

**VILLAGE OF CHAUNCEY
STATE OF OHIO
ORDINANCE 2023 - 12**

Long and Short Term Rental Permit Registration

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1. Definitions

The following terms as used in this chapter shall have the meanings given herein.

(a) “Code Inspector” means the Village Code Inspector or the Code Inspector’s authorized designee.

(b) “Dwelling” shall be synonymous with the definitions of double house, dwelling, dwelling structure, dwelling unit, multiple dwelling, premises, residential structure or two-family dwelling.

(c) “Guestroom” means a room offered to the public for a fee that contains, at a minimum, provisions for sleeping.

(d) “Hosting platform” means a person or entity in whatever form or format that facilitates, through advertising or any other means, a short-term rental booking transaction for accommodations between a short-term rental host and short-term rental guest, including, but not limited to, reservations and/or collection of payment for such accommodations on behalf of the short-term rental host.

(e) “Owner” means an individual(s), corporation or partnership that has legal title to and control of a dwelling.

(f) “Permanent occupant” means any person(s) who resides in a dwelling more than 51% of the time during a calendar year, and the dwelling in which person(s) reside shall be referred to as their primary residence.

(g) “Primary residence” means a residence 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 or a utility bill. An owner or permanent occupant can only have one primary residence.

(h) "Short-term rental" means any dwelling that is rented wholly or partly for a fee and for less than thirty consecutive days by persons other than the permanent occupant or owner from which the permanent occupant or owner receives monetary compensation.

(i) "Short-term rental guest" means any person who rents temporary lodging from a short-term rental host, or through a hosting platform on behalf of the short-term rental host, for less than thirty consecutive days.

(j) "Short-term rental host" ("host") means the owner or permanent occupant of a short-term rental who offers the short-term rental for temporary lodging.

(k) "Short-term rental operation" means the occupancy of any room or dwelling of any short-term rental.

(l) For the purposes of this Chapter, "Tenant" means a person entitled under a rental agreement to the use and occupancy of residential premises to the exclusion of others.

(m) "Tender" means an offer of payment.

(n) "Transient guest" means a person who occupies a room or rooms for sleeping accommodations for less than thirty consecutive days.

2. Permit Required

(a) No person, including but not limited to an owner, permanent occupant operator, manager or employee shall engage in, conduct, or carry on, or permit to be engaged in, conducted or carried on, in or upon any dwelling in the Village of Chauncey the operation of a rental without obtaining a permit in accordance with this chapter. It shall be prima facie evidence of a rental operation if a rental guest is found to be occupying or using a rental.

(b) An application for a new permit may be submitted at any time to the Code Inspector. If the application is approved and a permit is issued, the permit shall take effect on the day of issuance, and shall expire on December 31 of the year in which it was issued.

(c) A permit to operate a rental shall be renewed by the applicant before the end of each calendar year. Failure to renew shall result in expiration on December 31. If a permit is successfully renewed, it shall be in effect for one calendar year, beginning on January 1 and expiring on December 31 of the same year.

3. Application For Rental Permit New and Renewal

(a) Application for a new rental permit, and/or for renewal of a permit, shall be made to the Code Inspector, upon approved forms, for the fee of \$50 (Fifty Dollars). Every rental permit shall be renewed annually by January 2. Failure to obtain a rental permit within 60 days of January 2 will be assessed an additional fee of \$50.

(b) The application for a permit to operate a rental shall contain the following information:

(1) Name of the applicant, including mailing address, telephone number, and email address. If the applicant is a corporation or partnership, the applicant shall provide the name of the entity and set forth exactly as shown on its articles of incorporation, mailing address, telephone number, and email address of the 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. For an owner-occupied short-term rental application, the permanent occupant shall provide sufficient information to demonstrate compliance with the primary residency requirement as outlined in Section 1 (g);

(2) The legal owner or owners of the property, including mailing address, telephone number, and email address. If the property owner is a corporation or partnership, the applicant shall provide the name of the entity set forth exactly as shown on in articles of incorporation as well as the mailing address, 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;

(3) The names and addresses of any other rentals located in the Village of Chauncey that the applicant or property owner has any interest in, including, but not limited to, ownership, licensure, or management;

(4) Name of the rental host, including mailing address, telephone number, and email address;

(5) The number of guestrooms in service at the rental;

(6) The names of all hosting platforms that are used by any short-term rental host and proof of liability insurance for the rental unit;

(7) Set forth any known, non-obvious or concealed condition, whether man-made or artificial, which may present a danger to the renters;

(8) The contact information, including a telephone phone number, of a local person with the responsibility to resolve any complaints regarding the condition, operation or maintenance of the dwelling unit;

(9) Set forth the trash and recycle collection days for the property and any applicable rules and regulations pertaining to leaving or storing trash on the exterior of the property.

(c) The applicant must notify the Code Inspector of any change in information contained in the permit application within ten days of the change.

(d) Any change in ownership of the building, the dwelling, or the business shall void the current permit and shall require submission of a new application and the issuance of a new permit.

4. Rental Host Requirements.

(a) A rental host shall be the owner and/or the permanent occupant of the dwelling located in zoning districts R-1 or B-1 if its principal use is a residential dwelling or the residential unit is on the second floor of a business as permitted in the Village of Chauncey Zoning Code. The short-term rental host must provide one proof of evidence that the host is the owner of the dwelling.

(1) One short-term rental permit per short-term rental operation may be issued.

(2) If a short-term rental host is not the property owner, but a permanent occupant of the dwelling, the host shall obtain written permission from the property owner of the dwelling to register the dwelling on any hosting platform for use as a short-term rental.

(3) The short-term rental host must provide written notice to the short-term rental guest of:

A. Any known, non-obvious or concealed condition, whether man-made or artificial, which may present a danger to the short-term rental guest(s);

B. The contact information, including a telephone phone number, of a local person with responsibility to resolve any complaints regarding the condition, operation or maintenance of the dwelling unit;

C. Set forth the trash and recycle collection days for the property and any applicable rules and regulations pertaining to leaving or storing trash on the exterior of the property. The owner shall provide proper trash and recycling containers for the transient guest(s).

(4) Smoke detectors shall be provided and maintained adjacent to each sleeping area in each dwelling unit.

(5) One or more carbon monoxide detection devices shall be installed and maintained as close to the center of the dwelling unit and within close proximity to the living and sleeping areas of the dwelling unit.

(6) Provide off street parking for one vehicle per every two bedrooms within the dwelling unit.

(7) Rentals for thirty or more consecutive days by the same guest(s) will not be subject to short-term rental regulations.

(8) Compliance with all other applicable provisions of the Village of Chauncey Zoning Code

(9) All short-term rental hosts must obtain liability insurance for the short-term rental or provide proof that the short-term rental and short-term rental host are named insured under the hosting platform's liability of insurance in the amounts set forth below.

(b) Records required.

(1) A short-term rental host that offers a short-term rental shall retain records to demonstrate compliance with this section, including, but not limited to, primary residency, the name of the short-term rental guest responsible for the reservation and/or who rented the unit

on each night, dates and duration of stay in a short-term rental, and the rate charged for each short-term rental on each night.

(2) A short-term rental host that provides units for short-term rental use shall retain records for a period of at least four years.

(3) If a request to inspect the records is denied, any officer or employee of the division of police, division of fire department or building may seek an administrative search warrant from a court of competent jurisdiction authorizing said inspection.

5. Grounds For Denial.

(a) The Code Inspector shall issue a new permit, or grant the renewal of an existing permit, except as provided in divisions (b) or (c) of this section.

(b) The Code Inspector shall deny any application for a new permit, or renewal of permit, if any of the following are shown to have occurred at the short-term rental property:

(1) The applicant makes a material misrepresentation of fact on the application;

(2) The applicant or any owner of the short-term rental has been convicted of violating Section 2 of this ordinance.

(3) The property taxes of the short-term rental host is in arrears with the Athens County Auditor's Office.

(c) The Code Inspector may deny any application for a new permit, or renewal of permit, if any of the following are shown to have occurred at the short-term rental property:

(1) The rental or rental host has a documented history of repeated acts that are offenses of violence as defined in Ohio R.C. 2901.01;

(2) The owner, applicant, operator, manager, or the rental host has not made a good faith effort to correct violations of this chapter, or has obstructed or interfered with correction of the violations;

(d) Evidence of conduct under divisions (c) of this section need only be that of de facto violation of law, evidence of conviction is not a prerequisite for denial unless specifically indicated.

6. Revocation and suspension of rental permit.

At any time during the calendar year, the Code Inspector may revoke and/or suspend a short-term rental permit if it is determined that activities set forth in Section 5 are shown to have occurred at the short-term rental.

7. Hearing, Appeals, and Remedy Process.

(a) Any person who has been denied, suspended, refused a permit or renewal of a permit or had their permit revoked under this chapter may appeal such decision in a letter to the Board of Zoning Appeals.

(b) Action to issue, revoke, suspend or renew a permit may be stayed should the short-term rental host take specific steps to remediate problems outlined in the notice of revocation and suspension that include but are not limited to some of the following actions:

(1) Completion of approved safety and security training, and/or training to identify criminal activity

(2) Installation of safety and security measures such as fencing, lighting, public space surveillance, etc.;

(3) Voluntary participation in right-of-entry programs with law enforcement agencies;

(4) Implementation of minimum age of 21 for check-in for lodging properties;

(5) Requirement of use of valid credit card at check in; and/or

(6) Additional remediation actions as approved by the Code Inspector.

(c) All potential remedies outlined in division (b) of this section must be approved by the Code Inspector.

8. Transfer of Rental Permit Not Permitted

(a) No permit under this chapter shall be transferable to another individual, corporation, firm, partnership, association, organization or other group acting as a unit.

(b) No permit under this chapter shall be transferable to another rental operation.

9. Discrimination Prohibited

An owner, landlord, permanent occupant, short-term rental host, or operator shall not:

(a) Decline a transient rental guest based on race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status; impose any different terms or conditions based on race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status;

(b) Post any listing or make any statement that discourages or indicates a preference for or against any rental guest on account of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status.

10. Short Term Rental Permits Limit

Short-term rental permits for non-owner occupied residences shall be limited to 5% of total housing stock. If more applications are submitted than permits available, permits will be issued via lottery with preference to renewals and rentals with fewer substantiated complaints. Permits are to be issued 1 per owner unless additional permits are available. Owner occupied rentals and licensed hotels/motels do not count towards the short term rental cap.

11. 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.

12. Penalty

Whoever violates section 2 of this ordinance shall be guilty of a misdemeanor of the fourth degree and a fine of not more than two-hundred and fifty dollars (\$250.00) or imprisonment for not more than thirty days or both. Upon subsequent convictions, the penalty shall be a misdemeanor of the third degree and a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than sixty days or both in addition to any other penalties as imposed by this chapter.

PASSED this ____ day of _____, 2023.

ATTEST:

ATTEST:

Connaught Cullen
Council President

Kevin Simons
Fiscal Officer

APPROVED AS TO FORM:

ACKNOWLEDGED:

Johnathan Robe
Solicitor

Amy Renner
Mayor

First Reading: _____

Second Reading: _____

Third Reading: _____

**CERTIFICATION OF FISCAL OFFICER AS TO
POSTING OF ORDINANCE**

The foregoing is a true copy of the original Ordinance No. 2023-?.

Publication of this Resolution was made by posting a copy of the same in the following five locations within the Village, beginning on _____ 2023, and concluding on _____, 2023, (at least 15 days later):

Location	Date Posted:
Village Hall	_____
Chauncey Food Mart	_____
Cee Dee	_____
Post Office	_____
Library	_____

ATTEST:

Date: _____
Kevin Simons
Fiscal Officer