housing rentals.

Short-term vacation/housing rental is defined as the rental of a single-unit dwelling unit, or a portion thereof, for a period not to exceed 14 consecutive days, with the exception of the months of January and February. The term does not include:

- (1) a unit that is used for a nonresidential purpose, including an educational, health care, retail, restaurant, banquet space, or event center purpose or another similar use;
- (2) a bed and breakfast; or
- (3) a hotel/residence hotel.

Residential Zoning Districts: Include Residential-Two (R-2), Residential-Three (R-3), Residential-Four (R-4), and Residential-Five (R-5) zoning districts.

SECTION IV SHORT-TERM VACATION/HOUSING RENTAL REGISTRATION REQUIREMENTS AND PERMITS

- A. No person shall hereafter advertise, offer to rent or rent, lease, sublease, license, or sublicense a residential property within the City as a short-term vacation/housing rental until a registration has been properly made and a Permit obtained from the City. Short-term vacation/housing owners shall obtain and keep in force a City of Williamstown short-term vacation/housing rental Permit ("Permit") under the following terms and conditions:

1. Applications for the Permit (attached hereto as Exhibit "A") shall be submitted to the City Zoning Department. Applications for the Permit will be considered in the order in which they are received by the City. Application forms shall require, but not be limited to, the following information:
 - a. Name, address, phone number, and e-mail address of the owner of the short-term vacation/housing rental property.
 - b. Name, address, phone number, and e-mail address of the designated Local Emergency Contact.
 - c. The maximum number of occupants permitted for the dwelling unit or sleeping room in accordance with this Ordinance.
 - d. A submission of a sketch floor plan of the dwelling with dimensioned room layout.
 - e. Self-Safety Inspection Form indicating all proper safety devices are in place and in good working order.
 - f. Site Plan/Survey of the property indicating maximum number of vehicles that can be legally parked on the property, without encroaching onto street, sidewalks or alleys; other public rights-of-way or public property.
2. Applicant shall obtain an occupational license from the City of Williamstown upon successful approval of a Zoning Permit for the operation of a short-term vacation/housing rental with the City.
3. As long as the zoning classification allows for short-term vacation/housing rentals, the short-term vacation/housing rental shall run with the property and not to the property's current owner. Any subsequent buyer shall be entitled to use the residence as a short-term vacation/housing rental property upon successful completion and approval of any and all required Permits and occupational license through the City. This provision shall include all short-term vacation/housing rentals approved prior to the enactment of this Ordinance as set forth by City of Williamstown Resolution.
4. Applicant shall provide a certificate of insurance or other valid proof of general liability insurance in an amount not less than one million dollars (\$1,000,000.00) per occurrence which shall remain in effect at all times while engaged in the permitted activity.
5. Applicant shall comply with all aspects of applicable provisions of the International Building Code with Kentucky Amendments (adopted edition), NFPA 1124 (National Fire Protection Association, currently adopted edition), and all other applicable state, federal, or local laws or regulations.

6. The initially issued Permit shall expire June 30, or upon a date on which the applicant no longer qualifies as a short-term vacation/housing rental operation as defined herein. The Permit may be renewed with an effective date of July 1 for successive 365 calendar day periods so long as the applicant continues to qualify for issuance of the Permit. Applications for renewal periods shall be made to the City's Zoning Department on forms approved by the City (attached hereto as Exhibit "B") by June 1 of each year. The fee for the initial permit period, payable at the time of application, shall be \$250.00 and may be prorated, depending upon when initial permit period begins. The fee for any subsequent permit period, payable at the time of application renewal by June 1 of each year, shall be \$150.00 per property address or \$250.00 per multi-unit property.
7. Upon receipt of an application for renewal of the registration, the Zoning Administrator or other designee may deny the renewal if there is reasonable cause to believe that:
 - a. The Owner has violated any ordinance of the City, or any state, or federal law on the premises or has permitted such a violation on the premises by any other person; or
 - b. There are grounds for suspension, revocation, or other registration sanction as provided in this Ordinance.
 - c. The Owner fails to apply for, be issued or appropriately renew a City of Williamstown Occupational License
8. Any Permit issued under the provisions of this Ordinance may be revoked by the zoning administrator or other designee upon a showing that the Permit holder has violated any of the provisions of this Ordinance. Revocation shall be by written notice which describes the reasons for the revocation. The written notice of revocation shall be delivered to the Permit holder in person or by certified mail sent to the address listed on the application. If a Permit is revoked, and the applicant desires to contest the revocation, a Public Hearing before the Williamstown Board of Adjustment may be obtained by filing with the office of the zoning administrator a written request for the Public Hearing within 15 days of the issuance of the revocation notice.

SECTION V

SELF SAFETY INSPECTION REQUIRED

As part of the application process, the owner/applicant is required to perform a short-term vacation/housing rental Fire Safety Inspection and provide a Checklist (attached hereto as Exhibit "C") for the structure.

SECTION VI
RESTRICTIONS ON SHORT-TERM VACATION/HOUSING RENTALS

- A. *Use.* In the residential zoning districts, agricultural zoning district, and Central Business District, all short-term vacation/housing rentals shall be approved by a Zoning Permit issued by the City's Zoning Administrator as contained within the City of Williamstown Zoning Ordinance.
- B. *External Signage.* There shall be no external on-site or off-site advertising signs or displays indicating the property is a short-term vacation/housing rental.
- C. *Non-Dwelling Units.* Short-term vacation/housing rentals shall not be allowed on any area not considered a primary dwelling, i.e. recreational vehicles, tents, boats, etc.
- D. *Limit on occupants allowed.* No more than two (2) adult guests per bedroom, plus no more than two (2) additional adults shall be allowed when renting a property as a short-term vacation/housing rental, except that:
 - 1. No room with less than 75 square footage shall be considered a bedroom for sleeping purposes.
- E. *Limits on number of vehicles.* There shall be a minimum of two parking spaces for all single-unit short-term vacation/housing rentals with additional parking spaces required for any single-unit short-term vacation/housing containing over three bedrooms. All parking for a short-term vacation/housing rental shall be provided off-street, except if the short-term vacation/housing rental is located within the Central Business District and has access to Municipal parking.
- F. *Advertisement and contracts.* Any advertisement of the property as a short-term vacation/housing rental and all rental contracts must contain language that specifies the allowed maximum number of occupants and maximum number of vehicles.
- G. Other restrictions. It is unlawful:
 - 1. To operate or allow to be operated a short-term vacation/housing rental without first obtaining a Permit for the property in which the rental is to occur with the City in accordance with this Ordinance;
 - 2. To advertise or offer a short-term vacation/housing rental without first registering the property in which the rental is to occur with the City in accordance with this Ordinance; documented advertisement of the subject property as a short-term vacation/housing rental, online or offline, shall be considered evidence of a violation of this Ordinance;

3. To operate a short-term vacation/housing rental that does not comply with all applicable city and state laws and codes;
4. To operate a short-term vacation/housing rental without paying the required hotel occupancy taxes;
5. To offer or allow the use of a short-term vacation/housing rental in a manner which violates the City Noise Control Ordinance;
6. Permit the use of the short-term vacation/housing rental for any illegal purpose or any use not permitted by Zoning Regulations.

SECTION VII

INFORMATION BROCHURE

- A. Information to be provided. Each owner operating a short-term vacation/housing rental shall provide to guests information that includes:
1. The registrant's twenty-four (24) hour contact information;
 2. A local responsible party's twenty-four (24) hour contact information, if the property owner is not within the city limits when guests are renting the premises;
 3. Pertinent neighborhood information including, but not limited to, parking restrictions, restrictions on noise and amplified sound, and trash collection schedules;
 4. Information to assist guests in the case of emergencies posing threats to personal safety or damage to property, including emergency and non-emergency telephone numbers for police, fire, and emergency medical services providers and instructions for obtaining severe weather, natural, or manmade disaster alerts and updates.
 5. Policy regarding pet(s).

SECTION VIII

SAFETY FEATURES

Each short-term vacation/housing rental property shall have working smoke detectors in accordance with adopted codes and at least one working carbon monoxide detector and alarm per floor level, and one working fire extinguisher. The premises shall otherwise comply with applicable Codes of Ordinance, including but not limited to, Building and Fire Codes.

SECTION IX ENFORCEMENT

The provisions of this Ordinance will be enforced by the Zoning Administrator and/or Code Enforcement Officer of the City of Williamstown following the procedures set forth within this Ordinance. Proceedings against any person violating any of the provisions of this Ordinance may be initiated by the Zoning Administrator and/or Code Enforcement Officer. If the Zoning Administrator and/or Code Enforcement Officer finds, after investigations have been made, that there is a violation of this Ordinance, the following procedures shall be followed:

- a. The Zoning Administrator and/or Code Enforcement Officer shall give written notice, by certified mail or hand delivered with a signed receipt, to the Permit holder for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Administrator and/or Code Enforcement Officer believes there is a violation in fact, and shall require an answer of correction of the alleged violation to the satisfaction of the Zoning Administrator and/or Code Enforcement Officer within thirty (30) consecutive calendar days of receipt of such notification. The notice shall state that failure to reply or to correct the alleged violation to the satisfaction of the Zoning Administrator and/or Code Enforcement Officer within thirty (30) consecutive calendar days of receipt of said notice constitutes admission of violation of the terms of this ordinance.
- b. If there is no reply within thirty (30) consecutive calendar days of receipt of said notice, but the alleged violation is corrected to the satisfaction of the Zoning Administrator and/or Code Enforcement Officer, he/she shall note "violation corrected" on his/her copy of the notice and shall retain it among his/her official records, taking such other action as may be warranted.
- c. If there is no reply within thirty (30) consecutive calendar days of receipt of said notice and the alleged violation is not corrected to the satisfaction of the Zoning Administrator and/or Code Enforcement Officer within the established time limit, he/she shall proceed to contact the City Attorney to further investigate and enforce the rules and regulations of this Ordinance with potentially revoking the approved short-term vacation/housing rental.

SECTION X

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 XI

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

SECTION XII

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

SECTION XIII

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

Rick Skinner, Mayor
City of Williamstown, Kentucky

ATTEST:

Vivian Link, City Clerk/Treasurer

2022-14

1st Reading 11/15/2022

2nd Reading 12/05/2022

Published 12/22/2022

CERTIFICATION

The undersigned, Vivian Link, City Clerk of the City of Williamstown, in Grant County, Kentucky, hereby certifies as follows:

1. The foregoing Ordinance No. 2022-14 was introduced in writing and read to the City Council of the City of Williamstown at regular or special meetings thereof on the 15th day of November, 2022, and the 5th day of December, 2022, at which quorums were present; and said Ordinance was enacted by the City Council of the City of Williamstown upon the affirmative vote of at least a majority of a quorum thereof, at the meeting thereof on the 5th day of December, 2022, with the vote of each member of the City Council entered upon the official record of such meeting; and

2. After passage and adoption of the foregoing Ordinance by the City Council of the City of Williamstown, it was submitted to the Mayor of the City of Williamstown who approved said Ordinance by affixing his signature thereto within ten (10) days after the submission thereof to him; and

3. The foregoing Ordinance was published on the 22nd day of December 2022, in the Grant County News, a newspaper qualified thereof, pursuant to the provisions of K.R.S. Chapter 424.



Vivian Link, City Clerk/Treasurer

LEGAL NOTICE
WILLIAMSTOWN ORDINANCE 2022-14

TITLE

AN ORDINANCE OF THE CITY OF WILLIAMSTOWN, KENTUCKY, AMENDING ORDINANCE 2022-04 AND CHAPTER 107 TO TITLE IX (GENERAL REGULATIONS) OF THE CITY OF WILLIAMSTOWN CODE OF ORDINANCES AS THEY PERTAIN TO THE SHORT-TERM VACATION/HOUSING RENTAL POLICY

NARRATIVE

AN ORDINANCE OF THE CITY OF WILLIAMSTOWN, KENTUCKY, AMENDING ORDINANCE 2022-04 AND CHAPTER 107 TO TITLE IX (GENERAL REGULATIONS) OF THE CITY OF WILLIAMSTOWN CODE OF ORDINANCES AS THEY PERTAIN TO THE SHORT-TERM VACATION/HOUSING RENTAL POLICY

PENALTIES

The full text of each section of the Williamstown Ordinance No. 2022-14 that imposes fine, penalty, forfeiture, tax, or fee is as follows: NONE

CERTIFICATION

The undersigned, Jeffrey C. Shipp, hereby certifies that he is an attorney licensed to practice law in the Commonwealth of Kentucky; and that he prepared the attached Summary of Williamstown Ordinance No. 2022-14, pursuant to the requirements of K.R.S. 83A.060(9), so that it includes the following:

- (a) The title of the Ordinance;
- (b) A brief narrative setting forth the main points of the Ordinance in a way reasonably calculated to inform the public in a clear and understandable manner of the meaning of the Ordinance; and
- (c) The full text of each section that imposes fines, penalties, forfeitures, taxes, or fees.



Jeffrey C. Shipp