

ORDINANCE NO. _____

RESIDENTIAL SHORT-TERM RENTAL ORDINANCE

WHEREAS, the City of Laurel, Mississippi has adopted a Comprehensive Zoning Ordinance of Laurel, Mississippi which from time to time has been amended; and

WHEREAS, several times new uses or interpretations have been brought to the attention of the City and reviewed by the Laurel Planning Commission; and

WHEREAS, it has been brought to the attention of the City that residential property within the City is being used in short term rentals and the potential issues and problems affiliated with such use must be addressed; and

WHEREAS, the use of short term rental units as a use in residential zones is considered a valuable and needed use for those desiring to engage their dwelling to rent to guests visiting Laurel in exchange for compensation and further provides for another type of short term stay opportunity similar to hotels, motels and bed and breakfast facilities and will aid and encourage tourism as well as promote the local economy; and

WHEREAS, by requiring special use permits for the short-term rental of residential property the City of Laurel will be able to balance the desire of owners to make such use of their property with those owners who desire peace and tranquility in their neighborhoods;

WHEREAS, by requiring special use permits for the short rental of residential property, the City of Laurel will be able to investigate applications to assure compliance with the provisions set forth herein, as well as all local, State and Federal laws and will be able to address any adverse impact of short term rentals; and

WHEREAS, after due consideration the Mayor and City Council now find and determine that it would be in the best interest of the City of Laurel that to adopt the following changes;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL of the City of Laurel, Mississippi, as follows: Section 402 single family residential district is hereby amended to allow as a permitted use, after public hearing, notice and recommendations, the following use by addition to those uses permitted in:

Section 402.06 Special Provisions for Short Term Rentals

Short-term rentals in single family structures which shall be with permit.

Section 402.06.01 Short Term Rentals – Residential

1. Definition:

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section:

Short Term Rental: “Short Term Rental” means any dwelling or condominium or portion thereof that is available for use or is used for accommodation or lodging of guests, paying a fee or the compensation for a period of less than thirty (30) consecutive days. For the purpose of House Bill No. 1836 (1998) regarding a tax levy on lodging rentals, short-term rental “*means any establishment engaged in the business of furnishing or providing rooms intended or designed for dwelling, lodging or sleeping purposes to transient guests and which are known in the trade as such*”. The term “*Short-Term Rental*” does not include any hospital, convalescent or nursing home, shell houses, group homes, or sanitarium or any facility associated with a hospital providing rooms for medical patients and their families. The term “*Short-Term Rental*” shall also not include mobile homes, manufactured homes, group homes, travel trailers, tents, recreational vehicles, campers or other similar vehicles or structures nor does the term include a bed and breakfast permitted by City ordinances.

Local Property Manager: The person specifically named on the application and permit who is responsible for the day-to-day operation of the short-term rental unit, and who may be contacted and available twenty-four (24) hours a day if there is a problem with the unit.

The local property manager may be the owner or agent of the owner and shall reside within two (2) miles of Laurel city limits.

The local property manager and owner shall be responsible for the management and upkeep of the rental unit in compliance with the provisions set forth herein. The name, address and telephone number of the owner and the local property manager shall be submitted at the time that the application is filed and said information shall be made available to the public. The owner shall be responsible for providing written notice of any change with respect to the name, address and telephone number of the local property manager to the City within five (5) days of any such change.

2. Permit Required

IT IS UNLAWFUL TO CONDUCT OR OPERATE A SHORT-TERM RENTAL WITHOUT HAVING OBTAINED A PERMIT THEREFORE.

A. A short-term lodging, special use permit, local privilege license, and state tax registration are required for each short-term lodging unit.

- B. Applications may be made for a short-term rental special use permit in all residential zones subject to specific restrictions by zoning district.
- C. The permit process requires an application completed in accordance with the following which may be obtained by the City Inspection Department.
- (1) Application shall contain such information as the Building Official shall from time to time require, including, but not limited to, the location/address of the short-term rental, number of sleeping areas therein contained, the maximum number of person the short-term rental proposes to accommodate, the name of the property owner(s), the name, address and telephone number of the local property manager, copy of the rental agreement, proposed parking plan (*reviewed and determined upon signing and inspection by Building Official*), rules, house rental rules, a plan for trash management related to curbside pickup, a copy of the proposed rental agreement, and signatures of all owners of record of the subject property.
 - (2) It shall be the duty of the applicant to ensure that the homeowner's liability and property insurance coverage does not exclude short-term rentals from coverage.
 - (3) The application shall include a statement from the applicant affirming that the applicant is in compliance with all applicable zoning requirements, building codes, deed restrictions and/or covenants, and has paid all applicable taxes, fees and other charges including taxes approved by House Bill 1836 (1998).
 - (4) The applicant shall execute a written statement acknowledging that a violation of the ordinances of the City of Laurel related to rentals of less than thirty (30) days may result in the suspension or revocation of the permit.
 - (5) A non-refundable application fee of two hundred dollars (\$200.00) plus mailing costs or the most recent fee established by the City Council shall be paid by the applicant at the time of filing the application with said application fee concerning the cost of inspection, mailing, and labor affiliated with the processing of the application.
 - (6) Upon filing of an application in accordance with Subsections (1) through (6), the City shall notify all landowners within two hundred fifty (250) feet in each direction of the applicant's land boundaries. Notification by the City shall be made by mail and shall be addressed to the landowner identified for each parcel in the ad valorem tax rolls for the City. The notification shall provide the following information to the landowners within two hundred fifty (250) feet in each direction of the applicant's land boundaries:
 - (a) Name, address and telephone number of the applicant;

- (b) Name, address and telephone number of the local contact person who will be available for contact at all times;
- (c) Name, address and telephone number of every agent;
- (d) Copy of the application;
- (e) Notice will also be posted on the bulletin board at City Hall and a sign will be posted in the applicant's yard until such time as the permit is granted or denied.

(7) Not less than seven (7) days prior to the scheduled public hearing, the City shall send notification to all land owners within two hundred fifty (250) feet of the applicant's land boundaries. Notification by the City shall be made by standard mail and shall be addressed to the landowner identified for each parcel in the ad valorem tax rolls for the City. The notification shall provide the following information to the land owners within two hundred fifty (250) feet of the applicant's land boundaries:

- (a) Name, address and telephone number of the applicant;
- (b) The date, time and place of a hearing before the Planning Commission

(8) Notice will also be posted on the bulletin board at City Hall until such time as the permit is granted or denied. Notice shall be published in a local newspaper of general circulation within the City at least fifteen (15) days prior to the hearing. Each landowner within two hundred fifty (250) feet of the applicant's boundary line who appears in the public hearing shall be afforded an opportunity to be heard in accordance with the regulations set by the Planning Commission.

- D. The short-term rental unit is in accordance with all applicable City adopted and health codes.
- E. Each short-term rental permit shall expire one (1) year from the date of issuance of the permit.
- F. Permit renewal may be obtain for \$50.00 through the City Building Department. Permit renewal process will include staff review of City records and other documentation pertaining to complaints, if any, that have been received related to the specific short-term rental unit under consideration. Filed complaints that are in violation of zoning codes, building codes, property maintenance, codes and/or applicable laws or regulations will be considered as part of the renewal process. Violation of applicable local, State and Federal laws or regulations may be a basis for denying a permit renewal. If permit renewal is denied, the City Planning Commission shall provide notice as to the reason for denial and the landowner shall be allowed ten (10) days to correct any deficiencies itemized. At the expiration of ten (10) days, a landowner may appeal the denial of permit renewal to the City Council. The appeal must be in writing and must be filed within ten (10) days following the expiration of the ten (10) day period within which file correct deficiencies.

- G. Approval of short-term lodging permit does not legalize any non-permitted use or structure. Short-term rental units are not to be used to distribute retail products of personal services to invitees for marketing or similar purposes. The outdoor display of goods and merchandise for sale is prohibited.
- H. Short-term lodging rental permits are not transferable. Upon sale or at time of transfer of the property, any permit issued pursuant to the terms set forth herein, shall automatically expire. Any new owner(s) or transferee(s) shall be required to apply for a new permit in accordance with this article.
- I. Any structure or unit that is deed restricted for affordable housing shall not be used as a short-term lodging rental.
- J. The total number of permits issued for residential short-term rental shall not exceed thirty-five (35) at any given time.

3. Occupancy

The maximum occupancy of each short-term rental shall be as determined by the Building Official based on the inspection of the premises and applicable laws, regulations and codes. Each permit shall specify the maximum number of occupants, which may be limited due to building or parking constraints.

4. Number of Vehicles

The maximum number of vehicles will be determined upon site inspection by the Building Department and should be compatible with the zoning and applicable parking ordinance. It will be required that the applicant/owner provide adequate off-street parking behind the front plane of the house.

5. Registry of Guests

Each person granted a short-term rental permit shall keep or cause to be kept a registry of guests. Such registry or list shall be available for inspection upon ten (10) days written notice by the Inspection Department.

6. Noise

Property Owners and local property managers shall insure that the occupants of the short-term lodging rental are aware of City noise ordinances and State laws regarding disturbing the peace.

7. Premises and Garbage Management

It shall be the duty of every local property manager and/or owner to keep all of the rooms in connection with the short-term rental provided for the use of guests, in clean and sanitary condition; and to provide each guest with affective protection against flies, mosquitos and other vermin. Garbage shall be disposed of in covered containers and placed in the scheduled pick-up location in accordance with City Ordinances.

8. Posting of Rules

Short-term lodging rental unit rules shall be posted inside the rental unit in a location readily visible to tenants. The rules shall include: occupancy; parking limits; noise, rules and garbage management. Reference to the most current short-term rental ordinance shall be posted within the unit and displayed at all times.

9. Local Contact Person

All short-term lodging rentals shall designate a local property manager who will respond to the questions or concerns twenty-four (24) hours a day. The name, address, and telephone number of the local contact person shall be submitted to the Inspection Department and the appropriate EOC Management Agency during the permitting process. The name, address and telephone number of the local contact person shall be posted permanently inside the short-term rental unit. The local contact person, property manager and/or owner shall be considered the responsible person for violations of the Short-Term Rental Ordinance.

10. Complaints and Dispute Resolutions

Complaints regarding violation of this Ordinance that cannot be resolved through contact with the local property manager and/or property owner, then the concerned party should contact the Inspection Department. If the issue relates to public safety and/or noise violations, the Laurel Police Department should be contacted as with any similar residential complaint. The LPD shall have an updated list provided by the Inspection Department of all local contact persons for short-term rentals. Verified complaints concerning non-compliance with the terms of this Ordinance may be considered in determining whether or not a permit should be revoked.

11. Denial or Revocation of a License

Conditions for denial of permit or revocation of permit to operate a Short-Term Rental unit shall include but in no way are limited to the following:

- A. Property within a subdivision with an active homeowner's association with adopted covenants that do not allow short-term rentals will not be considered for a permit. A letter of acknowledgement and support will be required from the Homeowner's Association in order to continue in the pursuit of a permit. Failure of the applicant to notify the City that his/her property is a part of a Homeowner's Association shall result in denial of a permit or revocation of a permit.
- B. The applicant failed to conform to the conditions set forth herein for the current or previous year.

- C. Guests and/or users of the property were issued noise ordinance and/or disturbing the peace citations during the previous or current year.
- D. Any other reasonable or rational factors or combination of factors, including, but not limited to inadequate lot size, inadequate parking, lack of response from local property manager or contact person, filed complaints of violation of the zoning code, building code, property maintenance code and/or applicable laws or regulations (may be a basis for denying a permit).
- E. The Inspection Department is authorized to revoke permits. A permitted owner shall be provided with written notice of the reason(s) the permit is subject to revocation. The applicant shall be allowed ten (10) days from the date written notice is issued to correct defective conditions. If the condition is not corrected within ten (10) days to the satisfaction of the Inspection department, permit will be revoked by issuing such and order. Upon receipt of such order by the owner or local property manager, the unit shall cease operation as a short-term rental. The owner may appeal the order revoking the permit. The owner's appeal must be in writing and filed with the Inspection Department within ten (10) days of entry of the order. The revocation shall remain in full force and effect during the pendency of the appeal. The appeal should be presented to the Mayor and City Council at the next scheduled meeting following the filing of the appeal. The owner should be afforded notice and the opportunity to be heard. The City may appoint a hearing officer to preside over any such appeal.

12. Violations

Any person or users who allow such use of a residential property in violation of this Ordinance shall be guilty of a misdemeanor.

For purposes of prosecution of violations of this chapter, each day that any violation occurs (rental without a permit) is deemed to constitute a separate violation. Those found guilty of such violation shall, upon conviction, be fined for each violation not exceeding \$250.00 for the first offense, not exceeding \$500.00 for the second offense within a calendar year and not exceeding more than \$1,000.00 for other offenses within a calendar year, plus all court costs.

13. Constitutionality

Should any portion, provision or section of this Ordinance be held void, unconstitutional or invalid, the remaining portion of the ordinance shall remain in full force.

14. Conflicts

It is hereby provided that the provisions of these regulations shall not be construed as being in conflict with the provisions of any of the laws or regulations of Laurel, Mississippi. In any case where the provisions

in these laws or regulations and provisions of the other regulations both apply, the provisions of this ordinance shall govern for the purpose of short term rentals of residential dwellings or condominiums.

15. Inconsistencies

Any and all ordinances or parts thereof in conflict or inconsistent with any terms and provisions of this Ordinance are hereby repealed to such extent as they are so in conflict or inconsistent.

16. Severability

It is hereby declared to be the intention of the City Council that the actions, paragraphs, clauses and phrases of this ordinance, when adopted, are severable, and if any sections, paragraphs, clauses, sentences or provisions of this ordinance as adopted shall be declared unconstitutional or other wise invalid, same shall not affect any of the remaining sections, paragraphs, clauses and phrases of this ordinance.

17. Effect

This Ordinance shall take effect in the manner prescribed by law.

18. Recording

That upon adoption, the City Clerk shall cause this Ordinance to be recorded in the Book of Ordinances of the City of Laurel, Mississippi, and published in the manner prescribed by law.

19. Incorporation to Code

The provisions of this Ordinance may be included and incorporated in the Code of Ordinances of the City of Laurel, Mississippi as an addition or amendment thereto, and appropriately renumbered to conform to the uniform number system of the Code.

The above and foregoing Ordinance having been first reduced to writing was introduced at a regular meeting of the Council on September 4, 2018 and was read and considered section by section and then as a whole.

Councilperson Capers moved to deny the motion for the adoption and approval of the first reading of said Ordinance and recommended to the Planning Committee for further discussion , seconded by Councilperson Wheat.

Upon roll call vote, the result was as follows:

YEAS: Capers, Wheat, Thaxton, Carmichael, S. Comegys, T. Comegys, Page

NAYS: None

ABSTAINING: None

ABSENT: None

The motion having received the affirmative vote of a majority of the members present and voting, the President thereupon declared the motion denied and the First Reading of this Ordinance recommended to the Planning Committee for further discussion, this the 4th day of September, A.D. 2018.

PRESIDENT OF THE COUNCIL

ATTESTED AND SUBMITTED TO THE MAYOR BY THE CLERK OF THE COUNCIL ON

_____.

CLERK OF THE COUNCIL

APPROVED () DATE _____

VETOED () DATE _____

MAYOR

ATTEST:

CITY CLERK
