

## Short-term Rental Procedures and Standards

### 2-3.6. Short-term Rental Permit. [Procedures]

- (A) *Purpose.* The purpose of a short-term rental permit is to safeguard the life, health, safety, welfare, and property of the occupants of residential dwelling units, the neighbors of said occupants, and the general public, through the regulation of short-term rental property. The intent of a short-term rental permit is to preserve the neighborhood character of residential subdivisions within the City of Perry, to minimize adverse impacts to the housing supply caused by the conversion of residential units to visitor accommodation use, and to minimize adverse impacts on surrounding properties.
- (B) *Applicability.* An owner who desires to use its property as a short-term rental shall obtain a short-term rental permit prior to using, allowing the use of, or advertising the use of said property as a short-term rental unit.
- (C) *Procedure.*
  - 1. *Initial application.*
    - a. Application for short-term rental permit in a residential zoning district shall require a special exception pursuant to section 2-2.2. The owner shall demonstrate compliance with the standards in sections 2-3.5 and 4-3.5.
    - b. The administrator is authorized to issue a short-term rental permit located in a non-residential zoning district pursuant to section 2-1.5. The owner shall comply with the standards in Section 4-3.5.
  - 2. *Renewal of permit.* The administrator is authorized to issue a renewal permit for short-term rental pursuant to the provisions of this section.
  - 3. *Inspection required.* No permit or renewal permit shall be approved for a short-term rental until the City has inspected the premises and found the premises to comply with minimum health and safety requirements for use and occupancy. If a premises fails to pass an inspection, a reinspection fee may be charged for each subsequent inspection.
- (D) *Standards.* A short-term rental permit shall be issued only upon a finding that the owner has demonstrated compliance with all of the goals, policies, and standards of this ordinance and, in particular, with the standards in section 4-3, standards for specific uses.
- (E) *Conditions of approval.* In approving a short-term rental permit or renewal permit, City Council or the administrator may impose restrictions and conditions on the approval, the proposed use, and the premises to be used, as are required to ensure compliance with the general goals and policies of this chapter or with particular standards of this ordinance to prevent or minimize adverse effects from the proposed short-term rental on surrounding lands. The restrictions and conditions imposed must be related in both type and scale to the impact that the short-term rental would have on the public and surrounding properties. All conditions imposed shall be expressly set forth in the permit.
- (F) *Effect.* A short-term rental permit shall authorize the owner to operate only the particular short-term rental approved in the permit. A short-term rental permit shall not be transferred to another property or owner.
- (G) *Expiration.* A short-term rental permit shall expire on the last day of the month one year after the date of issuance. No short-term rental permit may be renewed without a completed renewal application submitted by the owner.
- (H) *Renewal of permit.* An application for a short-term renewal permit may be filed beginning 30 days prior to expiration of a current permit. Every complete application for a short-term rental renewal permit shall include updates, if any, to the information contained in the original permit application or any subsequent renewals. The permit holder shall sign a statement affirming that there is either no change to such information, or that any updated information is accurate and complete. The administrator may require such certifications deemed necessary and proper to ensure continuing compliance with this chapter.
  - 1. An application for a short-term rental renewal permit submitted after the expiration of the most immediate permit for the premises shall be treated as an application for a new permit as described in subsection (C)(1) of this Section.
  - 2. If a complete application for a short-term renewal permit is submitted less than 15 days prior to expiration of the current permit, the administrator in his or her sole discretion may grant a one-time extension of the current permit not to exceed ten days.
- (I) *Revocation of permit.*

1. *Grounds.* Any permit issued hereunder may be revoked by the administrator if the permit holder has:
  - a. received more than two citations for violations of this chapter or any other provision of the Code of the City of Perry within the preceding 12-month time period; or
  - b. failed or refused to comply with an express condition of the permit and remains in non-compliance ten days after being notified in writing of such non-compliance; or
  - c. knowingly made a false statement in the application; or
  - d. otherwise become disqualified for the issuance of a permit under the terms of this chapter.
2. *Notice.* Notice of the revocation shall be given to the permit holder in writing, with the reasons for the revocation specified in the notice, served either by personal service or by certified United States mail to their last known address. The revocation shall become effective the day following personal service or if mailed, three days from the date of mailing.
3. *Appeal.* The permit holder shall have ten days from the date of such revocation in which to file notice with the administrator of their appeal from the order revoking said permit. The appeal shall follow the procedures of section 2-2.1. An appeal shall not stay the denial or revocation of a permit unless otherwise directed by the administrator.
4. *One year waiting period.* In the event an owner's short-term rental permit is revoked by the administrator, a renewal permit shall not be issued for a short-term rental on the premises for one year of the date such permit was revoked. During the waiting period, a short-term rental permit may be issued to the owner of property located within 1,000 feet of the premises of the revoked permit.

(J) *Discontinuance.*

1. The owner of a short-term rental unit legally established prior to August 1, 2023, shall obtain a renewal permit pursuant to this section or discontinue the short-term rental use no later than December 29, 2023. The owner shall demonstrate compliance with the standards in section 4-3.5.
2. If the short-term rental permit is not renewed, the owner shall discontinue the use no later than the date on which the existing permit or any extension thereof expires.

**4-3.5. Short-term rental.** The standards in this subsection are required for all short-term rental properties.

(A) *Definitions.* As used in this subsection, the following definitions apply:

*Advertise* means the act of drawing the public's attention to a short-term rental in order to promote the availability of the residence for use as a short-term rental. Said advertising may be found in any medium, including but not limited to, newspaper, magazine, brochure, website, or mobile application.

*Bedroom* means the living area(s) of the dwelling unit that is designed and furnished for sleeping and which has proper egress as required by the International Residential Code.

*Occupant* means any individual person living, sleeping, or possessing a building, or portion thereof. A person is not required to pay rent, provide in-kind services, or be named in any lease, contract, or other legal document to be considered an occupant.

*Premises* means property, a lot, plot, or parcel of land, including any structures or portions of structures thereon.

*Responsible person* means the signatory of an agreement for the rental, use and occupancy of a short-term rental unit, who shall be an occupant of that short-term rental unit, who is at least twenty-one years of age, and who is legally responsible for ensuring that all occupants of the short-term rental unit and/or their guests or visitors comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject short-term rental unit.

(B) *Short-term rental permit required.* An annual short-term rental permit or renewal permit is required pursuant to Sec. 2-3.6.

- (C) *Designation of local contact person required.* The owner shall designate the name and contact information of a local contact person who can be contacted regarding immediate concerns and complaints from the public. Said individual must be available to be reached in person or by phone at all times while occupants are on the premises of a short-term rental. If called, a local contact person must be able to and shall be present at the premises within one hour of a call from administrator, or his designee. A local contact person must be authorized to make decisions regarding the premises and its occupants. A local contact person may be required to, and shall not refuse to, accept service of citation for any violations on the premises. Acceptance of service shall not act to release the owner of any liability under this chapter.
- (D) *Proof of insurance required.* The owner shall provide documentation of host protection or other commercial general liability insurance commensurate with the operations of the short-term rental that provides coverage of \$1 million per occurrence. Such coverage shall indicate that the property is being used as a short-term rental. A certificate of insurance must be on file with the administrator. Proof of insurance shall be required at the time of application and notice of cancelation of insurance must be provided to the administrator within 30 days.
- (E) *Hotel occupancy taxes; Request for occupancy history.* The owner shall remit all hotel occupancy taxes required under State law and Chapter 15 of the Code of the City of Perry. Upon request of the administrator or the City of Perry Finance Director, the owner of the premises used as a short-term rental shall remit, within 30 days, an accounting of all occupants who rented the premises and the hotel occupancy taxes paid therefor. It shall be unlawful for a person to fail to provide said information requested in a timely manner.
- (F) *Occupational tax certificate required.* The owner shall obtain and maintain a City of Perry occupational tax certificate for the period(s) covered under the short-term rental permit or renewal permit.
- (G) *Separation of short-term rentals.* Within residentially zoned districts, a short-term rental shall not be located within 1,000 feet of a permitted short-term rental, measured from property line of the permitted short-term rental to the property line of a proposed short-term rental.
- (H) *Short-term rentals per premises.* Within residentially zoned districts, no more than one short-term rental shall be permitted per premises.
- (I) *Restrictions on the number of occupants.* The owner or local contact person shall not rent, allow, provide, or advertise for more than two (2) persons per bedroom, plus two (2) additional persons, when using the premises as a short-term rental unit. Regardless of the number of bedrooms on the premises, it shall be unlawful for more than ten persons, including children, to occupy a short-term rental unit at any one time, or to exceed the maximum occupancy shown on the short-term rental permit. A visual inspection by a city employee of more than ten persons at the premises is prima facie evidence of and shall be probable cause to issue a citation for a violation of this section.
- (J) *Parking restrictions.* The maximum number of motor vehicles allowed at a short-term rental unit shall be limited to the number of available off-street parking spaces. It shall be unlawful for an owner to permit, allow or advise occupants to park more vehicles on the premises than the available off-street parking spaces, or to suffer or permit parking of vehicles on an unapproved surface. It shall be unlawful for an occupant of a short-term rental unit to park a motor vehicle on a residential street near a short-term rental. It shall be unlawful for an occupant of a short-term rental unit, or an owner thereof to allow an occupant, to park or occupy a motor home, recreational vehicle, boat, utility trailer, or commercial vehicle on the premises of a short-term rental unit.
- (K) *Minimum stay required.* An owner or person shall not rent or lease a short-term rental unit for a period of less than 24 hours.
- (L) *Physical conversion of premises prohibited.* Within residentially zoned districts, the owner shall not convert a garage to living space, remodel, renovate, enlarge, or otherwise modify premises to add additional bedrooms for use as a short-term rental. It shall be unlawful for an owner or person to pave or otherwise cover pervious soil to create additional on-premises parking without prior approval from the administrator.
- (M) *Noise restrictions.* It shall be unlawful to allow or make noise or sound that exceeds the limits set forth in the City's noise ordinance, §17-55.
- (N) *On-premises curfew requirements.* The owner shall not allow the congregation of occupants outside on the premises between the hours of 10:00 p.m. and 9:00 a.m.

- (O) *Trash pickup requirements.* The owner or occupant shall not allow trash and refuse to accumulate in an unsanitary manner. If the owner does not remove trash and refuse from the premises after each individual occupancy, the owner or occupant shall place all residential solid waste curbside for collection and disposal by the city, or its authorized representative, no later than 6:00 a.m. on the day of collection and no earlier than 3:00 p.m. on the day before the scheduled collection day. The mobile toter shall be removed from curbside no later than 8:00 a.m. on the day after collection.
- (P) *Advertising, promoting, or allowing of special events prohibited.* An owner or occupant shall not advertise or promote a special event or allow the advertising and promotion of a special event (e.g., banquet, wedding, reception, reunion, bachelor or bachelorette party, concert, or any similar activity that would assemble large numbers of invitees) to be held on the premises (i.e., utilize the premises as an 'event venue' or 'convention center' as defined in this chapter).
- (Q) *Notice to occupants of short-term rentals.* An owner or person operating a short-term rental shall provide a notice of instructions (also known as "host rules") to occupants staying at the premises in a form developed by the administrator. The notice shall instruct the occupants as to all applicable city regulations pertaining to short-term rentals. These include, but are not limited to, occupancy restrictions, limits on parking, trash pickup, prohibitions on special events, limits on noise, and curfew times.
- (R) *Written rental agreement required.* The owner shall require a written rental agreement with a responsible person for the short-term rental unit which shall contain the following provisions:
- a. the responsible person's agreement to abide by all of the requirements of this chapter, any other applicable city ordinances, state and federal law and acknowledge that his or her rights under the agreement may not be transferred or assigned to anyone else;
  - b. the responsible person's acknowledgement that it shall be unlawful to make any noise or sound that exceeds the limits set forth in the city's noise ordinance; and
  - c. the responsible person's acknowledgement and agreement that violation of the agreement or this chapter may result in immediate termination of the agreement and eviction from the short-term rental unit by the owner or local contact person, as well as the potential liability for payments of fines levied by the city.
- (S) *Permit to be displayed.* A copy of the approved short-term rental permit shall be posted at a conspicuous location inside the front entrance(s) to the short-term rental unit.
- (T) *Use of assigned permit number required.* An owner or person shall not advertise a short-term rental unit in any medium without including the current permit number assigned by the administrator.
- (U) *Use of unauthorized permit number prohibited.* An owner or person shall not use, advertise, or promote or allow the use, advertisement or promotion of a short-term rental using a permit number not assigned to the owner or person, or to a different address, or to a different dwelling unit.