

 **ARTICLE 4.09 SHORT-TERM RENTALS**

(Also Reference: Sec. 14.02.081 CUP “Short-Term-Rental Licenses”)

 **Sec. 4.09.001 Short title**

This article shall be known and may be cited as the short-term rental license ordinance of the city. (Ordinance 2019-O-547, sec. 1.01, adopted 9/12/19)

 **Sec. 4.09.002 Purpose**

The provisions of this article are deemed to be the minimal necessary regulations for the purpose of regulating short-term rentals within the city's corporate limit, and are designed to ensure that properties used for short-term rentals, as defined in the zoning ordinance, are occupied in a safe and healthful manner and do not encroach on the rights of other abutting property owners to enjoy their property. (Ordinance 2019-O-547, sec. 1.02, adopted 9/12/19)

 **Sec. 4.09.003 Jurisdiction**

This article applies to all short-term rentals within the corporate limits of the city. (Ordinance 2019-O-547, sec. 1.03, adopted 9/12/19)

 **Sec. 4.09.004 License required**

- a. No owner or real estate manager of residential property shall conduct, operate, or maintain residential property that serves as a short-term rental, as defined by the zoning ordinance, in the city, without first having obtained and paid for a valid license from the city, and complying with the requirements of this and all applicable provisions of the city's ordinances.
- b. The applicant for a license subject to this article shall pay a fee as provided in the fee schedule or as otherwise established by the city council and file a completed and verified application with the city on the form promulgated by the city, and at a minimum shall provide the following information:

- (1) Address of the property proposed to be used for a short-term rental;
- (2) Owner and contact information for the owner of the real property;
- (3) Identify the type of property, such as whether it is single family or a duplex;
- (4) Local contact person with contact information that will manage the short-term rental if different than the owner;
- (5) Written authorization from the owner of the real property verifying that the property will be used for short-term rental purposes;
- (6) A site plan showing the location of all parking places to be made available to short-term rental tenants;
- (7) A copy of the lease the applicant will require of each short-term rental tenant, which lease shall include the following:
 - (A) Specification that short-term rental tenant(s) agree(s) to comply with all applicable city ordinances and state laws applicable to occupancy of the short-term rental property;
 - (B) Specification that short-term rental tenant(s) shall park vehicles only in such locations allowed under the short-term rental permit and include a listing of those specified in subsections (i) and (ii) below:
 - (i) Parking by short-term rental tenants or their guests shall be limited to the right-of-way abutting the rental property and to the garage and driveway on the rental property and shall not encroach upon or obstruct ingress and egress to the surrounding adjacent properties;
 - (ii) No parking of vehicles by occupants or guests outside of the property lines of the premises for which the short-term rental permit has been issued shall be allowed except for off-premises parking spaces which have been set aside, reserved and signed for short-term rental tenant(s) which has first been shown on a zoning development plan which has been approved by the council; and
 - (C) Specification that the short-term rental tenant(s) shall comply with any applicable city requirement related to the parking of particular vehicles, including boats, travel trailers, and recreational vehicles;

NOTE 1: Per Item Z below the following Hollows DCCRs restrictions apply:

- The parking of boat trailers and all recreational vehicles, on or along private or public roads, shared driveways, or on unpaved natural or landscaped areas is prohibited.*
- Cars and trucks are not permitted to park overnight on public and private streets or along shared driveways*
- Cars and trucks are permitted to park within the bounds of the rental property on private driveways, within garages., or in designated common parking spaces*
- Golf carts must be parked out-of-sight when viewed from the street or common driveway*

(D) Agreement by the short-term rental permittee and tenant(s) to indemnify and hold harmless the city in connection with the city's inspection of the property and other performance actions pursuant to the city's regulation of short-term rental properties.

(8) The owner must provide proof of ownership of the property, certify by written statement that the home to be rented is not the subject of any outstanding city code or state law violation that the owner is aware of, and must provide proof of an on-site septic system permit or wastewater connection for the home to be rented.

(9) Any additional information on the form promulgated by the city, or as deemed necessary by the city administrator or his designee to process the application.

(c) An applicant shall make the property where the license is proposed, available for any investigation or inspection required by this article.

(d) Inspections under this section may relate to requirements established by the zoning ordinance, building ordinance, plumbing code, electrical code, and fire code, and to any other applicable provisions of the city code.

(e) The community development department shall review and route the application to staff as necessary to review and comment on the application.

(f) The community development department shall certify an application is complete and issue a license only if it determines that:

- (1) The short-term rental at the property is an authorized use at that location; and
- (2) The property and proposed short-term rental comply with all applicable provisions of the city's Code of Ordinances.

(g) Except as provided in subsection (h), each city official required to review an application shall conduct an investigation and inspection as necessary to make the determinations required under this section.

(h) A city official reviewing application under subsection (f) may certify an application under this article without re-inspecting the property if:

- (1) The place of business was inspected by the city department over which the official is responsible in the 12 months preceding the date an application was filed; and
- (2) The official determines there has been no material change that affects the certification required by this section since the previous inspection.

(i) The city officials reviewing an application may report an interim certification if the official's department is unable to provide the required certification because a structure or remodeling of a structure at the proposed place of business is incomplete.

(j) If requested by the applicant, the code official shall certify an application based on interim certifications, provided that the property subject to the application may not be occupied and the business may not be operated until the applicant obtains a certificate of occupancy from the city.

(k) Permit fees and issuance. A licensee must pay the city a license or renewal fee as provided in the fee schedule or as otherwise established by the city council.

(l) A licensee who operates a short-term rental before the applicant pays the fees and obtains a license from the city commits a class C misdemeanor punishable in accordance with [section 4.09.015](#).

(Ordinance 2019-O-547, sec. 1.04, adopted 9/12/19)



Sec. 4.09.005 General use standards

A license issued for a short-term rental use may be revoked by the city administrator or his designee if one or more of the following conditions are violated:

- (1) Adherence to regulations. All structures housing short-term rentals shall comply with this article, the city's zoning and building ordinances, any other applicable

ordinance, and any special conditions reasonably imposed by the city when the license is issued.

(2) Insurance shall be maintained by the owner in minimal amounts to provide adequate personal injury and general liability coverage for the property and any structures on the property. The city shall be added as an additional insured. Proof of insurance shall be provided as part of the application process.

(3) Parking by renters or their guests shall be limited to the right-of-way abutting the rental property and to the garage and driveway on the rental property, and shall not encroach upon or obstruct ingress and egress to the surrounding adjacent properties.

(4) Advertisement of the short-term rental use shall not be displayed on the premises of the property.

(Ordinance 2019-O-547, sec. 1.05, adopted 9/12/19)



Sec. 4.09.006 Duration

All licenses issued for short-term rentals shall be valid for a period of one year running January 1st through December 31st, unless the license lapses or is revoked by the city. (Ordinance 2019-O-547, sec. 1.06, adopted 9/12/19)



Sec. 4.09.007 Inspection

(a) Prior to issuing a license and during its term, the city administrator or his designee may enter the property at all reasonable times to inspect, enforce, investigate any unsafe condition or violation and perform any duty imposed under this article. If such property is occupied the city official shall first present proper credentials and request entry. If unoccupied, an effort shall be made to locate the owner or other person responsible for the premises to request entry.

(b) If such entry is denied or permission cannot be obtained, the city shall have recourse to every remedy provided by law to secure entry.

(c) When the city obtains a legal inspection warrant or other remedy to secure entry, the owner, occupant or person having charge, care or control of the building or premises shall, upon a proper request, promptly permit the city official entrance to inspect and investigate pursuant to this article.

(d) The city official shall record all findings on an inspection report, which summarizes the requirements of this article and furnish a copy of the report to the owner or person in charge, which shall include:

- (1) Description of each violation;
- (2) A specific, reasonable time period for correction of each violation;
- (3) A statement that the license is subject to suspension or revocation and that legal action may be taken for failure to comply with the notice.

(Ordinance 2019-O-547, sec. 1.07, adopted 9/12/19)



Sec. 4.09.008 License denial, suspension and revocation

(a) The city may deny an application for a license or may suspend or revoke any license granted hereunder by serving applicant or license holder with written notice by hand-delivery or certified mail, return-receipt requested, if the applicant is found to be in violation of this article or other applicable municipal regulation, or due to a citizen complaint filed with the city and verified by the planning and zoning commission to be a valid complaint.

(b) The city shall issue the written notice of denial, suspension or revocation of a license to the owner or license and shall contain, as a minimum, the following:

- (1) State the name and address of the location and name of the licensee;
- (2) State that the license is denied, suspended or revoked;
- (3) Indicate the reason(s) for the denial, suspension or revocation;
- (4) Order the location closed for use as a short-term rental;
- (5) Recommended corrective measures to bring the property into compliance with the requirements of this or any other applicable ordinance;
- (6) Establish a reasonable time limit for the completion of the corrective measures;
- (7) State the license, if suspended, is subject to revocation for failure to complete the corrective measures within the allotted time; and
- (8) State that the denial, suspension or revocation may be appealed to the city council under the provisions set forth in [section 4.09.009](#) of this article.

(c) The code official shall post a sign at any location where a license or permit has been suspended or revoked pursuant to this article. Said sign shall contain the following statement:

“SHORT-TERM RENTAL CLOSED BY ORDER OF THE CITY OF JONESTOWN. VIOLATORS OF THIS ORDER ARE SUBJECT TO PROSECUTION PURSUANT TO ORDINANCE NO. 2019-O-547 AND ANY OTHER APPLICABLE ORDINANCES OF THE CITY OF JONESTOWN.”


(Ordinance 2019-O-547, sec. 1.08, adopted 9/12/19)

 **Sec. 4.09.009 Appeals**


The city's decision is final unless within ten calendar days from the date of receiving a report, the owner or operator files with the city secretary a written appeal to the city council specifying reasons for the appeal. Upon receipt of a copy of the appeal, the city administrator or his designee, shall prepare a report indicating the reasons for the denial, suspension or revocation, and shall provide a copy to the owner or licensee, as well as indicate the date and time that the appeal has been scheduled for hearing before the city council. (Ordinance 2019-O-547, sec. 1.09, adopted 9/12/19)

 **Sec. 4.09.010 Automatic lapse of license**

A license shall automatically lapse if the use has not been commenced within six (6) months from the date the license was issued. (Ordinance 2019-O-547, sec. 1.10, adopted 9/12/19)

 **Sec. 4.09.011 Transfer**

A short-term rental license may not be transferred or assigned to any third party. Upon change of ownership, a new short-term rental license must be applied for. The license shall be void upon transfer of ownership of the property where the short-term rental is located. (Ordinance 2019-O-547, sec. 1.11, adopted 9/12/19)

 **Sec. 4.09.012 Renewal**

(a) No less than thirty days prior to the expiration of the license, the licensee must apply for a renewal and pay the applicable fee for renewal of the license.

(b) If no complaints have been lodged against the applicant or the property during the preceding 12 months, and the property is not in violation of any applicable city ordinance, the city may approve a renewal of the short-term rental license for an additional 12-month period.

(Ordinance 2019-O-547, sec. 1.12, adopted 9/12/19)

 **Sec. 4.09.013 Immediate closure by the city**

(a) The city administrator or his designee may order the immediate closure of a short-term rental when there is a reasonable basis to believe that there is an immediate threat to the public health, safety and welfare of the occupants or to the public in general.

(b) Failure to promptly comply with the notice of immediate closure shall subject the licensee to other enforcement provisions of this article.

(Ordinance 2019-O-547, sec. 1.13, adopted 9/12/19)



Sec. 4.09.014 Enforcement authority

The city administrator or his designee shall be authorized to administer and enforce the provisions of this article. (Ordinance 2019-O-547, sec. 1.14, adopted 9/12/19)



Sec. 4.09.015 Penalty

Any person violating any provision of this article shall upon conviction, be guilty of a misdemeanor and be punished by a fine not to exceed two thousand dollars. Each day the violation occurs shall constitute a separate offense. Any person violating this article is subject to a suit for injunction as well as prosecution for criminal violations. (Ordinance 2019-O-547, sec. 1.15, adopted 9/12/19)