

ORDINANCE NO. 669-08-2024

**AN ORDINANCE OF THE BAY ST LOUIS CITY COUNCIL ADOPTING
SHORT-TERM RENTAL REGISTRATION AND REGULATIONS**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF BAY ST. LOUIS, MISSISSIPPI:**

Be it known that on the 20th day of August, 2024, the Mayor and City Council for the City of Bay St. Louis, Mississippi, at its regular meeting declare, find, authorize and approve, as follows:

WHEREAS, the City seeks to identify short-term rentals operating in the City, better ensure they operate in a manner consistent with public health and safety and promote accountability and preserve the established character of existing neighborhoods, gain contact information for code enforcement and compliance, and encourage the cooperation of short-term rental booking service providers in accomplishing these purposes; and

WHEREAS, short-term rentals are considered a valuable and needed use for those desiring to rent their property in exchange for compensation, and such use will aid and promote tourism; and

WHEREAS, The Mayor and City Council have determined that there is a need for the adoption of an ordinance to regulate short-term rentals in order to allow citizens the quiet enjoyment of their homes and properties; and

WHEREAS, after due consideration, the Mayor and the City Council now find and determine that it would be in the best interest of the City to adopt an ordinance requiring a city permit to operate a short-term rental property.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF BAY ST. LOUIS, MISSISSIPPI, that this Ordinance shall be named the “BAY ST. LOUIS SHORT-TERM RENTAL REGISTRATION AND REGULATION ORDINANCE” and is as follows:

CHAPTER 53—SHORT TERM RENTALS

ARTICLE I. – SHORT TERM RENTALS

Sec. 53-100. - Definitions.

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator shall mean the city Zoning Administrator or the Mayor's designee.

Advertising means the act of drawing the public's attention to a short-term rental.

City shall mean the City of Bay St. Louis, Mississippi.

Conditioned Living Square Footage shall mean a temperature-controlled area within a building that can be heated or cooled, such as a living room, bedroom, or office. Conditioned spaces can be directly or indirectly heated or cooled using electricity or fossil fuels as an energy source.

Dwelling Unit shall mean one or more rooms arranged, designed, or used as independent living quarters for a single household. Buildings with more than one kitchen or more than one set of cooking facilities are deemed to contain multiple dwelling units unless the additional cooking facilities are clearly accessory and not intended to serve additional households.

Occupant(s) shall mean the person or persons who have rented the short-term rental and their guest(s).

Owner shall mean the person or entity that holds legal and/or equitable title to the dwelling unit. A person whose interest in a dwelling unit is solely that of a tenant, subtenant, lessee, or sublessee under an oral or written rental housing agreement shall not be considered an owner.

Operator shall mean every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government or any other group or combination acting as a unit who is the proprietor of a short-term rental, whether in the capacity of owner, lessee, sub-lessee, mortgagee in possession, license or any capacity. Where the operator performs his or her functions through a managing agent of any type of character, other than an employee, or where the operator performs his or her functions through a rental agent, the managing agent or the rental agent shall have the same duties as his or her principal.

Permit shall mean a short-term rental permit.

Short term rental is the use for compensation of all or part of a dwelling unit or accessory dwelling unit which includes but is not limited to a single-family residence, apartment, residential condominium units, townhouses and any and all other residential real estate improvements, in which the public may obtain sleeping accommodations for a period less than thirty (30) consecutive days. The term applies regardless of whether the dwelling was originally constructed or zoned as a residential dwelling.

Sleeping Room shall mean any enclosed habitable space within a dwelling unit which complies with applicable adopted Codes of the City. This shall not be interpreted to include living rooms, family rooms and other similar rooms in which furniture such as fold-down beds or convertible couches are provided on a permanent basis for regular accommodation of residents, temporary or otherwise.

Sec. 53-110.-Purpose of Ordinance.

The purpose of this article is:

- (a) To identify short-term rentals operating in the City, better ensure they operate in a manner

consistent with public health and safety and promote accountability and preserve the established character of existing neighborhoods, gain contact information for code enforcement and compliance, and encourage the cooperation of short-term rental booking service providers in accomplishing these purposes; and

(c) To allow non-resident short-term rentals to operate in the City in a manner that promotes accountability and preserves the established character of existing neighborhoods; and

(d) To encourage the cooperation of short-term rental booking service providers in accomplishing these purposes; and

(e) To establish regulations for the registration and use of short-term rentals and to ensure among other things that habitation of such units is safe and to provide for the general welfare of residents and visitors.

Sec. 53-150. – Short term rentals.

- (a) The property owner shall designate themselves or an agent to act on behalf of the owner to comply with the requirements of this Article. The owner or designated agent is sometimes referred to as “operator” herein.
- (b) The owner shall not be relieved from any personal responsibility or personal liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the dwelling unit as a short-term rental unit, regardless of whether such noncompliance was committed by the owner, operator, authorized agent or representative or the occupants or guests of the occupants.
- (c) This article is not intended to provide any owner/operator of residential property with the right or privilege to violate any city zoning, private conditions, covenants or restrictions applicable to the owner's property that may prohibit the use of such owner's residential property for short term rental purposes as defined in this section or to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions.
- (d) Where this article and another ordinance(s) conflict or overlap, whichever imposes the more stringent restrictions shall prevail unless otherwise indicated.
- (e) An advertisement promoting the availability of any dwelling unit for short term rental in violation of any provision of this or any ordinance is prima facie evidence of a violation.
- (f) A recreational vehicle, motor home, or camper may not be utilized or permitted as a short-term rental.
- (g) Maximum occupancy is two (2) persons per sleeping room, plus an additional four (4) per dwelling. For residential properties with more than 3,250 square feet of conditioned living space, the maximum occupancy shall be two (2) persons per sleeping room plus an additional six (6). This section shall apply if in conflict with any other code or occupancy regulation adopted by the City. The maximum occupancy of a short-term rental shall be determined at the time a short-term rental permit is issued or renewed. That capacity shall not be increased by

subsequent construction of any addition to the structure covered by the permit or by construction of any other structure located on the property without an inspection and approval by building official and submission of an amended registration form;

- (h) All short-term rentals are required to provide 95-gallon garbage containers pursuant to chart below. A dwelling unit with:

1-2 legal sleeping rooms	A minimum of 1 (one) garbage container
3-5 legal sleeping rooms	A minimum of 2 (two) garbage containers
6 or more legal sleeping rooms	A minimum of 3 (three) garbage containers

Sec. 53-200. – Registration and permit.

- (a) Prior to using a dwelling unit as a short-term rental or advertising in any manner the availability of the dwelling unit for short term rental, the operator must submit the following information on a form and in the manner prescribed by the Administrator:
- (1) The name, mailing address, email and telephone number of the Operator, and Owner if different than Operator, of the subject short-term rental unit;
 - (2) The name, address, email and twenty-four-hour contact telephone number of a designated local contact person;
 - (3) The local contact person is the Operator or person designated by the operator who shall be available twenty-four (24) hours per day, seven (7) days per week for the purpose of:
 - i. Responding in person within thirty (30) minutes to complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit; and
 - ii. Taking immediate remedial action to resolve any such complaints.
 - (4) The name (if applicable) and physical address of the proposed short-term rental unit.
 - (5) The amount of conditioned living square footage of each unit.
 - (6) The number of sleeping rooms and applicable occupancy limit of the proposed short-term rental unit;
 - (7) Any additional information the administrator determines necessary for the administration of this section.
 - (8) A copy of the vesting deed demonstrating proof of ownership.
 - (9) A parking plan.
- (b) A short-term rental permit is not transferable.
- (c) Any property owner delinquent and/or owing city fees to include, but not limited to, water, sewer, garbage or gas service fees will be prohibited from registering a short-term rental until such time as payment or acceptable resolution is approved by the administration.
- (d) Registration fee; renewal fee.

- (1) The short-term rental registration form shall be accompanied by a non-refundable per unit

registration fee as established by the City Council and amended from time to time.

- (2) The short-term rental registration and renewal fee is \$100.00 per year, per unit.
- (3) Registration of a short-term rental is valid for twelve (12) months based on the calendar year. Registration fees will not be pro-rated.
- (e) Each short-term rental, once properly registered shall be issued a permit with a unique registration number. The registration number must be included in any and all advertisement for the short-term rental including internet booking sites.

Sec. 53-250. - Minimum standards of conduct.

- (a) The owner, operator or their agent shall post a tenant information sheet or packet in a visible, prominent interior location at or near the primary entrance. This tenant information sheet or packet shall provide basic, minimum standards of conduct for occupants during their stay in the City of Bay St. Louis. At a minimum the following items must be included on the information sheet or displayed as required:
 - (1) The name of property's designated contact person including a 24/7 phone number;
 - (2) Occupancy limit as established at the time of registration and permitting;
 - (3) Notice that failure to conform to the occupancy and any parking requirements of the City is a violation of City Ordinance and may subject occupants to citation;
 - (4) Trash collection information to include proper timing and placement of receptacles; and
 - (5) Location of all required Fire Extinguishers; and
 - (6) Contact information for local emergency service including fire, dispatch, police and hospital; and
 - (7) Other information as required by Administrator.
- (b) Health and life safety: Owner or operator shall ensure all building and fire related construction conforms to the city's adopted building code.
- (c) All floors with an enclosed space of any kind must have a minimum of one (1) Class 2A:10B:C type fire extinguisher (standard 5lb. fire extinguisher) mounted to be conspicuous and convenient for the occupants.
- (d) A golf cart made available anytime as part of a short-term rental shall be subject to all requirements of the City of Bay St. Louis Code of Ordinances and registered/permitted with the City of Bay St. Louis. If a golf cart is made available, a copy of the City's golf cart ordinance and map shall be provided.
- (e) Non-compliant sleeping rooms shall not be included in the maximum occupancy calculation and notification shall be provided in the tenant information sheet that the

noncompliant sleeping room may not be used for sleeping.

- (f) Upon a mandatory evacuation issued by Hancock County Emergency Management Agency, all vacation rentals will be immediately evacuated upon notice.
- (g) To ensure continued compliance with the requirements of this Section, Short Term Rental properties may be subject to an inspection at registration and on subsequent renewal unless an immediate inspection is required to address a specific concern or suspected violation. The Operator shall be readily available if an immediate inspection is required or warranted. Missing a scheduled inspection will subject the operator to a \$100.00 re-inspection fee.
- (h) Guests are required to follow all City ordinances, including but not limited to the noise ordinance. Guests shall be mindful of their neighbors and shall not disturb the peace of the community.
- (i) Any other standards deemed necessary by the administrator to achieve the objectives of this section.

Sec. 53-255-Parking

In no event shall on-street parking be allowed in any zoning classification or district; this is to include any types of vehicles or trailers. A proposed parking plan shall be submitted with the application.

Sec. 53-260 - Enforcement—Penalty provisions.

- (a) A violation under this section is a misdemeanor offense punishable upon conviction by a fine not to exceed five hundred dollars (\$500.00) per offense. Each day a violation continues shall constitute a separate offense.
- (b) In addition to any other penalty provided, the Administrator or Mayor's designee may direct the city attorney to institute an action in the court having jurisdiction to enjoin any violation of a provision of any subsection of this article.
- (c) If such maximum penalty provided for by this Code or any such offense is greater than the maximum penalty provided for the same or a similar offense under the laws of the State of Mississippi, then the maximum penalty for violation as provided by state statute shall be the maximum penalty under this Code.
- (d) The owner/operator shall comply with all applicable laws, rules and regulations of Bay St. Louis, the State of Mississippi, and the United States.
- (e) A permit may be denied, suspended or revoked for any of the following reasons:
 - (1) Three (3) or more notices of violation issued within a twelve-month period for any conduct or condition at the short-term rental that constitutes a violation of

this article or federal, state or local law;

- (2) Providing false or misleading information on a permit application;
 - (3) Representing a property available or otherwise making a residence available for occupancy or rent as a short-term rental where the property does not hold a valid short-term rental permit;
 - (4) The permit holder is overdue in payment to the city of taxes, fees, fines, or penalties or fails to provide documentation when requested.
 - (5) The short-term rental is sold, or ownership is otherwise transferred.
 - (6) Information provided with the permit application has changed or is no longer accurate and the permit holder has failed to notify the city.
- (f) If an application for a short-term rental permit or renewal is denied or the permit subsequently revoked, the owner or operator may appeal to the Mayor by written notice delivered within ten (10) business days of denial or revocation.
- (1) The Mayor shall have twenty (20) business days from the date on which the appeal was received in which to give a written decision affirming, modifying, or reversing the denial, suspension, or revocation as applicable.
 - (2) If the Mayor upholds the denial, suspension, or revocation of a permit, applicant may then, within ten (10) business days of the service of notice of such determination, submit to the City Council Clerk a written request for a hearing to show cause as to why the permit should not be denied, suspended, or revoked, as applicable. A hearing shall be scheduled by the City Council within thirty (30) business days of receipt of applicant's request and notice of the hearing shall be given to applicant ten (10) business days before the hearing. At the hearing, the applicant and City Administration shall present such evidence as may be relevant. The City Council will make the final ruling on the application.
 - (3) Any notice or decision on the appeal shall be deemed served upon the application when it is personally delivered or on the date it is mailed by United States mail to the name and address set forth on the application for Permit, whichever occurs first.
 - (4) Any appeal filed pursuant to this chapter shall state succinctly the grounds upon which it is asserted that the determination should be modified or reversed and shall be accompanied by copies of the application for permit, the written notice of the determination of the city, and any other information material to the determination.
 - (5) Judicial review of any such final decision may be obtained through the filing of an appropriate action that complies with Miss. Code Section 11-51-75 in the Circuit Court of Hancock County, Mississippi.

Sec. 53-265. - Severance.

If any part of this ordinance is invalid or void or is declared to be so, then said part shall be severed from the balance of this ordinance and said invalidity shall not affect the balance of this ordinance,

the balance of the ordinance to be read as if said invalid or void portion thereof were not included.

After being reduced to writing, the foregoing Ordinance was read and considered, section by section, and then as a whole, whereupon Council Member **DESALVO** moved for its adoption, and after a second by Council Member **KNOBLOCK**, the following roll call vote was had:

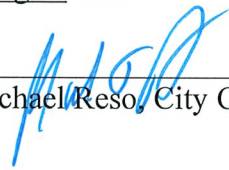
Council Member Doug Seal	<u>YEA</u>
Council Member Gene Hoffman	<u>YEA</u>
Council Member Jeffrey Reed	<u>YEA</u>
Council Member Kyle Lewis	<u>NAY</u>
Council Member Ward 5 (Vacant)	
Council Member Josh DeSalvo	<u>YEA</u>
Council Member Gary Knoblock	<u>YEA</u>

Passed by the City Council of the City of Bay Saint Louis on the 20th day of August 2024.

CERTIFICATION

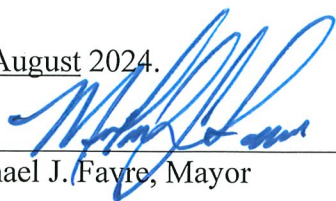
I, Michael Reso, City Clerk for the City of Bay Saint Louis, Mississippi, do hereby certify that the foregoing Ordinance was approved and adopted in the public meeting of the City Council held on August 20th, 2024, a quorum being present, in the City Council Conference Chambers and to be recorded in the Minute Books, said Council being the duly elected, qualified, and acting governing body of Bay Saint Louis, Mississippi.

Presented by me to the Mayor on this, the 21st day of August 2024.



Michael Reso, City Clerk

Approved and signed by me on this, the 21st day of August 2024.



Michael J. Favre, Mayor