

CITY OF OAK GROVE, KENTUCKY  
ORDINANCE NO. 2009-10

AN ORDINANCE BY THE CITY OF OAK GROVE, KENTUCKY  
ADOPTING THE PROVISIONS OF THE UNIFORM RESIDENTIAL  
LANDLORD AND TENANT ACT AS CODIFIED  
IN KRS 385.505 THROUGH KRS 383.705

**WHEREAS**, the City Council believes that the adoption by the City of Oak Grove of the Uniform Residential Landlord and Tenant Act as codified in KRS 383.505 through KRS 383.705 is in the best interests of the City of Oak Grove and its citizens;

**NOW, WHEREFORE**, be it ordained by the City Council of the City of Oak Grove, Kentucky, as follows:

**SECTION I – LANDLORD-TENANT ACT ADOPTED BY REFERENCE**

Pursuant to KRS 383.500, the provisions of KRS 383.505 through 383.705, inclusive, be and are hereby enacted as the Landlord -Tenant Act to be applied to the rental, letting or leasing of any real property in the confines of the city, and the provisions of the sections of the Kentucky Revised Statutes be and are hereby incorporated by reference herein as if fully set forth. A copy of the Landlord -Tenant Act is attached hereto.

**SECTION II - DEFINITIONS**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**"BUILDING CODE."** The Building Code and Blight Ordinance of the city and all amendments thereto.

**"BUILDING INSPECTOR."** The Building Inspector of the city or any of his designees, including but not limited to the Building Inspector, Housing Inspector, Fire Inspector, or all other persons authorized by statute or city ordinance to enforce the city Zoning, Building, Housing, or Fire Codes.

**"DWELLING UNIT."** Any enclosed space wholly or partly used for or intended to be used for living and sleeping, whether or not cooking and eating facilities are provided.

**"FIRE CODE."** The Fire Code presently in effect for the city as provided for by city ordinance or state statute.

**"HOUSING CODE."** The ordinances of the city pertaining to the maintenance and use of housing in the city and all amendments thereto.

**"OWNER."** Any person who, alone or jointly or severally with others, as of January 1 of each calendar year, beginning with January 1, 1990:

(1) Shall have legal title to any premises, building or dwelling unit with or without accompanying actual possession thereof; or

(2) Shall have charge, care, or control of any premises, dwelling unit, as owner or agent of the owner, or any executor, administrator, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter and of the rules and regulations adopted pursuant hereto, to the same extent as if you were the owner.

**"ZONING CODE."** The zoning ordinance of the city and all amendments thereto.

### **SECTION III - LICENSE REQUIRED**

No person shall rent or offer for rent a dwelling unit unless the dwelling unit is covered by a current, unrevoked license, as provided in this chapter.

### **SECTION IV - EXPIRATION DATE**

Every such license shall expire on June 30 of each year.

### **SECTION V - ISSUANCE AND RENEWAL; PROCEDURES**

(A) The City Clerk shall issue licenses and renewals in the names of the applicant owners of residential rental property.

(B) No license shall be issued or renewed unless the applicant owner has first made application therefore on an application form provided by the city. The form shall contain a blank for the owner to indicate the most convenient times for inspections, and the application shall be signed by the owner.

(C) No license shall be issued or renewed unless the completed application form is accompanied by the payment of a license fee in the amount of \$20 per dwelling unit.

(D) No license shall be issued or renewed for an applicant not residing in the county, unless such applicant designates in writing to the Chief of Police the name and address of his agent in the county for the receipt of any notices regarding any violation of the city or the Commonwealth of Kentucky with reference to the maintenance, use, ownership, and possession of real property, and for service of process pursuant to this chapter.

(E) No license shall be issued or renewed for a resident applicant unless such applicant has first designated an agent for the receipt of notices of violations of the provisions of this chapter, or any other ordinance of the city, or statute or requirement of the Commonwealth of Kentucky, with reference to the ownership, maintenance, use and possession of real estate, and for service of process pursuant to this chapter, when the applicant is absent from the city for 30 or more days. Such a designation shall be made in writing and shall accompany each application form. The applicant may designate any person residing in the county, or having an office in the county as his agent for this purpose.

(Ord. 3-1-90, passed 4-7-90; Am. Ord. 10-1-93, passed 11-6-93) Penalty, see § 153.99

#### **SECTION VI - DISPLAY AND TRANSFER OF LICENSE**

Each license shall be displayed in a conspicuous place within the common ways of the dwelling unit or any other conspicuous place thereon. No license shall be transferable to another person or to another residential rental property/unit. Every person holding a license shall give notice in writing to the Chief of Police within seven days after having transferred or otherwise disposed of the legal control of any licensed dwelling. Such notice shall include the name and address of the person succeeding to the ownership thereof.

#### **SECTION VII - VIOLATIONS; SUSPENSION OF LICENSE; HEARING**

(A) Whenever, upon inspection of the licensed dwelling, the Building Inspector finds that conditions or practices exist which are in violation of the zoning code, housing code, building code, or fire code of the city or Commonwealth of Kentucky, the Building Inspector may serve the owner or his designee with notice of such violation in the manner provided in this chapter. Such notice shall state that unless the violations cited are corrected within a reasonable time, the license may be suspended.

(B) At the end of the time allowed for correction of any violation cited, the Building Inspector shall re-inspect the dwelling, and if he determines that conditions have not been corrected, the Building Inspector shall notify the Chief of Police in writing for an order to issue to suspend the license. The Building Inspector shall notify the

owner or his designee at the time he notifies the Chief of Police. The notice shall state that the owner or his designee may request a hearing in writing within ten (10) days.

(C) Any person whose license to rent a dwelling unit has been suspended and who has been notified as provided in this chapter shall be entitled to a hearing in the manner provided by § 152.29(B),(C),(D) of the code of ordinances. Any license which has been previously suspended pursuant to this chapter for failure to correct violations will be considered in effect until final action is taken by the Hearing Board.

### **SECTION VIII - REINSTATEMENT OF LICENSE**

If, upon re-inspection, the Building Inspector finds that the dwelling in connection with which the notice was issued is now in compliance with the applicable code or statute, he shall immediately request the Chief of Police in writing to reinstate the license.

### **SECTION IX - DATE OF COMPLIANCE; PENALTY FOR FAILURE TO COMPLY**

(A) Date of compliance. All persons owning residential rental property must obtain the license required by this chapter no later than July 1 of each year.

(B) Penalty for failure to comply. Any person who fails to obtain the license by July 1 shall pay a penalty of \$5 per residential dwelling unit, plus interest at the rate of 1% per month until the license is obtained.

### **SECTION IX - USE OF PROCEEDS**

All funds paid to the city pursuant to this chapter shall be deposited in the General Fund of the city for General Fund expenditures, including the cost of implementation of this chapter and the cost of inspections and enforcement procedures in this chapter.

### **SECTION X - PENALTY**

Any person who violates any provision of this chapter for which no penalty is otherwise provided shall be guilty of a violation and shall be subject to a fine not to exceed \$250.

**SECTION XI – UNCONSTITUTIONALITY**

Any and all existing ordinances inconsistent with this ordinance are hereby repealed. Should any part of this ordinance be void or unconstitutional, the remaining ordinance shall remain in full force and effect.

Approved on First Reading this \_\_\_\_ day of \_\_\_\_\_, 2009.

Approved on Second Reading this \_\_\_\_ day of \_\_\_\_\_, 2010.

APPROVED:

ATTEST:

\_\_\_\_\_  
Dan Potter, Mayor  
City of Oak Grove, KY

\_\_\_\_\_  
Evelyn McDaniel, CAO/City Clerk  
City of Oak Grove, KY

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