

950-09-2025-20

**COMMONWEALTH OF KENTUCKY
HENRY COUNTY FISCAL COURT
ORDINANCE NO. _____**

**AN ORDINANCE ESTABLISHING SHORT-TERM RENTAL PROPERTY,
APPLICATION, PERMIT AND LICENSING**

WHEREAS, the Henry County Fiscal Court has the authority to establish and to pass ordinances defining the type of real property by planning and zoning commission; and

WHEREAS, the Henry County Fiscal Court has the authority pursuant to the provisions of the K.R.S. §142.400 Statewide Transient Room Tax and K.R.S. §91A.345 Room Tax and K.R.S. §91A.350 to pass ordinances to establish a tourist and convention commission for the purpose of promoting convention and tourist activity; and

WHEREAS, Henry County Fiscal Court has the authority pursuant to the provisions of the K.R.S. §91A.390 to impose a transient room tax; and

WHEREAS, the Henry County Fiscal Court has simultaneously purposed Ordinance No. 270-09-2025-33 an ordinance establishing transient room tax and creation of the Henry County Tourism and Convention Commission;

**NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE
COUNTY OF HENRY, COMMONWEALTH OF KENTUCKY, THAT THE
FOLLOWING ORDINANCE IS ADOPTED:**

SHORT-TERM RENTAL PROPERTY

A. Definitions:

1. Boarding house: means a residential facility or a portion of a residential dwelling unit for the temporary accommodation of persons or families in a rooming unit, whether for compensation or not, who are in need of shared lodging and personal services, supervision, or rehabilitative services.
2. Commercial establishment: an establishment used for the conduct of a business.
3. Host: Any person who is the owner of record of residential real property, or any person who is a lessee of residential real property pursuant to a written agreement for the lease of such real property, who offers a dwelling unit, or portion thereof, for short-term rental.

4. Hotel: any commercial establishment, or any portion of such establishment,
 - A. whose principal use provides that such structure is occupied or intended or designed for occupancy by transients for lodging or sleeping purposes and includes any hotel, inn, tourist court, tourist camp, tourist cabin, campground, motel or any place meeting this definition, and
 - B. accepts on-site reservations for accommodations.
5. Not Owner-Occupied: owner of the property does not permanently reside in the short-term rental property (STRP) or in the principal residential unit which the STRP is associated on the same lot.
6. Owner-Occupied: owner of the property permanently resides in the STRP or in the principal residential unit with which the STRP is associated on the same lot.
7. Responsible Party: a person or business residing or located within twenty-five (25) miles of the STRP that is responsible for addressing all maintenance and safety concerns.
8. Short-Term Rental Property (STRP): a residential dwelling unit that is used and/or advertised for rent for transient occupancy by guests. Dwelling units rented to the same occupant for more than 30 continuous days, Bed and Breakfast establishments, boarding houses, campgrounds, hotels, and motels shall not be considered Short-Term Rental Property.
9. Transient: any person who exercises occupancy or is entitled to occupancy of any rooms, lodgings or accommodations for a period of less than thirty (30) continuous days.

B. General Provisions:

1. In zoning districts in which Residential Uses are a Permitted Use, including legal nonconforming residential uses, a short-term rental of the dwelling unit that is the primary residence of the property owner is permitted by the Tourism Commissioner with special standards set forth in this section.
2. In zoning districts in which Residential Uses are a Permitted Use, including legal nonconforming residential uses, a short-term rental of the dwelling unit that is not the primary residence of the property owner is required to obtain a Short-term Rental Permit. If granted the Short-term Rental Permit, the owner must also comply with the special standards set forth in this section.

3. Multi-family apartments or condominium applicants must be either the owner of the property or the lessee. If the applicant is the lessee, the application must be accompanied by signed documentation of permission from the lessor for the operation of the short-term rental at the subject property. If the short-term rental is not the primary residence of the owner or lessee they will be required to obtain a Short-term Rental Permit from the Commission. If granted the Short-term Rental Permit, the owner must also comply with the special standards set forth in this section.
4. No person or entity shall operate a Short-Term Rental Property or advertise a residential property for use as a Short-Term Rental Property without the owner of the property first having obtained a STRP permit issued by the Tourism and Convention Commission in accordance with the provisions of this section.
5. Any advertising or description of a STRP on any internet website must:
 - (A) prominently display the permit number for the STRP unit; or
 - (B) include an image of the permit, or a link to an image of the permit, in which the permit number is legible.
6. Parking must be available for the host and guests and shall not create a demand for parking.
7. The principal renter of a STRP unit shall be at least twenty-one (21) years of age.
8. The maximum number of occupants permitted on a STRP property at any one time shall not exceed more than twice the number of sleeping rooms plus four. The occupancy maximum shall be conspicuously posted within the STRP unit. Advertising a STRP for more occupants than allowed by this regulation shall be grounds for revocation of the permit.
9. The maximum stay for any guest shall be thirty (30) consecutive days.
10. The name and telephone number of the local responsible party (who shall reside or be located within twenty-five (25) miles of the STRP) shall be conspicuously posted within the STRP unit. The responsible party shall answer calls twenty-four hours a day, seven days a week for the duration of each short-term rental period to address problems associated with the STRP.
11. A clearly marked evacuation plan is posted on the premises.

12. The permit holder shall be responsible for maintaining proper insurance coverage on the STRP.
13. The permit holder shall be responsible for collecting and remitting all applicable room, occupancy, and sales taxes required by state law and Henry County.
14. Each short-term rental shall be in compliance with any currently applicable laws and regulations of the federal, state, or local governments, as may be amended from time to time including but not limited to, laws or regulations on nondiscrimination, zoning, building, safety, property maintenance, health and sanitation, fire, electrical, plumbing, mechanical, and other applicable laws.

C. **Application:**

The STRP permit application shall verify by affidavit that all of the information being provided is true and accurate and the application shall include the following information:

1. The name, telephone number, address, and email address of the owner, host and of a person or business ("responsible party") residing or located within twenty-five (25) miles of the STRP that is responsible for addressing all maintenance and safety concerns;
2. Owners applying for an owner-occupied permit must provide two documents giving proof of owner occupancy. Acceptable documentation includes Kentucky Driver's license, other valid State of Kentucky identification card, Henry County voter registration card, utility bills, paycheck/check stub, work ID or badge, or a bank statement, each current and showing the owner's name and address matching that of the property to be utilized for short-term rental.
3. A floor plan of the residence showing number of bedrooms and location of smoke alarms. The floor plan can be hand-sketched (number of sleeping rooms will be checked against the tax assessor's record). Floor Plans shall show details of all levels of the house and any attached structures, location of windows, doors (interior and exterior), and locations of the required smoke detectors.
4. A statement that the applicant has confirmed that operating the proposed STRP would not violate any Home Owners Association agreement or bylaws, Condominium Agreement, Covenants, Codes and Restrictions or any other agreement governing and limiting the use of the proposed STRP property.

5. Owners operating STRPs at the time of the adoption of the ordinance shall be allowed to apply for a Short-term Rental Permit within 90 days of the onset of the transient tax implementation. They would be eligible for a non-conforming usage exemption which would be subject to the annual renewal application process.

D. Expiration and renewal of permit:

No person, firm, or corporation shall own or operate a short-term rental on any premises within Henry County unless the short-term rental has been registered annually with the Tourism Administrator. All STRP permits shall expire on December 31st of each calendar year, and it is the responsibility of the owner to renew the permit. Non-conforming usage permits shall not be transferrable.

1. Renewal applications shall include at minimum: (1) payment of renewal fee; and (2) a statement verified by affidavit that:
 - (A) includes all of the information required in an application under Item C and
 - (B) the STRP continues to be in full compliance with all applicable laws, including the payment of all applicable taxes.
2. A STRP permit shall not be transferred or assigned to another individual, person, entity, or address, nor shall the permit authorize any person, other than the person named therein, to operate a STRP on the property.

E. Denial or Revocation of Permit:

Upon the filing of a complaint regarding a STRP permit, the Tourism Administrator shall notify the permit holder in writing or by e-mail of such complaint and follow the process as outlined in the Henry County Nuisance Ordinance. If the property is subject to two (2) or more substantiated civil and/or criminal complaints, the Tourism Administrator may revoke the approval. Any denial or revocation of a STRP permit may be appealed to the Tourist & Convention Commission as an administrative appeal. If the property insurance coverage lapses, the Tourism Administrator shall have the right to revoke permit. Once a STRP permit has been revoked, no new permit shall be issued to the applicant for the same property for a period of one year.

F. Non-Compliance - Penalties:

Failure to abide by or noncompliance with the permitting and/or licensing of this section are subject to the investigation of the Tourism Administrator. Violations of federal and state law and the Henry County Ordinance establishing transient room tax and creation of the Henry County Tourist and Convention Commission requirements, noted in Henry County Ordinance No. 270-09-2025-33, apply to this ordinance and can result in the revocation of the permit and fines not to exceed \$500.

Passed this 16th day of Sept., 2025.

1st Reading: 8 / 19 /2025

2nd Reading: 9 / 16 /2025

6 Yea Votes

0 Nae Votes

ATTEST:



TRAVIS BUCHANAN, DEPUTY
HENRY FISCAL COURT



SCOTT BATES
HENRY COUNTY JUDGE EXECUTIVE

THIS INSTRUMENT PREPARED BY:



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