

## **SHORT-TERM RENTAL AND VACATION RENTAL LICENSING ORDINANCE NO.484**

### **PURPOSE:**

The purpose of this chapter is to establish regulations for the use of residential dwellings as short-term rentals to protect the integrity and safety of the city's residential neighborhoods, to safeguard the welfare of the city's residents and occupants of short-term rentals, to establish a system to track the short-term rental inventory in the city, to provide a means of contact for the operator and occupant of a short-term rental, to establish a Good Neighbor Policy for occupants of short-term rentals, and to allow private property owners the right to fully and efficiently utilize their property without undue regulation or interference..

### **DEFINITIONS:**

**APPLICABLE LAWS, RULES AND REGULATIONS:** Any laws, rules, regulations and codes (whether local, state or federal) pertaining to the use and occupancy of a privately owned dwelling unit as a short-term rental.

**APPLICANT:** The owner of a tourist home or the owner's authorized agent or representative.

**APPLICATION FEE:** The fee set by city resolution due and payable at the time the operator applies for a short-term rental operator permit(s).

**GOOD NEIGHBOR POLICY:** A document prepared by the city that summarizes the general rules of conduct, consideration, and standards of respect and are required to be provided to occupants utilizing short-term rentals within the city.

**LOCAL CONTACT PERSON:** The person designated by the owner, or the owner's authorized agent or representative, who shall be available twenty-four (24) hours per day, seven (7) days per week while the tourist home is rented.

**OCCUPANT:** Shall means the person or persons who contract with the operator for use of the short-term rental.

**OPERATOR:** The owner or designated agent or representative of the owner who is responsible for compliance with this chapter with respect to the tourist home.

**OPERATOR PERMIT:** A permit issued to the applicant of a short-term rental. Multiple properties may be listed on one application, however, each individual residential dwelling used as a short-term rental must be issued a separate permit which is posted at the respective property.

**OWNER:** The person(s) or entity(ies) that hold(s) legal title to the subject tourist home.

**RESPONSIBLE PERSON:** An occupant of a tourist home who is at least twenty-one (21) years of age and who is legally responsible for ensuring that all occupants of the tourist home and/or their guests comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject tourist home.

**SHORT-TERM RENTAL:** Shall mean a residential dwelling which is rented for thirty (30) days or fewer, and which is also referred to as a "tourist home" or "vacation home". This term does not include a bed-and-breakfast facility, hotel or motel where an owner or manager is on site.

**AUTHORIZED AGENT OR REPRESENTATIVE:**

A. An owner shall, or shall designate an agent or a representative to, comply with the requirements of this chapter on behalf of the owner.

B. Notwithstanding subsection A of this section, the owner shall not be relieved from personal responsibility or personal liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the subject short-term rental regardless of whether such noncompliance was committed by the owner, operator, local contact person, responsible person, or other occupants or their guests of the owner's tourist home.

**PERMIT REQUIRED:**

A. The operator of a tourist home is required to obtain a short-term rental operator permit before renting any privately owned residential dwelling to any person for a period less than a monthly basis.

1. A short-term rental permit is valid only for the residential dwelling(s) identified in the application. An applicant shall obtain a separate permit for each residential dwelling to be used as a short-term rental.

2. A short-term rental permit is non-transferable and is not a grandfathered use.

B. A short-term rental operator permit shall be renewed on an annual basis. All permits shall expire on January 30<sup>th</sup> and a new permit shall be required to be purchased on or before January 31<sup>st</sup> in order for the continued operation of a tourist home to remain valid.

C. Those tourist homes which are in operation at the time this chapter goes into effect, shall be required to obtain a short-term rental operator permit which will expire on the date above.

D. Prior to offering a short-term rental to the public, the owner of the residential dwelling shall complete an application on a form provided by the city. The application shall include:

1. Owner's name, telephone number, both physical and mailing addresses, and email address.

2. The operator's information including, name, telephone number, both physical and mailing addresses, and email address.

3. The Local Contact Person's information including name, address, and twenty-four (24) hour telephone number.

4. The address of the short-term rental(s).

5. The signatures of the owner and operator agreeing and acknowledging that they are responsible for the compliance by the occupant and any guests with all applicable laws, rules, and regulations pertaining to the use and occupancy of

the short-term rental, and for any unreasonable noise, disturbances or disorderly conduct by the occupant and/or guests.

6. The fee established by resolution of the City Council.

**OPERATIONAL REQUIREMENTS:**

A. A responsible Local Contact Person must be available twenty-four (24) hours a day seven (7) days per week while the tourist home is rented for the purpose of responding within sixty (60) minutes to complaints regarding the condition of the short-term rental or the conduct of the occupant of the short-term rental and/or their guests.

B. The Operator shall post on or near the front door of the short-term rental a notice which includes the address of the rental, emergency contact numbers, and a copy of the Good Neighbor Policy.

C. No sign indicating that the residence is a short-term rental or that it is for rent of lease shall be displayed such that it is visible from any other public or private property.

D. Trash and refuse shall not be left stored within public view except on scheduled trash collection day.

E. No recreational vehicle, travel trailer, tent, or other temporary shelter shall be used as a short-term rental or in conjunction therewith to provide additional sleeping areas or otherwise.

F. Marketing for use as Weddings, Receptions, or Similar Private or Public Events is not allowed.

**VIOLATIONS:**

A. It is unlawful for any owner to offer for rent a short-term rental or to operate a short-term rental without a city permit.

B. The tenants of the dwelling have created noise, disturbances, or nuisances, in violation of this code, or violations of state law pertaining to the consumption of alcohol, or the use of illegal drugs, or have disrupted the peaceful enjoyment of neighbors. Each incident shall be counted as a separate violation, even within the same day.

C. It is a violation of this article if the owner, owner's representative, or occupant knowingly and willfully violates any provision of this article.

**PENALTIES:**

A. The city shall provide the owner or owner's representative with written notice of any violation of this article.

B. For a first offense, the violator shall be subject to a civil penalty in an amount established by resolution of the City council.

C. For any subsequent offense, the violator shall be subject to a misdemeanor, pursuant to section 1-3-1 of this code.

D. In addition to any other remedy or procedure authorized by law, for three (3) or more violations of or failure to comply with any of the standards of this article the City Council may revoke any or all of the owner's permits and in, addition, may order that no new permit shall be issued for up to three (3) years.

E. Prior to the revocation of any permit or the denial of a permit for repeated violation of the provisions of this article, written notice of the reasons for such action shall be served on the owner or owner's representative by certified mail at the address(es) on the permit application. Revocation shall become final within ten (10) days of service unless written request for a hearing is received. by the city within twenty (20) days.

F. The hearing before the City Council shall be informal and strict rules of evidence shall not apply. The owner or representative may be represented by legal counsel, present oral and written evidence and cross examine witnesses.

G. The City Council shall issue a written decision within a reasonable timeafter the close of the hearing.

H. If the owner or representative fails to appear at the hearing or fails to request a hearing, it shall be conclusively established that this chapter was violated and civil sanctions shall apply.

ATTEST:

By: Miriah Pfeiffer  
Miriah Pfeiffer, City Clerk

By: Wanda Irish  
Wanda Irish, Mayor