

AN ORDINANCE AMENDING SECTION 13-77(B)(11) OF THE LEXINGTON-FAYETTE URBAN COUNTY CODE OF ORDINANCES TO REQUIRE APPROVAL FROM THE HEALTH DEPARTMENT FOR SHORT-TERM RENTALS UTILIZING SEPTIC TANKS PRIOR TO THE ISSUANCE OF A SHORT-TERM RENTAL SPECIAL FEES LICENSE; AMENDING SECTION 13-79(A)(7) OF THE CODE TO SET THE MAXIMUM OCCUPANCY IN SHORT-TERM RENTALS TO THE NUMBER ALLOWED IN THE LICENSEE'S CONDITIONAL USE PERMIT, IF APPLICABLE, OR OTHERWISE THE ZONING ORDINANCE; AND MOVING THE SUBPOENA AUTHORITY OF THE ADMINISTRATIVE HEARING BOARD FROM SECTION 13-80 OF THE CODE TO SECTION 13-81.

BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Section 13-77(b)(11) of the Lexington-Fayette Urban County Code of Ordinances be and hereby is amended to read as follows:

Sec. 13-77. – Short-term rental special fee license.

...

- (b) The Director may promulgate such forms and procedures as reasonably necessary for the orderly and efficient processing of short-term rental special fee license applications and renewals. Provided, however, that an applicant shall be required to provide the following information as part of its application for a special license and renewal:

...

- (11) For short-term rentals utilizing septic tanks documentation from the Health Department stating that the septic tank on the property is sufficient to handle the proposed use of the property as a short-term rental.

Section 2 – That Section 13-79(a)(7) of the Code of Ordinances be and hereby is created to read as follows:

Sec. 13-79. – Duties of a Licensee.

It is the duty of a Licensee under this Article to ensure that:

- (a) Every short-term rental owned by the Licensee meets and complies with the following at all times:

...

- (7) May be occupied by the maximum number of individuals provided in the Licensee's conditional use permit, if applicable, or otherwise the Zoning Ordinance, as applicable in the relevant zone. Any permanent resident of the dwelling unit present during the short-term rental period shall count toward the maximum occupancy; and

...

Section 3 – That Section 13-80 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 13-80. – Advertising on a Hosting Platform.

- (a) Short-term rentals registered in accordance with Sec. 13-77 may be advertised for stays of less than thirty (30) days on a Hosting Platform.
- (b) All advertisements for a short-term rental, including, without limitation, those on Hosting Platforms, shall include the following:
 - (1) The short-term rental's Local Registration Number;
 - (2) language specifying the allowed maximum number of occupants allowed under this Article; and
 - (3) language specifying that guests of the short-term rental are prohibited from allowing more people onto the premises than the maximum occupancy allowed.

Section 4 – That Section 13-81(i) of the Code of Ordinances be and hereby is created to read as follows:

Sec. 13-81. – Enforcement.

...

- (i) Pursuant to KRS 65.8821, the Administrative Hearing Board established in Sec. 12-6 of the Lexington-Fayette County Code of Ordinances and assigned hearing officer(s) shall have the authority to subpoena information from any person to determine whether there has been a violation of any ordinance that the Board or hearing officer has jurisdiction to enforce. Any such subpoena shall:
 - (1) Be served upon the person, or its registered agent, if applicable, via certified mail;
 - (2) Identify the provision(s) of any ordinance that the Government has reason to believe may have been violated; and
 - (3) Describe with reasonable specificity the evidence supporting the Government's reasonable belief that a violation of said ordinance has occurred.

Section 5 – That the Division of Revenue be and hereby is authorized to amend the Lexington-Fayette Urban County Government, Division of Revenue, License Fee Regulations (5th Edition) as necessary to implement this Ordinance.

Section 6 – That if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unlawful by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 7 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: January 23, 2025

Linda Gorton

MAYOR

ATTEST:

[Signature]

CLERK OF THE URBAN COUNTY COUNCIL

PUBLISHED: January 31, 2025-1t

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