

## SHORT TERM RENTALS

### A. PURPOSE

This ordinance provides a registration process so that dwelling owners may legally allow short term rentals of all or part of their registered dwellings.

### B. DEFINITIONS

**Dwelling.** For purposes of this ordinance, a dwelling is any structure or series of multiple related structures that legally may be used for habitation by humans. It includes, but is not limited to, detached and attached single-household structures, multi-household structures, townhouses, condominiums, duplexes, mobile homes, and apartments.

**Improved surfaces.** Off-street parking spaces and vehicular use areas are subject to City Code requirements for the zone classification in which a dwelling is located. Generally, improved surfaces include areas surfaced with asphalt, concrete, bituminous or other alternative paving material, including grass pavers, porous concrete, and other similar materials, subject to approval by the City. Gravel and other materials similar to gravel are generally not allowed except in areas used for occasional parking, again only as permitted by applicable zoning requirements. (See, Sections 19-801 through 19-900).

**Rental day.** A rental day is any day on which a dwelling or any part thereof is rented for any portion of the 24-hour period beginning at 12 a.m. and ending at 11:59 p.m. Unrented hours in a 24-hour period cannot be added to any other day to extend the number of days on which a dwelling may be rented as a short term rental during a calendar year.

**Short term rental.** A short term rental is rental of any part of a dwelling or an entire dwelling for a period or periods of up to a total of no more than 25 rental days per calendar year. A rental or rentals for more than 25 rental days per year will not be considered a short term rental. Short term rentals do not include hotels, motels, bed-and-breakfast establishments, or inns that are subject to and compliant with the City's business license and other applicable code requirements, nor does the term include longer term rental dwellings subject to the City's rental house regulations (Sections 13-55 through 13-75).

If any part of dwelling is rented on a rental day, that day counts towards the 25-day cap for the entire dwelling. In other words, the 25-day rental cap is calculated per dwelling, rather than per bedroom or per rental unit within a dwelling.

For structures with multiple separate dwelling units owned by more than a single owner, such as a condominium or townhouse building or complex, or for an apartment building with multiple leases of separate units to different tenants, the 25-day limit shall apply per separate unit.

**Short Term Tenant.** A short term tenant is any person, other than a legal owner, paying to occupy a dwelling for 25 or fewer rental days, as defined by this ordinance.

### C. REQUIREMENTS

**1. Registration.** Property owners must register dwellings with the City Planning and Codes Office prior to renting out a dwelling or any part of a dwelling for a short term rental. All legal owners of a dwelling must complete and sign a form provided by the City for that purpose and pay the annual fee.

The owners must provide information concerning the dwelling location, ownership, contact information, and the number of short term rental units in the dwelling, and must agree to comply with the requirements of this ordinance. The City may request additional registration information, as it deems necessary.

When registering, the owner(s) must provide the City with the number of days each dwelling or any part of the dwelling was rented during the preceding calendar year.

Registrations are non-transferrable. If ownership of a registered dwelling changes, the new owner(s) must complete a new registration form before renting out any part of the dwelling for a short term rental and must pay the annual fee. A change in ownership does not increase the number of rental days on which a dwelling or part of a dwelling may be rented for short term rentals in a calendar year. The total number of rental days for short term rentals for any registered or subsequently re-registered dwelling is no more than 25 rental days.

**2. Annual registration and fee.** The annual registration fee is \$100 per dwelling regardless of the point in a calendar year that a registration is obtained. The registration year runs from ~~January 1~~April 15 to ~~December 31~~each April 14 of the following year. All short term rental registrations expire on ~~December 31~~April 14 each year. No ~~registrations~~registration fees are to be prorated or refunded.

**3. Signage and Proof of Registration.** No dwelling used as a short term rental may display a sign advertising that rental unless otherwise permitted by applicable zoning requirements. However, during all rental days, each short term rental dwelling must display in a location visible from the street a City-provided sign with a current registration decal attached.

**4. Maximum short term rental days in a calendar year.** Registered dwelling owners may allow short term rentals for no more than 25 rental days per calendar year per registered dwelling.

**5. Occupancy.** Occupancy of short term rental dwelling is limited to no more than 4 persons per bedroom-and/or per room to be used as a bedroom.

**6. Parking.** All parking for tenants must be contained on-site and only on improved

surfaces. During rentals, no parking for owners, occupants, tenants, or guests may be located on unimproved surfaces. Unimproved surfaces include, but are not limited to, grassed, wooded, dirt, and mulched surfaces, as well as any other parking surfaces not in compliance with applicable City code requirements.

**7. Safety and damages.** Property owners are responsible for their own safety and insurance needs, as well as the safety and sanitation needs of their tenants. By providing a registration process allowing property owners to conduct short term rentals of dwellings, the City is not assuming responsibility for safety or liability related to such activities.

**8. Minimum fire and emergency requirements.** On each day on which a dwelling or any part thereof is occupied by a short term tenant, the following must be present:

- a. An emergency exit map of the dwelling posted in each room used as a bedroom;
- b. A charged, working fire extinguisher located in a visible and accessible location in each dwelling;
- c. Working smoke alarms for every level on which rooms used as bedrooms are located; and,
- d. Working windows in each room to be used as a bedroom.

~~Onsite inspections may be required prior to the use of a dwelling for short term rental purposes.~~

~~**9.9. Compliance inspections.** Annual compliance inspections of short term rentals shall begin January 1, 2017, and will be required for 2017 and each year thereafter. Short term rental inspections will be conducted from January 1 to April 14 each calendar year. Property owners must arrange with the City for onsite inspections of short term rental properties prior to the use of a dwelling for short term rental purposes. Properties that do not pass inspection may not be used for short term rentals until successfully completing inspection. Properties that do not pass inspection must correct all defects noted on the inspection report and schedule a re-inspection of the property.~~

**10. Accommodations, sales, and income taxes.** There are federal, state and/or county laws and rules for collection of sales, accommodations, and income taxes. Owners, operators, lessors, occupiers, and/or tenants of dwellings used for short term rentals may be responsible for payment of such taxes. The City does not collect or accept such taxes.

## **D. VIOLATIONS**

Depending on severity, violations of this ordinance may result in immediate revocation of the registration of a dwelling or dwellings. Absent the need for immediate ~~need for~~

revocation, a formal written warning shall be issued for a first violation in a 12-month period. However, if there is an additional violation at the same dwelling within the 12-month period immediately following a warning, registration for that dwelling shall be revoked for 12 months to begin with the start of the next calendar year. Warnings, citations, and revocations may be issued to dwelling owners, operators, lessors, agents, occupants, tenants, and/or guests, depending on the nature of the violation. Dwelling owners are ultimately responsible for the conduct of their dwelling operators, lessors, agents, occupants, tenants, and guests, regardless of whether the owners are present at the dwelling.

Violations include, but are not limited to,

1. Lying and/or providing false information about a dwelling or short term rental to the City;
2. Failure to have a valid registration for any dwelling at a time when it is used in whole or in part as a short term rental;
3. Failure to display a City short term rental sign with a current registration decal during any short term rental day;
4. Falsifying or altering a registration sign or decal (for example, using a sign and/or decal issued for one dwelling at another dwelling location or altering the date on the decal);
5. Violation of any part of this ordinance; and,
6. Violation of any applicable ordinance or laws by owners, operators, lessors, agents, occupants, tenants, or guests of short term rentals (examples include, but are not limited to, violations of ordinances and laws concerning excessive noise, disorderly conduct, littering, underage drinking, drug offenses, public drunkenness, traffic and parking, and all other criminal and nuisance offenses).

## **E. REVOCATION OF REGISTRATION**

If it is determined that a dwelling's registration for short term rentals should be revoked, a revocation hearing notification will be sent to the property owner(s) at the contact address provided in the registration application. Notice shall include the time and place for the hearing, which shall take place before City Council for the purpose of determining whether to revoke registration.

After the hearing, the City shall notify the property owner(s) of the Council's decision by written notice sent by certified mail or delivered in person. The notice shall set forth the effective dates of any revocation, the reason for any revocation, the penalties that may be

imposed for violation of any revocation, and any applicable appeal rights, deadlines, and filing procedures.

**F. SEVERABILITY, SAVINGS, AND EFFECTIVE DATE**

**1. Severability.**

A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any clause, sentence, paragraph, section or part, of this ordinance shall not affect the validity of the remaining parts of the ordinance.

**2. Savings.**

Any enforcement action which is pending on the effective date of this ordinance and which arose from a violation of an ordinance repealed by this ordinance, or a prosecution which is started within one year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

**3. Effective date.**

This ordinance is effective on \_\_\_\_\_.