

CITY OF BEAVERCREEK
OHIO ORDINANCE NO. 23-15

SPONSORED BY COUNCIL MEMBER CURRAN ON THE 12th DAY OF June, 2023.

AN ORDINANCE BY BEAVERCREEK CITY COUNCIL AMENDING TITLE XI: "BUSINESS REGULATIONS" OF THE CODIFIED ORDINANCES OF THE CITY OF BEAVERCREEK BY ENACTING A NEW CHAPTER 117 "SHORT TERM RENTALS" TO REGULATE SHORT TERM RENTALS IN THE CITY OF BEAVERCREEK, OHIO.

WHEREAS, Article XVIII, Section 3, of the Constitution of the State of Ohio, grants municipalities the authority to exercise all powers of local self-government and to enact and enforce local police, sanitary, and other regulations that are not in conflict with the general laws; and

WHEREAS, pursuant to the home rule authority granted by Article XVIII, Section 3 of the Ohio Constitution, the citizens of the City of Beavercreek, Ohio, have adopted a Charter and Codified Ordinances to exercise the powers of local self-government and to enforce local police power regulations; and

WHEREAS, City Council believes that it is in the best interest of the health, safety, and welfare of the citizens of Beavercreek that short term rental units in the City be regulated.

NOW, THEREFORE, THE CITY OF BEAVERCREEK HEREBY ORDAINS:

SECTION I.

City Council hereby finds that the regulation of short term rentals in the City of Beavercreek is in the best interest of the health, safety, and welfare of the citizens of Beavercreek, Ohio.

SECTION II.

Chapter 117 "Short Term Rentals" of the Codified Ordinances of the City of Beavercreek, Ohio, a copy of which is attached hereto and incorporated herein as Exhibit A, dated May 23, 2023, is hereby enacted.

SECTION III.

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including, but not limited to, Section 121.22 of the Ohio Revised Code.

SECTION IV.

This Ordinance shall take effect at the earliest time permitted by law.

PASSED this 26th day of June, 2023.



Bob Stone, Mayor

ATTEST:



Debbie Haines, Clerk of Council

SUMMARY

AN ORDINANCE BY BEAVERCREEK CITY COUNCIL TO AMEND TITLE XI: "BUSINESS REGULATIONS" OF THE CODIFIED ORDINANCES OF BEAVERCREEK BY ENACTING A NEW CHAPTER 117 "SHORT TERM RENTALS" TO SHORT TERM RENTALS IN THE CITY OF BEAVERCREEK, OHIO.

Chapter 117: Short-Term Rentals

§ 117.01 PURPOSE.

It is the intent of this section to establish regulations regarding Short-Term Rental Units for temporary lodging intended for travel and tourism. These regulations have been established to allow property owners to use their properties as Short-Term Rentals while mitigating any potential disruption that Short-Term Rentals have on a neighborhood.

§ 117.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

SHORT-TERM RENTAL. Rental of all or any portion of a residential dwelling unit for dwelling, lodging, or sleeping purposes intended for travel and tourism. Occupancy of the property by a renter shall be for a period of less than thirty (30) consecutive days. This term does not include hotel or motel rooms, extended stay lodging facilities, bed and breakfast inns, and boarding house rooms, as defined by the Beavercreek Code of Ordinances.

SHORT-TERM RENTAL UNIT. A residential dwelling which maintains a valid Short-Term Rental License. Short-Term Rental Units contain one or more bedrooms with a limit of two (2) adults per bedroom. A single-family residential dwelling offered as a Short-Term Rental shall be considered one Short-Term Rental Unit. Each dwelling unit in a duplex may serve as a separate Short-Term Rental Unit, for a maximum of two (2) Short-Term Rental Units on the property. In the case of an apartment or condominium complex, each apartment or condominium offered for Short-Term Rental use shall be considered a Short-Term Rental Unit.

SHORT-TERM RENTAL HOST or HOST. Any person who is the owner of record of residential real property on which the owner operates a Short-Term Rental Unit, or the operator of a Short-Term Rental Unit regardless if they are the property owner of record or not.

OWNER-OCCUPIED SHORT-TERM RENTAL. A Short-Term Rental Unit is Owner-Occupied when the property owner uses the dwelling as their primary residence and offers certain bedrooms in the dwelling for Short-Term Rental use. A dwelling is considered the owner's primary residence when the owner resides in the dwelling more than six (6) months out of the year. An Owner-Occupied Short-Term Rental Unit shall be considered an accessory use on the property, secondary to the property's primary use as an Owner-Occupied residence.

COMMERCIAL SHORT-TERM RENTAL. The following shall be considered Commercial Short-Term Rental Units:

- (A) a Short-Term Rental Unit which is not Owner-Occupied
- (B) a Short-Term Rental Unit which offers more than two (2) bedrooms for Short-Term Rental Use, regardless of whether the residence is Owner-Occupied.

(C) each individual apartment or condominium unit offered for use as a Short-Term Rental. Guest rooms are limited to two (2) adults per room for overnight rental occupancy with duration of occupancy not to exceed thirty (30) consecutive days.

SHORT-TERM RENTAL USER. Any individual who rents all or a portion of a Short-Term Rental Unit for a period of less than thirty (30) consecutive days. Short-Term Rental User shall also include any overnight guests of the individual renting all or a portion of a Short-Term Rental Unit.

EMERGENCY CONTACT. An easily accessible contact person that shall serve as an immediate point of contact to remedy any issues with the Short-Term Rental Unit. The Emergency Contact shall be available as required to address potential issues with the Short-Term Rental. Issues include, but are not limited to, damage to persons or property, potential violations of the Short-Term Rental License, health code violations, zoning code violations, building code violations, and public safety violations.

RENTAL PARTY. A rental party shall be considered one or more individuals who booked, and/or intended to rent, the Short-Term Rental Unit together at the same time

§ 117.03 SHORT-TERM RENTAL LICENSE REQUIRED

Any person desiring to rent a property for Short-Term Rental use or advertise a property as a Short-Term Rental Unit shall comply with all applicable federal, state and local regulations, and shall obtain a Short-Term Rental License prior to operating or advertising a Short-Term Rental Unit. Any Short-Term Rental in use or advertised at the time of passage of this chapter shall obtain a license within 60 days of its passage, or shall be considered in violation of this chapter.

(A) *Short-Term Rental License Requirements:* Applications for Short-Term Rental Licenses shall be filed with the City of Beavercreek Planning and Development Director on a form to be furnished by the Director or their designee, which shall require at least the following information:

- (1) Location of the Short-Term Rental Unit.
- (2) Short-Term Rental Application Type (Commercial or Owner-Occupied).
- (3) All locations (online, newspaper, fliers...etc.) where the Short-Term Rental Unit will be advertised.
- (4) Information identifying the location and number of bedrooms to be offered for Short-Term Rental use, and the maximum number of occupants permitted within the Short-Term Rental Unit.
- (5) Information about off-street parking location, number and size of spaces, and surface of parking areas.
- (6) Contact information including:

(a) The Applicant

(b) Owner of record of the property (if different from the Applicant)

i. if the property is owned by an LLC or other commercial entity, a list of names and contact information for anyone holding an interest in the operation LLC or corporation

(c) Emergency Contact.

The above-named individual(s) listed in the application may receive legal notices from the City pertaining to the operation and maintenance of the Short-Term Rental Unit. If the property is owned by an LLC or other commercial entity, a primary contact for all legal notices and any other notices shall be designated. All contact information shall be complete, current, and legible. The Applicant shall immediately notify the City in writing of any change in contact information for the above-named individual(s), as required in 117.05 (M).

(7) Certification through separate declaratory statements from the Property Owner, Applicant and Host (to the extent they are different individuals) that, to the best of their knowledge, the Short-Term Rental Unit is in conformance with all applicable:

(a) Building Codes

(b) Health Codes

(c) Zoning and Property Maintenance Codes

(d) Fire Codes

(e) Covenants and restrictions over the property which the Short-Term Rental Unit will be located upon.

(8) Certification through separate declaratory statements from the Property Owner, Applicant and Host (to the extent they are different individuals) that they have registered with the City of Beavercreek Finance Department, will submit any relevant forms to the City of Beavercreek Finance Department, and will pay any applicable hotel/motel and other taxes on a regular basis, the timeframe to which will be determined by the City of Beavercreek Finance Department.

(9) Confirmation that the Short-Term Rental Unit has active utilities and the property owner is current on all utility payments.

(10) Applications for a License to operate a Short-Term Rental Unit shall be accompanied by an application fee as determined by the City Manager.

(B) License Term: Each Short-Term Rental License shall be valid for a period of two (2) years from the date of issuance.

§ 117.04 RENEWAL OF SHORT-TERM RENTAL LICENSE

(A) All Short-Term Rental Unit owners shall apply to renew their Short-Term Rental License before the expiration date of the current License.

(B) Renewal of Short-Term Rental License shall require the submission of an updated Application to operate the Short-Term Rental Unit, per the requirements of Section 117.03.

(C) A renewed Short-Term Rental License shall be valid for a period of two (2) years from the date of issuance.

§ 117.05 GENERAL LIMITATIONS

All Short-Term Rental Units shall be in compliance with all applicable federal, state and local laws and regulations and directives.

(A) Occupancy: The property owner and Host shall be responsible for ensuring that the Short-Term Rental Unit is in compliance with the following occupancy requirements:

(1) The Short-Term Rental Unit may only be occupied by one (1) party of Short-Term Rental Users at a time;

(2) The maximum renter occupancy of a Short-Term Rental Unit shall be determined by the number of bedrooms in the Short-Term Rental Unit (two adults per bedroom maximum);

(3) At least one Short-Term Rental User must be 25 or older at the time of booking. No Short-Term Rental User under the age of 25 may occupy a Short-Term Rental Unit without the Short-Term Rental User 25 years or older present in the unit at all times.

(B) Display of License: The Short-Term Rental License shall be prominently displayed on the front window facade of the Short-Term Rental Unit in a location clearly visible from ordinary public view during all periods of occupancy and contain:

(1) License number given by the City;

(2) Property address;

(3) Name and phone number of the Emergency Contact;

(4) License type (Owner-Occupied or Commercial);

(5) Number of bedrooms within the Short-Term Rental Unit;

(6) Occupancy limit of the Short-Term Rental Unit.

(C) Advertising: No outdoor advertising signs related to the Short-Term Rental Unit shall be allowed on the property.

(D) Parking: Short-Term Rental Units shall provide adequate parking for guests on the property, compliant with the Beavercreek Zoning Code, and will not obstruct traffic with street parking. Parking of vehicles must be on a paved surface. The number of off-street parking spaces required can be reviewed in Section 158.114 of the Beavercreek Zoning Code.

(E) Information Packet: A packet of information shall be provided to each party of Short-Term Rental Users and shall be posted conspicuously in the common area of the Short-Term Rental Unit. The packet shall summarize guidelines and restrictions applicable to the Short-Term Rental use including:

- (1) Information on maximum occupancy of the Short-Term Rental Unit;
- (2) Applicable noise regulations (See §132.12 **DISTURBING THE PEACE**);
- (3) Location of off-street parking spaces;
- (4) Directions pertaining to the disposal of trash on the property, including the following:
 - (a) Trash or junk shall not be stored within public view, except within proper containers for the purpose of collection;
 - (b) Information about the trash collection schedule;
- (5) Contact information for the Short-Term Rental Emergency Contact;
- (6) Evacuation routes;
- (7) The Short-Term Rental User's responsibility not to trespass on private property and not to create disturbances;
- (8) Notification that the Short-Term Rental User is responsible for complying with this Chapter 117 and may be cited or fined by the City for violating any provisions of this Chapter.

(F) Uses: A Short-Term Rental User may use a Short-Term Rental Unit for a purpose incidental to lodging or sleeping purposes, provided that the incidental use complies with rules of the property owner, requirements of this Chapter, and does not violate applicable federal, state and local laws and regulations.

(G) Outdoor Facilities: Short-Term Rental Units shall not be operated in accessory structures, tents or recreational vehicles.

(H) Emergency Contact: For all Short-Term Rental Units, there shall be an Emergency Contact. The Emergency Contact shall respond to the property within twenty-four (24) hours after receiving notice of an issue on the property.

(J) The Short-Term Rental Unit shall not adversely affect the residential character of the neighborhood or adversely affect the general public health, safety, and welfare. Short-Term Rental Units shall not be permitted on properties where private covenants and restrictions

prohibit such activities. It shall be the responsibility of the applicant, Host, and/or property owner to ensure no such prohibitive covenants and restrictions exist prior to application.

(K) The Short-Term Rental Unit shall not generate excessive noise, trash, traffic, glare, obstructions, odors, vibration, or any other effects that unreasonably interfere with any individual's use and enjoyment of their property.

(L) All information associated with the Short-Term Rental License and registration must be updated and shared with the City of Beavercreek within seven (7) days of a change in status, including any changes in contact information for the Applicant, Host, property owner, or Emergency Contact.

(M) The premises of all Short-Term Rental Units are subject to inspection by the City on an as-needed basis to determine compliance with the regulations set forth in this Chapter 117.

§ 117.06 OWNER-OCCUPIED SHORT-TERM RENTAL STANDARDS

The additional following standards apply specifically to Owner-Occupied Short-Term Rental Units.

(A) Owner-Occupied: Owner-Occupied Short-Term Rental Units must be Owner-Occupied and must be primarily utilized as a permanent residence for the owner-occupant.

(B) Maximum size: A maximum of two (2) bedrooms in an Owner-Occupied Short-Term Rental Unit may be rented to Short-Term Rental Users. The total number of residents and Short-Term Rental Users occupying an Owner-Occupied Short-Term Rental Unit may not exceed four guests at any time.

§ 117.07 DENIAL OF SHORT-TERM RENTAL APPLICATION OR RENEWAL

A new or renewed Short-Term Rental License may be denied upon a finding that any of the following conditions are true:

(A) The Applicant failed to provide Application information or supporting materials for the Application.

(B) The Applicant, Host, or property owner has had a Short-Term Rental License suspended or revoked in the past.

(C) The Applicant, Host, and/or property owner has falsified or misrepresented a fact on the Application.

(D) The Applicant, Host, and/or property owner continued to operate or advertise a Short-Term Rental Unit without a Short-Term Rental License after being notified by the City of Beavercreek to submit a new or renewal License Application.

(E) The Applicant, Host, property owner and/or Emergency Contact has been notified by the City of Beavercreek about an issue with the Short-Term Rental Unit property and did not address the issue in question within twenty-four (24) hours of contact, unless additional time is approved by the Planning and Development Director.

(F) The Applicant, Host, property owner, and/or Emergency Contact has obstructed, interfered with, or failed to make good faith efforts towards correcting violations of this Ordinance for any Short-Term Rental Unit in the City of Beavercreek with which they are associated.

(G) The Short-Term Rental Unit property is the subject of an outstanding order and/or violation from the City, County or other governmental agency that has not been corrected.

(H) The Short-Term Rental Unit property has been declared a public nuisance by Greene County Public Health or the City of Beavercreek;

(I) The Short-Term Rental Unit property has a documented history or pattern of criminal or drug related Emergency Service Calls and/or incidents.

(J) It is determined that private covenants and restrictions prohibit the operation of a Short-Term Rental Unit.

§ 117.08 CONFLICTS

Where a provision of this Chapter 117 conflicts with a provision of a lawful and recorded private restrictive covenant, the more restrictive provision shall apply. This provision does not place any duty on the City to enforce private restrictive covenants.

§ 117.09 SUSPENSION OF SHORT-TERM RENTAL LICENSE

The City of Beavercreek Planning and Development Director or their designee may suspend a Short-Term Rental License if the property owner fails to bring the Short-Term Rental Unit into compliance with this Chapter 117.

(A) Prohibited During Suspension:

(1) A Host, Applicant, or property owner may not operate or advertise the Short-Term Rental Unit associated with the suspended License during the suspension period.

(2) A Host, Applicant, or property owner associated with a suspended Short-Term Rental License may not apply for a new License or a License renewal for the Short-Term Rental Unit property or any other property during the suspension period.

§ 117.10 REINSTATEMENT OF A SUSPENDED SHORT-TERM RENTAL LICENSE

(A) Reinstatement: The City of Beavercreek Planning and Development Director or their designee shall reinstate a suspended Short-Term Rental License once the property owner brings the Short-Term Rental Unit into compliance with the provisions of this Chapter 117 and applies for a new Short-Term Rental License. The Planning and Development Director may use their discretion when determining whether a Short-Term Rental License should be reinstated. In making such determination, the Planning and Development Director may consider the severity of prior issues at the Short-Term Rental Unit and issues related to other Short-Term Rental Units owned or operated by the Host, Applicant, property owner, or Emergency Contact.

(B) Inspections: Short-Term Rental Units with reinstated Short-Term Rental Licenses are subject to inspection by the City on an as-needed basis to determine compliance with the regulations set forth in this Chapter 117.

§ 117.11 APPEALS

(A) Right of Appeal: Any Short-Term Rental Applicant, Short-Term Rental Host or Short-Term Rental User who has been aggrieved or affected by any decision of the Planning and Development Director may appeal such decision to the Board of Zoning Appeals by filing a petition with the Planning and Development Department within 15 days from the date of the decision. Such petition shall state the facts of the case. There shall be filed with the petition a separate document stating the grounds of the appeal.

(B) Hearing: The Board of Zoning Appeals shall hold a public hearing on such appeal not later than 45 days after such appeal has been filed with the City. The Board, by an affirmative vote of a majority of its members, shall decide the matter.

§ 117.99 ENFORCEMENT AND VIOLATIONS

The City may pursue any available legal or equitable remedy for any violation of this Chapter 117 or any other City of Beavercreek Ordinance.

(A) Any individual who violates the provisions of Chapter 117, or knowingly provides false information in their application is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day a violation occurs or continues.

(B) Any or all of the following additional actions may be taken against an individual who violates any provision of this chapter:

- (1) Additional fines may be assessed;
- (2) The Short-Term Rental License may be suspended for up to 90 days; and
- (3) A Short-Term Rental License may be revoked.