

COMMISSIONERS' ORDINANCE NO. O-01-23

AN ORDINANCE AMENDING SECTION 124.34 OF THE COVINGTON CODE OF ORDINANCES, DENIAL OF APPLICATION FOR NEW OR RENEWAL REGISTRATION; SUSPENSION AND REVOCATION OF EXISTING LICENSE, TO ADD A CONDITION FOR DENIAL OF A SHORT-TERM RENTAL DWELLING LICENSE APPLICATION.

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WHEREAS, pursuant to O-27-20 the City of Covington enacted short-term rental dwelling regulations to ensure that short-term rental housing is safe, sanitary and properly operated and maintained in continued compliance with all applicable regulations to meet basic housing maintenance requirements and to not become a nuisance to the neighborhood and community; and

WHEREAS, the City of Covington wishes to establish a deterrent to those who subvert the purpose of the short-term rental dwelling regulations by operating without first obtaining a license to do so, as required.

NOW, THEREFORE,
BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY
OF COVINGTON, KENTON COUNTY, KENTUCKY:

Section 1

Section 124.34 of the Covington Code of Ordinances is amended to read as follows:

§ 124.34 DENIAL OF APPLICATION FOR NEW OR RENEWAL REGISTRATION; SUSPENSION AND REVOCATION OF EXISTING LICENSE.

(A) The City Manager or his or her designee may deny any application for a new or renewal short-term rental dwelling license if any of the following are true of the application, applicant, owner, operator or property:

(1) The applicant failed to provide all required application materials or to pay the application fee;

(2) Any short-term rental associated with the operator making the application or for the short-term rental that is the subject of the application is in violation of the provisions of this subchapter as of the date of the application;

(3) The applicant, operator or owner of the short-term rental is delinquent in the payment of tax payment or other financial liabilities to the city;

(4) The applicant has made a material misrepresentation of fact on the application;

(5) The applicant, operator or owner of the short-term rental has failed to make a good faith effort to correct violations of this subchapter or has obstructed or interfered with correction of the violations;

(6) The short-term rental premises are subject to outstanding orders from a city department that have not been corrected; ~~or~~

(7) The short-term rental premises have been determined to be a location of a criminal activity nuisance in accordance with § 92.10 of this code of ordinances; ~~or~~

(8) The applicant, operator, or owner was found by non-appealable final order, as defined within § 92.03 of this Code of Ordinances, or by final judgment of a court, to have owned or operated a short-term rental without a license from the City, as required by this chapter, within the one-year period preceding the date of application for a new or renewal short-term rental dwelling license.

(B) In the event a provisional short-term rental dwelling license does not convert to a regular short-term rental license, or if a regular short-term rental dwelling license is not eligible for renewal, and the subject property is still being advertised and operated as short-term rental, a code enforcement citation may be issued to the owner of the property for failure to obtain a short-term rental dwelling license pursuant to the procedures set forth in Ch. 92 of this code of ordinances.

(C) Any short-term rental license issued pursuant to this subchapter may be suspended or revoked by the City Manager or his or her designee, after complying with the hearing requirements below, for the causes listed in division (A) above or if the short-term rental license holder is in violation of any other requirements of this subchapter. The City Manager or his or her designee shall give written notice to the operator of the allegations giving rise to possible suspension or revocation. Upon notice to the operator, the City Manager or his or her designee shall notify the members of the Rental Licensing Appeals Board and the City Solicitor of the need to schedule a hearing.

Section 2

That this ordinance shall take effect and be in full force when passed, published, and recorded according to law.


MAYOR

ATTEST:


CITY CLERK

Passed: March 28, 2023 (Second Reading)

March 14, 2023 (First Reading)