

ORDINANCE NO. 21 - 2023

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF MADISON VILLAGE, OHIO, PART SEVEN - PLANNING AND ZONING, TO ENACT NEW ARTICLE 13 REGULATING SHORT-TERM RENTALS; AMENDING SECTION 4.3(f) TO INCLUDE "SHORT-TERM RENTAL" AS A CONDITIONALLY PERMITTED USE IN THE R-2, SINGLE FAMILY RESIDENCE DISTRICT; AND AMENDING SECTION 17.5, APPENDIX A, TO ADD FEES RELATED TO SHORT TERM-RENTAL PERMITS.

WHEREAS, upon initiative of the Planning and Zoning Commission, a review of the current prohibition of short-term rental units in the Village occurred; and

WHEREAS, the Planning and Zoning Commission conducted an extensive review of short-term rental use, inclusive of appropriate potential locations in the Village, regulations related to health, safety and welfare, as well as regulations related to preservation of neighborhood character, use and enjoyment; and

WHEREAS, the Planning Commission drafted a comprehensive set of regulations for short-term rentals to be contained within a new Article 13 to the Zoning Code, which is attached hereto as Exhibit "1;" and

WHEREAS, the Planning and Zoning Commission recommended that short-term rental use be only conditionally permitted within the R-2, single family residence district, provided the property is also located on an arterial street, and together with other substantive limitations to ensure the location is appropriate for this use, which amendment is reflected in Exhibit "2" attached hereto; and

WHEREAS, the Planning and Zoning Commission considered, upon Administrative input, the amount of permit fees that would compensate for the time required to review and process permits as well as conduct inspections of permit premises, which recommended fees appear on the revised Appendix A to the Zoning Code attached hereto as Exhibit "3;" and

WHEREAS, the Planning and Zoning Commission recommended by 4-0 affirmative vote taken at its public meeting held on May 18, 2023 the adoption of these Zoning Code amendments as being in the public interest and sound planning practice; and

WHEREAS, pursuant to Art. 18, § 18.4 of the Zoning Code, the Council has conducted the required public hearing after timely publication notice; and

WHEREAS, upon consideration of the recommendation made by the Planning and Zoning Commission, public comments presented, and having given the matter its independent consideration, the Council finds that it is in the public interest, health and welfare, and consistent with good zoning practice to amend the Zoning Code as detailed above to conditionally permit short-term rental units.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MADISON, COUNTY OF LAKE, STATE OF OHIO, THAT:

SECTION 1. That the Codified Ordinances of Madison Village, Ohio, Part Seven - Planning and Zoning, as enacted by Ordinance No. 30-2013, as amended, is and shall hereby be amended by the enactment of new Article 13, Short-Term Rentals, §§ 13.1 through and including 13.17, as attached hereto as Exhibit "1" and incorporated herein by this reference as if fully re-written.

SECTION 2. That the Codified Ordinances of Madison Village, Ohio, Part Seven - Planning and Zoning, as enacted by Ordinance No. 30-2013, as amended, is and shall hereby be amended with the addition to § 4.3(f) of new line item "(35A) short-term rental" and the inclusion of this use as conditionally permitted in the R-2 single family residence district, as shown in the replacement page attached hereto as Exhibit "2" and incorporated herein by this reference as if fully re-written.

SECTION 3. That the Codified Ordinances of Madison Village, Ohio, Part Seven - Planning and Zoning, as enacted by Ordinance No. 30-2013, as amended, is and shall hereby be amended with the addition of permit fees to Addendix A (and as Appendix A is incorporated in the Zoning Code by § 17.5) related to short-term rentals, the same being \$200.00 plus postage expenses for the conditional use permit application and \$50.00 for renewal applications, said amendments appearing as bold text in the revised and amended Appendix A attached hereto as Exhibit "3" and incorporated herein by this reference as if fully re-written.

SECTION 4. That publication of these revised ordinances shall occur in book form containing the certification of the President of Council and Fiscal Officer of their correctness.

SECTION 5. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including § 121.22 of the Ohio Revised Code.

Referred upon recommendation of the
Planning and Zoning Commission

SECTION 6. This Ordinance shall take effect at the earliest time provided by law.

PASSED:

8-28-23



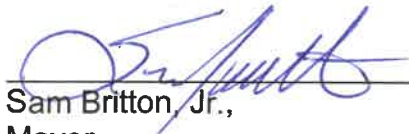
Mark V. Vest,
President of Council

Attested:



Kristie M. Crockett,
Fiscal Officer / Clerk of Council

Approved:



Sam Britton, Jr.,
Mayor

8/28/2023

Date

ARTICLE 13 SHORT TERM RENTALS

Section 13.1 Definitions.

- (a) "Applicant" means the owner or permanent occupant who submits an application for a conditional use permit or a renewal to the Village, as required by § 13.2(a).
- (b) "Applicant's Dwelling" means any and all dwellings intended to be used as a short-term rental(s) for which the applicant has submitted an application, as required by § 13.2(a).
- (c) "Arterial Street" means a publicly dedicated roadway which accommodates traffic to and from expressways or through commercial districts. For purposes of this Chapter, the following are the only "arterial streets" within the Village of Madison: Main Street (East and West) and River Street (S.R. 528).
- (d) "Booking Service" means any mechanism that provides for or facilitates a transaction between a short-term rental host and a potential short-term rental guest for the purpose of reserving or renting a guestroom for a fee, and for which a hosting platform collects or receives, directly or indirectly, any compensation in connection with the reservation. Such compensation may be remitted to the short-term rental host or the hosting platform.
- (e) "Calls for Service" means any and all calls, including but not limited to those to law enforcement and/or the fire department, when those calls result in a representative being dispatched or directed to the short-term rental and which:
 - (1) allege evidence of criminal activity;
 - (2) result in an arrest, charge or citation;
 - (3) find an imminent threat to safety of person(s) or property; or
 - (4) allege a sanitation, refuse or noise issue at a short-term rental property in violation of the Madison Code of Ordinances.
- (f) "Guestroom" means a room offered to the public for a fee that contains, at a minimum, provisions for sleeping.
- (g) "Hosting Platform" means an entity that participates in the short-term rental business/industry by providing for or facilitating a booking service through a website/application whereby a short-term rental host may offer, list, advertise, or market a short-term rental to a potential short-term rental guest.
- (h) "Owner" means the owner(s) of record as shown on the current tax list of the county auditor or a mortgagee(s) in possession. If an Owner is a business entity, such as a corporation, limited liability company, firm, partnership, association, organization and any other group acting as a unit, such business entity shall include its duly authorized agent.
- (i) "Permanent Occupant" means a person who resides in a dwelling more than 51% of the time during a calendar year and such dwelling in which the person resides shall be referred to as the primary residence.

- (j) "Person" means every natural person, corporation, limited liability company, partnership, limited partnership, joint venture, unincorporated association, estate, trust, or any other commercial or non-commercial entity or organization.
- (k) "Primary Residence" means a dwelling which is the usual place of return for housing as documented by at least two of the following: motor vehicle registration, driver's license, tax documents, lease copy or a utility bill. An owner or permanent occupant can only have one primary residence.
- (l) "Property Manager" means any person charged with or responsible for a supervisory or caretaking position for the short-term rental.
- (m) "Short-Term Rental Guest" means a person who reserves a guestroom, wholly or partly, from a short-term rental host for any form of consideration, for less than thirty (30) consecutive days.
- (n) "Short-Term Rental Host" means the owner or permanent occupant who offers, lists, markets, or advertises a short-term rental on a hosting platform and receives a fee as compensation.
- (o) "Short-Term Rental" means any dwelling with five guestrooms or less that is reserved/rented wholly or partly for any form of consideration for less than thirty (30) consecutive days by a short-term rental guest. A conditionally permitted short-term rental in compliance with this Chapter shall not be considered a boarding and rooming house, as defined in § 2.2(b)(17) of this Code.

Section 13.2 Conditional Use Permit Required.

- (a) No person shall engage in, conduct, or carry on, or permit to be engaged in, conducted or carried on, in or upon any premises in the Village of Madison a short-term rental without first obtaining a conditional use permit and maintaining the permit in good standing, in accordance with this Chapter.
- (b) It shall be prima facie evidence of a violation of § 13.2(a) for any person to engage in, conduct, or carry on, or permit to be engaged in, conducted or carried on, for any premises in the Village of Madison the offering, listing, advertisement or marketing of a short-term rental on any website, application, digital or paper medium for the purpose of offering to reserve or rent the short-term rental without first having obtained a conditional use permit, maintained in good standing, in accordance with this Chapter.

Section 13.3 General Property Requirements.

- (a) A conditional use permit for a short-term rental may only be issued for a residential structure on a parcel of record that is both (i) zoned R-2 and (ii) has frontage on an arterial street.
- (b) Only the principal residential structure on the property may be used for short-term rental. No accessory structure, temporary structure, vehicle, or accessory living quarters (unless the accessory living quarters is attached to the principal residential structure) may be used as a short-term rental.

- (c) Guestrooms may only be offered and used in rooms specifically designed as bedrooms and for which a means of emergency secondary egress exists which is at all times free of any obstructions or impediments to use as a secondary emergency egress from the guestroom.
- (d) The principal residential structure shall be both a lawful conforming use and structure. The use of a lawful non-conforming use/structure as a short-term rental shall constitute an unlawful expansion of the non-conforming use/structure in violation of § 3.5 of this Code and is prohibited.
- (e) The Administrator is authorized to summarily reject for filing any application submitted pursuant to this Chapter when the property applied for does not comply with any of the requirements of this § 13.3 or § 13.4.

Section 13.4 Application for Conditional Use Permit for Short-Term Rental.

- (a) An application for a conditional use permit for a short-term rental shall be filed with the Administrator upon approved forms provided by the Administrator, together with the fees and costs required by § 17.5 of this Code.
- (b) The application shall contain the following information:
 - (1) Identify the property on which the short-term rental will be established and its ownership by: (i) street address, (ii) permanent parcel number, (iii) the full names of all owners as they appear on the current recorded deed, (iv) the current mailing addresses of all owners, (v) current telephone numbers of all owners, (vi) current email addresses of all owners, (vi) provide a copy of the current recorded deed, (v) and, as applicable, the current recorded mortgage(s), lease(s), land contract, management agreement, easements, and licenses.
 - (2) In accordance with § 15.2(b) of this Code, identify all properties and their ownership within 200 feet from the boundary lines of the property on which the short-term rental will be established by: (i) street address, (ii) permanent parcel number, (iii) the full names of all owners as they appear on the current recorded deeds, (iv) the current tax mailing addresses of all owners, (v) current telephone numbers of all owners, if known, and (vi) current email addresses of all owners, if known.
 - (3) Any pending litigation related to the property shall be identified with particularity.
 - (4) If the applicant is different from the record owner(s), the name of the applicant, mailing address, telephone number, and email address. If the applicant is not a natural person, the applicant shall provide the name of the entity set forth exactly as shown on its registration with the Ohio Secretary of State, mailing address, address of its principal place of business, telephone number, and email address of an individual who is the statutory agent, president, or managing individual, the state in which the company is incorporated or registered, and the entity or corporation number.
 - (5) The short-term rental applicant shall provide to the Administrator one form of proof of identity, and two pieces of evidence that the applicant's dwelling is the

short-term rental applicant's primary residence, and/or the short-term rental applicant is the owner of the dwelling, and/or the applicant is the permanent occupant.

- (6) If a land contract, lease agreement, management agreement, or any other agreement separates the owner(s) from control over the property, the applicant shall include a statement supported by documentation that explicitly provides consent for a dwelling to be used as a short-term rental. The absence of such a clause or consent, or, where there is evidence of a prohibition for short-term rental use, shall be grounds for the denial of a short-term rental conditional use permit.
- (7) Name of the short-term rental host, mailing address, telephone number, and email address.
- (8) A floor plan for the residential structure which shall identify all guestrooms to be offered, listed, advertised, or marketed in the short-term rental.
- (9) Plans for a fire emergency as required by § 13.6(j).
- (10) The names of all hosting platforms on which the applicant has been (or will be in the future) registered to offer, list, advertise, or market a short-term rental, and documentation confirming hosting platform registration(s).
- (11) An application for a short-term rental conditional use permit shall be notarized and the applicant shall affirm that he/she and the dwelling are in compliance with all applicable local, state, and federal laws and regulations.
- (12) At the time of application for a new conditional use permit or its renewal, all of the following persons are required to provide the following:
 - a. The 24-hour local emergency contact person for the property;
 - b. The short-term rental property manager(s), if applicable;
 - c. If the applicant is a domestic business entity other than a general partnership, then the applicant must provide a copy of the entity's articles of incorporation, articles of organization, statement of partnership authority, certificate of limited partnership, or statement of domestic qualification filed with the Ohio Secretary of State;
 - d. If the applicant is a foreign business entity other than a foreign general partnership, then the applicant must provide a copy of the foreign business entity's license, registration, or qualification filed with the Ohio Secretary of State authorizing it to do business in Ohio;
 - e. For all business entity applicants, the name of an individual who is either the statutory agent, a partner, the president, or in the case of an LLC, a managing individual to whom all legal notices from the Village are to be directed, together with their mailing address, telephone number, and email address.

Section 13.5 Issuance of Conditional Use Permit for Short-Term Rental.

- (a) The Planning Commission shall reject any application for a conditional use permit for a short-term rental when the application is not fully compliant with any requirements of this Chapter.
- (b) In addition to the requirements of this Chapter, the Planning Commission shall review the application in accordance with the general requirements applicable to conditional use permits set forth in §§ 15.5 and 15.4 of this Code and may impose additional conditions based upon specific and unique aspects of the property that is the subject of the application when needed to maintain the property's residential character and customary residential use(s), except, the Planning Commission shall not have the authority to permit any conditions which are in conflict with the requirements of this Chapter.
- (c) A short-term rental applicant may submit an application for a new short-term rental permit at any time to the Administrator. If the conditional use permit is approved by the Planning Commission and a new short-term rental conditional use permit is issued, the permit shall take effect on the date of issuance and shall expire one calendar year from the date of issuance. If the permit is issued in conjunction with and contingent upon an explicit and consensual term lease agreement, the conditional use permit shall take effect on the date of issuance and shall expire upon the last day of the applicant's leasehold term or at the end of one calendar year from the date of issuance, whichever occurs first. Proof of a lease agreement indicating the leasehold term length shall be required where applicable.
- (d) A short-term rental applicant may submit an application to renew the short-term rental conditional use permit prior to the permit expiration date. If approved, the renewal of the conditional use permit shall take effect upon the expiration of the previous permit. The renewal shall expire one calendar year from the effective date. If the permit is renewed in conjunction with and contingent upon an explicit and consensual term lease agreement the renewal permit shall take effect upon the expiration of the previous permit and shall expire upon the last day of the applicant's leasehold term or at the end of one calendar year from the effective date, whichever occurs first. Proof of a lease agreement indicating the forthcoming leasehold term length, shall be required where applicable.
- (e) The applicant shall notify the Administrator of any change in information contained in the permit application within ten (10) calendar days of the change on a form provided by the Administrator.
- (f) Any transfer in ownership of a dwelling shall void any short-term rental conditional use permit held in that owner's name and in connection with the specific dwelling's property address. Such aforementioned transfers of ownership shall require submission of a new permit application in consideration of and for the issuance of a new short-term rental conditional use permit.
- (g) If approved as a short-term rental by the Planning Commission, a dwelling shall be assigned an individual permit number that the applicant shall list with the dwelling short-term rental on any hosting platform. Only a valid permit which has been assigned to the dwelling being offered, listed, advertised, or marketed as a short-term rental shall be

listed on a hosting platform. Upon a valid permit's expiration, no person or entity shall offer, list, advertise or market a dwelling in violation of this Chapter.

- (h) The Planning Commission shall have the authority to deny a new or a renewal conditional use permit if any of the information required under this section is reasonably determined to be insufficient.

Section 13.6 Short-Term Rental Requirements.

- (a) A valid and current conditional use permit shall be required for each dwelling approved as a short-term rental.
- (b) A short-term rental host shall be either an owner or a permanent occupant.
- (c) A short-term rental host shall provide written notice to a short-term rental guest of any known, non-obvious, or concealed condition, whether human-made or artificial, which may present a danger to the short-term rental guest, and shall designate a local 24-hour emergency contact person for the short-term rental.
- (d) A short-term rental host shall provide written notice to a short-term rental guest of any surveillance equipment, whether obvious or concealed, including, but not limited to, digital video cameras/recorders/monitors, streaming video security cameras, audio recorders/monitors, or any other electronic means of watching, listening, or recording.
- (e) A short-term rental host shall comply with the Village excise (lodging) taxes as required by Chapter 182 of the Codified Ordinances.
- (f) No person or entity shall offer, list, advertise or market a dwelling with five guestrooms or less, located within the Village, on an entity's website, for which such entity is compensated for facilitating or providing for a mechanism for a transaction, to rent or reserve the dwelling, in whole or in part, for less than thirty (30) days, to another person, without registering, listing, or accompanying a valid permit number, issued in accordance with this Chapter and associated with the dwelling.
- (g) No entity, via the entity's website, shall provide for or facilitate a mechanism for a transaction between an owner or permanent occupant and another person to rent or reserve, in whole or in part, a dwelling with five guestrooms or less, located within the Village of Madison, unless the owner or permanent occupant has registered or otherwise provided to the entity a valid permit number, issued in accordance with this Chapter and associated with the dwelling.
- (h) Records required.
 - (1) A short-term rental host who engages in, conducts, or carries on a short-term rental, and a hosting platform that provides for or facilitates a booking service, shall maintain and provide, when requested, records documenting the following information:
 - a. The short-term rental physical address;
 - b. The name of the person or entity who registered the short-term rental on the hosting platform or who listed the short-term rental on the hosting platform; and

- c. For each short-term rental guest, the dates and duration of stay in a short-term rental, the number of persons who were scheduled to stay each night, and the daily rate charged for each short-term rental guest.
 - (2) A hosting platform and a short-term rental host shall retain records for a period of at least four (4) years.
 - (3) In order to determine whether an applicant, short-term rental host or hosting platform is in compliance with the requirements of this Chapter, the Administrator may request that any records relevant to or of assistance in a compliance investigation, be provided for inspection. If such a request is denied, the Administrator may seek an administrative search warrant from a court of competent jurisdiction authorizing said inspection.
- (i) The property shall be covered at all times by a policy(ies) of commercial general liability insurance, which shall include broad form property damage liability and extended bodily injury coverage, in an amount not less than One Million Dollars (\$1,000,000.00) written on a combined single limit per occurrence basis for property damage, personal injury and bodily injury or death of one or more persons. A current certificate of insurance showing the required coverage shall be provided to the Village.
 - (j) Guestrooms shall be equipped with working smoke detectors and carbon monoxide detectors. Fire extinguishers properly rated shall be located and readily accessible in all cooking and other locations where activities involving flammable materials may occur. Guestrooms shall be equipped with apparatus necessary to escape fire via their secondary points of egress, such as emergency escape ladders, when necessary to make use of the secondary points of egress. Short-term rental guests shall be provided with an emergency contact phone number(s) for the short-term rental host and any property manager.
 - (k) Nothing in this section shall be construed as permitting any person or entity to obtain a permit or offer, list, advertise, or market a short-term rental, where prohibited by any other provision of law, or where it is contrary to the terms of any private contract, agreement, or restrictions related to the property.

Section 13.7 Revocation or Suspension.

- (a) The Administrator shall revoke or suspend a conditional use permit if any of the following are shown to have occurred at or in relation to the short-term rental address:
 - (1) The applicant made a material misrepresentation of fact on the application or submitted fraudulent, counterfeit, or false documentation;
 - (2) Any applicant, owner, manager, or short-term rental host is shown to have been convicted of the act of prostitution or soliciting for prostitution, or an act that would constitute a violation of the R.C. Chapters 2925 or 3719, on the premises of the short-term rental;
 - (3) The property on which the short-term rental is located has unpaid real property taxes, except for taxes that are a lien on the property but not yet due and payable;
 - (4) The owner or short-term rental host is not in good standing with the Regional Income Tax Agency;
 - (5) The owner or short-term rental host is in violation of Chapter 182, Lodging Tax, of the Codified Ordinances;

- (6) The short-term rental has outstanding orders from the Madison Joint Fire District or State Fire Marshall that have not been corrected;
 - (7) A pattern of felony drug related activity occurs on the premises;
 - (8) A pattern of prostitution related activity or evidence of human trafficking on the premises;
 - (9) A pattern of gang related activity as defined in R.C. § 2923.41;
 - (10) A documented history or pattern at the short-term rental of repeated offenses of violence as defined in R.C. § 2901.01;
 - (11) The short-term rental has three (3) or more calls for service during a consecutive twelve-months;
 - (12) An applicant, owner, manager, or short-term rental host has hindered or prevented any inspection of the short-term rental as authorized by § 13.12;
 - (13) The short-term rental has a history of repeated conduct that endangers neighborhood safety or diminishes resident's quality of life;
 - (14) The owner or the short-term rental host has been found guilty of maintaining a public nuisance under Title 47 or R.C. Chapter 3767 by a court of competent jurisdiction;
 - (15) The premises has been declared a public nuisance under R.C. Chapter 3767 by a court of competent jurisdiction;
 - (16) The owner or the short-term rental host has not abated the public nuisance or complied with a notice of violations under R.C. Chapter 3767.
 - (17) A violation of any provision of this Chapter or condition imposed on the permit pursuant to § 13.5(b) has not been corrected within the time period specified by the Administrator after Notice issued to the owner or short-term rental host.
- (b) Pursuant to § 15.5 of this Code, a Village citizen or official may seek revocation of the conditional use permit by the Planning Commission for violations of the Code.
 - (c) Evidence of conduct under division (a) of this section need only be that of de facto violation of law, evidence of conviction is not a prerequisite unless specifically indicated.

Section 13.8 Procedures Upon Revocation or Suspension of Permit.

- (a) Prior to any action of suspension or revocation under § 13.7, the Administrator shall submit a Notice of Suspension or Notice of Revocation to the applicant.
- (b) The Notice of Suspension or Revocation shall be provided within seven (7) calendar days from the date it shall be effective, unless it is an emergency order as provided by § 13.9.
- (c) The Notice shall list all grounds for which the permit is being revoked or suspended.
- (d) The Administrator shall serve the Notice by (i) personally serving the applicant, or electronic delivery of the Notice to the email address provided for the applicant on their application, and, (ii) posting the Notice in a conspicuous place on the property of the short-term rental. Failure of personal or electronic delivery for causes the fault of the applicant shall not invalidate service.

Section 13.9 Emergency Revocation or Suspension of Short-Term Rental Permit.

- (a) Whenever the Administrator determines that an emergency exists which requires immediate action of a revocation or suspension of a short-term rental conditional use permit to protect the public health and safety, the Administrator shall issue a written order to the applicant, reciting the existence of such an emergency and requiring such action as the Administrator deems necessary be taken to meet the emergency.
- (b) Notwithstanding other provisions of this Chapter, such order shall be effective immediately and shall be complied with immediately.
- (c) The Administrator shall serve the Notice by (i) personally serving the applicant, or, electronic delivery of the Notice to the email address provided for the applicant on their application, and, (ii) posting the Notice in a conspicuous place on the property of the short-term rental. Failure of personal or electronic delivery for causes the fault of the applicant shall not invalidate service.

Section 13.10 Appeal Procedure and Stay Order.

An applicant aggrieved by an order of the Administrator revoking or suspending a conditional use permit who wishes to appeal such order may appeal such order to the Board of Zoning Appeals and shall do so pursuant to the provisions of Article 16 of this Code. The Administrator may exercise the procedure set forth in § 16.3(c) of this Code to prevent the automatic stay of the order being appealed.

Section 13.11 Judicial Review.

The applicant shall have the right to perfect an appeal as provided in R.C. Chapter 2506 after final determination of the appeal pursuant to Article 16 of this Code.

Section 13.12 Authority to Conduct Inspections.

- (a) Upon display of the proper credentials, the Administrator may be permitted to inspect the short-term rental to ensure compliance with this Chapter.
- (b) If the request for inspection described in division (a) of this section is denied, the Administrator may seek an administrative search warrant from a court of competent jurisdiction authorizing said inspection.

Section 13.13 Transfer of Conditional Use Permit Not Permitted.

- (a) No conditional use permit issued under this Chapter shall be transferable or assignable to another person.
- (b) No conditional use permit issued under this Chapter shall be transferable or assignable to another short-term rental.
- (c) Any person found to have transferred, assigned, or attempted to transfer or assign, a valid conditional use permit to another person shall be subject to the penalty under § 13.17. Such transfer or assignment shall cause the associated conditional use permit to be automatically revoked.

Section 13.14 Discrimination Prohibited.

- (a) No person shall decline a potential short-term rental guest based on race, sex, sexual orientation, gender, color, religion, ancestry, national origin, age, disability, familial status or military status.
- (b) No person shall impose any different terms or conditions on a short-term rental guest based on race, sex, sexual orientation, gender, color, religion, ancestry, national origin, age, disability, familial status or military status.
- (c) No person shall post any listing or make any statement that discourages or indicates a preference for or against any potential short-term rental guest on account of race, sex, sexual orientation, gender, color, religion, ancestry, national origin, age, disability, familial status or military status.

Section 13.15 Display Short-Term Rental Permit.

The short-term rental host shall maintain and display the current conditional use permit at the short-term rental.

Section 13.16 Severability.

In the event any section or provision of this Chapter shall be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of this Chapter as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

Section 13.17 Penalties.

- (a) Any person who violates §§ 13.2 or 13.5(g) shall be guilty of a misdemeanor of the fourth degree. An offender who has been previously convicted of or pleaded guilty to a violation of §§ 13.2 or 13.5(g) is guilty of a misdemeanor of the third degree. This is a strict liability offense. Any entity convicted under this section shall be subject to organizational criminal liability as contemplated by § 501.11 of the Codified Ordinances. In addition, all gross revenue or compensation from a reservation(s) or rental(s) that is obtained in violation of §§ 13.2 or 13.5(g) shall be remitted to the Village of Madison, subject to local and state laws governing forfeiture.
- (b) Any person who violates §§ 13.6 or 13.13 shall be guilty of an unclassified misdemeanor and shall be fined not more than two hundred fifty dollars (\$250.00). An offender who has been previously convicted of or pleaded guilty to a violation of §§ 13.6 or 13.13 is guilty of a misdemeanor of the third degree. This is a strict liability offense. Any entity convicted under this section shall be subject to organizational criminal liability as contemplated by § 501.11 of the Codified Ordinances.
- (c) Any person who violates §§ 13.5(e) or 13.15 shall be guilty of a minor misdemeanor. An offender who has been previously convicted of or pleaded guilty to a violation of §§ 13.5(e) or 13.15 is guilty of a misdemeanor of the fourth degree. This is a strict liability offense. Any entity convicted under this section shall be subject to organizational criminal liability as contemplated by § 501.11 of the Codified Ordinances.

Exhibit "3"

APPENDIX A
(Zoning Code Article 17, §17.5)

MADISON VILLAGE ZONING CODE FEE SCHEDULE

	Description	Amount
1.	Single-family dwelling	\$50.00
2.	Accessory building	\$20.00 per structure
3.	Two-family dwelling	\$70.00
4.	Multiple dwelling	\$50.00 (first unit) \$20.00 (per additional unit)
5.	Addition or alteration to existing dwelling	\$25.00
6.	Commercial or industrial permit (construction, addition, or alteration)	\$0.03/sq. ft. with \$100 minimum and \$500 maximum fee
<p>The fee for the application for a zoning certificate for the use of land not involving structures, including changes in the use of land, shall be \$10.00. Additional fees shall be as follows:</p>		
7.	Copy of the Zoning Code	\$10.00 per book
8.	Copy of the Zoning Map	\$10.00 each
9.	Fence Permit	\$10.00
10.	Swimming Pool, Hot Tub, and Similar Installation Permit	\$20.00
11.	Sign permit	\$10.00
12.	<p>Conditional Use Permit</p> <ul style="list-style-type: none"> - Commission hearing will be held with notice once in a local paper 15 days prior to the hearing. - First class mail notice to those within 200' of the property will be sent 15 days prior to the Commission hearing. 	<p>General: \$100.00 + the current USPS first class mail cost for each person notified.</p> <p>Short-Term Rental: \$200.00 + the current USPS first class mail cost for each person notified.</p> <p>Short-Term Rental CUP Renewal Application: \$50.00</p>

13.	<p>BZA Application</p> <ul style="list-style-type: none"> - BZA hearing will be held with notice once in a local paper 15 days prior to the hearing. - Certified mail to all adjoining property owners will be sent 15 days prior to the hearing. 	<p>\$100.00 + the current USPS certified mail cost for each person notified.</p>
14.	<p>Rezoning Application</p> <ul style="list-style-type: none"> - Commission hearing will be held with two local newspaper notices at least 10 days prior to the hearing. - First class mail notice to those within 200' of the property will be sent regarding the Commission hearing at least 5 days prior to the hearing. - Council hearing will be held with notice once in a local newspaper 30 days prior to the hearing. - First class mail notice to those within 200' of the property will be sent regarding the Council hearing at least 20 days prior to the hearing 	<p>\$300.00 + twice the current USPS first class mail cost for each person notified.</p>
15.	<p>Site Development Plan Review Application</p>	<p>\$100 + \$10 per acre</p> <p>Additional bonding, testing, and fees are required per § 19.7.</p>
16.	<p>Subdivision Application</p> <ul style="list-style-type: none"> - An application form will be completed by the subdivider. - The lot fee and engineering deposit will be paid. - 10 copies of the proposed subdivision will be submitted. - The submission of said material will be provided to the Zoning Inspector 28 calendar days prior to the next regular Commission meeting. 	<p>A review fee of \$250, or, \$10 per proposed lot, whichever is greater, plus:</p> <p>Inspection and supervision fees as determined by §20.5(f).</p> <p>Testing and surveying fees per §20.4(i).</p> <p>Additional bonding and insurance requirements are required per §20.4(j).</p>