

§ 810.01 DEFINITIONS.

For the purposes of this chapter, the following terms, phrases, and words shall have the meanings given to them herein.

DWELLING. Any building or structure which is occupied or intended for occupancy in whole or in part as a home, residence, or sleeping place for one or more persons.

GUESTROOM. A room offered to the public for a fee that contains, at a minimum, provisions for sleeping.

HOSTING PLATFORM. A person or entity that participates in the transient rental business by providing, and collecting or receiving a fee for, booking service through an online platform that allows an operator to advertise the transient rental unit through a website hosted by the hosting platform. Examples include, but are not limited to, Airbnb, VRBO, and HomeAway.

PERMANENT OCCUPANT. Persons who reside in a dwelling more than 51% of the time during a calendar year; the dwelling in which the persons reside shall be referred to as their primary residence.

PRIMARY RESIDENCE. A residence that is the usual place of return for housing as documented by at least two of the following: motor vehicle registration, driver's license, tax documents, lease copy or a utility bill. An owner or permanent occupant can only have one primary residence.

SHORT-TERM RENTAL. Any room or dwelling that is rented wholly or partly for a fee for less than 30 consecutive days by persons other than the permanent occupant or owner from which the permanent occupant or owner receive monetary compensation, whether such compensation is paid directly by the short-term rental guest or is collected and remitted to the permanent occupant or owner by a hosting platform. **SHORT-TERM RENTAL** does not include a room in any hotel or motel, as defined elsewhere in the Codified Ordinances. **SHORT-TERM RENTAL** also does not include corporate housing, meaning temporary housing provided through an entity for which an affidavit in a form satisfactory to the Mayor or his or her designee has been completed attesting that such entity is engaged primarily in the business of providing temporary housing services for corporate clients, regardless of duration.

SHORT-TERM RENTAL GUESTS. Persons renting temporary lodging from a short-term rental host, or through a hosting platform on behalf of the short-term rental host, for less than 30 consecutive days.

SHORT-TERM RENTAL OPERATION or OPERATION OF A SHORT-TERM RENTAL. The occupancy for a fee of any room or dwelling in a short-term rental by a transient guest.

TRANSIENT GUESTS. Persons occupying a room or rooms for sleeping accommodations for less than 30 consecutive days.

§ 810.02 RESTRICTIONS AND REQUIREMENTS.

Short-term rental operators are prohibited from renting any room or dwelling to transient guests within the Village of Minerva Park unless either the owner, the permanent occupant of the property, or an adult family member of the owner or permanent occupant is present for the duration of each rental period.

§ 810.03 REGISTRATION REQUIRED.

(A) No person, including but not limited to an owner, operator, manager, or employee shall engage in, conduct, or carry on, or permit to be engaged in, conducted or carried on, in or upon any premises in the Village of Minerva, the operation of a short-term rental in a calendar year without registering in accordance with this chapter.

(B) A registration application may be submitted at any time to the Mayor, or his/her designee. If the registration application is approved, such registration shall take effect on the day of approval and shall expire on December 31st of the year approved; provided, however, that if an initial registration application is approved on or after September 1, the registration shall be effective until December 31 of the next calendar year.

(C)(1) Registration to operate a short-term rental shall be renewed by the applicant before the end of each calendar year.

(2) The deadline for submitting an application for renewal shall be the first Monday of November of the year in which the registration is set to expire. Failure to renew shall result in expiration on December 31st. If a permit is successfully renewed, it shall be in effect for the next calendar year, beginning on January 1st and expiring on December 31st of the same year.

(D) The short-term rental operator must maintain a copy of the permit on premises.

§ 810.04 SHORT-TERM RENTAL REGISTRATION, NEW AND RENEWAL.

(A) An application for a short-term rental permit, and/or renewal of a permit, shall be made to the Mayor, or his/her designee, upon approved forms, for an application fee of \$250. Village Council shall have authority to amend the fee amount from time to time to reflect the costs of administering this chapter.

(B) The application for a permit to operate a short-term rental shall contain the following information:

(1) Name of the applicant, including mailing address, telephone number, and email address;

(2) Sufficient information to demonstrate compliance with the permanent occupancy or ownership requirements outlined in § 810.02;

(3) The names of all hosting platforms that are used by the short-term rental host and proof of rental insurance for the unit rental;

(4) The names of all advertising outlets in which the short-term rental host intends to advertise such rental if the short-term rental host is not using a hosting platform;

(5) The maximum number of occupants that will be accommodated at the short-term rental, not to exceed two per bedroom;

(6) The maximum number of motor vehicles that will be permitted to park at the short-term rental; this number shall not exceed the number that can be garaged on-premises, plus two that may park in a driveway, plus two that may park on-street;

(7) An affidavit attesting that the short-term rental operation is in compliance with all applicable local, state, and federal laws and regulations concerning the provision of sleeping accommodations to transient guests.

(C) The applicant must notify the Mayor, or his/her designee, of any change in information contained in the permit application within ten days of the change.

(D) Any change in ownership of the dwelling shall void the current registration and shall require submission and approval of a new registration application.

(E) A contact name and number for the rental host and permanent occupant that may be used 24/7 for any issues related to the short-term rental unit or transient guests.

§ 810.05 SHORT-TERM RENTAL OPERATOR; REQUIREMENTS.

(A) *Short-term rental host requirements.*

(1) One short-term rental registration per owner or permanent occupant may be issued.

(2) If a short-term rental host is not the property owner, but a permanent occupant of the dwelling, the host shall obtain permission from the property owner of the dwelling to register the dwelling on any hosting platform or to advertise the dwelling in any other manner for use as a short-term rental.

(3) Short-term rental operators are not permitted to rent any room or dwelling to transient guests unless the owner of the property or an adult family member of the owner is present for the duration of the rental.

(4) Rentals for 30 or more consecutive days by the same guest(s) will not be subject to short-term rental regulations.

(B) *Records required.* Short-term rental hosts that offer short-term rentals shall retain and, upon request, make available to the Mayor, or his/her designee, official records to demonstrate compliance with this section, including, but not limited to, primary residency, the dates and duration of each stay in the short-term rental, the rate charged for each short-term rental on each night, the maximum occupancy permitted at the short-term rental, and the maximum number of motor vehicles permitted at the short-term rental.

§ 810.06 GROUNDS FOR DENIAL.

(A) The Mayor, or his/her designee, shall approve a registration, or grant the renewal of an existing registration, except as provided in divisions (B) and (C) of this section.

(B) The Mayor, or his/her designee, shall deny any application for a new registration, or renewal of registration, if any of the following are shown to have occurred at the short-term rental property:

(1) The applicant makes a material misrepresentation of fact on the application;

(2) The short-term rental has a documented history of repeated conduct that endangers neighborhood safety or of conditions interfering with the use and enjoyment of property within its vicinity.

(C) Evidence of conduct under divisions (A) and (B) of this section need only be that of de facto violation of law; evidence of conviction is not a prerequisite for denial unless specifically indicated.

§ 810.07 REVOCATION OF REGISTRATION.

(A) The Mayor, or his/her designee, may revoke a short-term rental registration if a unit is perpetuating conditions interfering with use and enjoyment of properties within its vicinity. Conditions interfering with use and enjoyment of properties within the vicinity of a short-term rental include, but are not limited to:

(1) Noise audible beyond the boundary of the property on which the short-term rental is located;

(2) Occupancy by a number of short-term rental users exceeding the maximum number included in the registration for the short-term rental;

(3) Parking of a number of motor vehicles exceeding the maximum number included in the registration for the short-term rental;

(4) Uninvited entry of short-term rental occupants upon private property within 500 feet of the short-term rental; or

(5) The primary occupant of the residence is not present during the term of the rental.

(B) A violation of any of the conditions in § 810.07(A) shall result in progressive discipline:

(1) Upon the first violation, the registration for the short-term rental shall be terminated and the short-term rental host prohibited from re-registering for six months from the date of termination.

(2) Upon the second violation, the registration for the short-term rental shall be terminated and the short-term rental host prohibited from re-registering for one year from the date of termination.

(3) Upon the third violation, the registration for the short-term rental shall be terminated and the short-term rental host prohibited from re-registering at any time in the future.

§ 810.08 TRANSFER OF SHORT-TERM RENTAL REGISTRATION PROHIBITED.

No registration under this chapter shall be transferable to another short-term rental operation.

§ 810.09 DISCRIMINATION PROHIBITED.

(A) A short-term rental host shall not:

(1) Decline a short-term rental guest based on race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status, or military status;

(2) Impose any different terms or conditions based on race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status, or military status;

(3) Post any listing or make any statement that discourages or indicates a preference for or against any short-term rental guest on account of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status, or military status.

§ 810.11 SEVERABILITY.

In the event any section or provision of this chapter shall be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of this chapter as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

§ 810.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of an unclassified misdemeanor and shall be fined not more than \$250. Upon subsequent convictions, the penalty shall be an unclassified misdemeanor but the guilty party shall be fined not more than \$1,000, in addition to any other penalties as imposed by this chapter.