

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 7269

ORDINANCE COUNCIL SERIES NO. _____

COUNCIL SPONSOR: AIREY/COOPER

PROVIDED BY: CIVIL DA

INTRODUCED BY: MR. SMITH

SECONDED BY: MR. LAUGHLIN

ON THE 4TH DAY OF MAY, 2023

ORDINANCE TO AMEND ST. TAMMANY PARISH CODE OF ORDINANCES, PART I, CHAPTER 22-LICENSES, TAXATION AND REGULATIONS, ARTICLE XII-SHORT TERM RENTALS, SEC. 22-591 - APPLICATION REQUIREMENTS AND PERMIT APPROVAL, TO CLARIFY THE OCCUPATIONAL LICENSE REQUIREMENT AND TO CORRECT TYPOGRAPHICAL ERRORS; AND SEC. 22-594 - SUSPENSION AND REVOCATION, TO CLARIFY THAT THE ARTICLE APPLIES TO SHORT TERM RENTAL OWNERS AND OPERATORS, AND TO CLARIFY THAT THE SPECIFIC REQUIREMENTS FOR APPROVING A SHORT TERM RENTAL PERMIT AND THE GROUNDS FOR DENYING A SHORT TERM RENTAL PERMIT ARE LIKEWISE GROUNDS FOR THE SUSPENSION AND/OR REVOCATION OF A SHORT TERM RENTAL PERMIT.

WHEREAS, the Parish adopted Sec. 22-594 of its Code of Ordinances to establish short term rental permit application requirements and a permit approval process on July 8, 2021;

WHEREAS, it is necessary to amend Sec. 22-591 to clarify the occupational license requirement and to correct typographical errors in the ordinance adopted July 8, 2021; and

WHEREAS, it is necessary to amend Sec. 22-594 to clarify that the section applies to short term rental owners and operators, and that the requirements for approving and grounds sufficient for denying a short term rental permit application found in Sec. 22-591 and Sec. 22-592 are likewise grounds for the suspension and/or revocation of a short term rental permit.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that St. Tammany Parish Code of Ordinances, Part I, Chapter 22-Licenses, Taxation and Regulations, Article XII-Short Term Rentals, Sec. 22-591-Application Requirements and Permit Approval, and Sec. 22-594-Suspension and Revocation, be amended as follows:

Sec. 22-591. - Application requirements and permit approval.

(a) No one shall operate a short term rental without first filing an application, initial or renewal, provided by St. Tammany Parish Government, and obtaining a short term rental permit from the department of planning and development to engage in such business. Where this code allows for a short term rental, including those that are in operation at the time of the effective date of this article, the operator of each short term rental shall have until February 1, 2022 to submit a completed application for the short term rental permit that must be approved, or face penalties as provided in this article. A short term rental permit shall not be transferred from one place or one person to another place or person. More than one short term rental may be located on the same property, in which case more than one short term rental permit will be needed (one for each short term rental is required). The requirements for the short term rental permit herein provided are requirements separate and apart from and in addition to the requirements for obtaining an occupational license to operate a business as required per chapter 22, article II, et seq.

(b) The application and all supporting documents shall be retained and reviewed by the department of planning and development, which shall approve or deny the application and provide notice of such. All applications shall include, but not be limited to, the following information and documents:

- (1) Name and contact information for the proposed operator of the short term rental, and the address of the short term rental. If the short term rental is owned by a corporation, partnership, sole proprietorship or other entity, the proposed operator shall provide: a sworn affidavit executed by the respective entity authorizing the operator to apply for a short term rental permit in the name of the establishment as required by this article, as well as the name, date, and state under which laws such entity was organized, and if a foreign (out of state) entity, whether such is authorized to do business in the State of Louisiana, the name under which the entity may be doing business, and the name of the principal officer(s) or whoever controls the entity, registered agent and local representatives or partners, and their business addresses. If the short term rental is owned by the proposed operator, an Act of Sale or Deed or Louisiana Homestead Exemption that establishes the proposed operator as the owner of the property in which the short term rental is located. If the proposed operator is a lessee or renter, a sworn affidavit executed by the owner of the property on which the short term rental is located, authorizing the lessee or renter to apply for a short term rental permit, as well as a current lease agreement with the signatures of the proposed short term rental operator and the owner of the property on which the short term rental is located.
- (2) One of the following forms of identification for the proposed operator: copy of valid driver's license, passport, or voter's registration.
- (3) Payment in the amount of \$750.00 for the annual short term rental permit fee.
- (4) Payment in the amount of \$250.00 for the non-refundable short term rental application fee.
- (5) Request an approval letter be issued by the department of planning and development for obtaining a ~~Proof of~~ valid occupational license from the St. Tammany Parish Sheriff's Office as required by chapter 22, article II, et seq., which letter will not be issued unless or until a permit application has been approved.
- (6) Proof that the proposed operator has current, valid, general liability coverage, that includes coverage for short term or temporary rentals, of \$500,000.00 or more, verified with a current insurance certificate, for the subject short term rental.
- (7) A site and floor plan that depicts a scaled diagram of the short term rental and that includes, at minimum, the number of bedrooms, beds, and bathrooms in each short term rental, and at least one required off street parking space per rented bedroom.
- (8) Proposed maximum number of guests permitted in the short term rental.
- (9) Date of proposed commencement of operation, if initial application.
- (10) Name and contact information of the designated local responsible party, including phone number(s) with area code and email address. The designated local responsible party may be the proposed operator.
- (11) Sworn affidavit executed by the proposed operator, specifying a designated local responsible party, and certifying that he or she is available 24 hours a day when the short term rental is rented and guests are occupying the short term rental to accept telephone calls and respond physically to the short term rental within 60 minutes, and that the contact information for the designated local responsible party, including name, phone number(s) with area code, and email address, will be provided to all guests and located in a conspicuous location within the short term rental so as to be easily accessible for guests.

(12) Copy of the informational brochure as required per section 130-2213~~(57)~~(58)(a)(8).

(13) Sworn affidavit executed by the proposed operator certifying that the proposed operator has read and understood all of the minimum standards for short term rentals as set forth in section 130-2213~~(57)~~(58), and that the proposed operator is and shall be through the duration of the permitting term in compliance with all of the minimum standards therein.

(14) A notarized copy of a criminal background investigation for the proposed operator and the designated local responsible party (if different), which is to be conducted by the St. Tammany Parish Sheriff's Office.

(15) Any additional information deemed necessary and requested by the department of planning and development.

(c) Where the short term rental permit application is approved, the department of planning and development will issue to the operator at the address provided in the application a permit approval notice that includes a short term rental permit number, an expiration date for the short term rental permit, and the maximum number of guests allowed in the short term rental, as determined by the fire marshal and department of planning and development. The short term rental permit number, the expiration date of the short term rental permit, and the maximum number of guests shall, throughout the duration of the permitting term, be contained in any and all advertisements for the short term rental and be displayed within the short term rental in a conspicuous location at all times so as to be easily accessible by guests.

(d) If any pertinent information contained within an operator's short term rental application changes, short term rental operators are required to notify the department of planning and development and provide legitimate documentation confirming said changes. Changes, including but not limited to, the property owner of which the short term rental is located, and/or the designated local responsible party and his or her contact information, shall be promptly provided to the department of planning and development by submitting a sworn affidavit executed by the operator certifying to that effect. Operators who are changing the designated local responsible party shall furnish the department of planning and development with a notarized copy of the criminal background investigation, which is to be conducted by the St. Tammany Parish Sheriff's Office, for the new designated local responsible party, in addition to his or her contact information.

(Ord. No. 21-4593, 7-28-2021)

Sec. 22-594. - Suspension and revocation.

(a) The short term rental permit shall be subject to suspension or revocation upon good cause shown at a hearing conducted by the Bureau of Administrative Adjudication, that the short term rental owner and/or operator has engaged in any of the following since issuance of its current short term rental permit:

(1) Failure to comply with the requirements of this article or with applicable provisions of the St. Tammany Parish Code of Ordinances, including without limitation the application and permit approval requirements set forth in Sec. 22-591 and the grounds for permit denial set forth in Sec. 22-592.

(2) Refusal and/or failure to remedy building, zoning, or other code violations in accordance with a judicial order.

(3) Any criminal conduct resulting in arrest(s) where the offense occurred on short term rental property by a guest.

- (4) The conviction of the short term rental owner(s) and/or operator(s) of any crime involving drugs, vice, or felony in a court of competent jurisdiction.
- (5) The failure of the short term rental owner(s) and/or operator(s) to report any criminal conduct and/or convictions referenced in Sec. 22-594(a)(3) and Sec. 22-594(a)(4), including the citation number(s) issued by the arresting authorities and/or the case number(s) resulting in the conviction(s), to the department of planning and development within thirty (30) days after the dates of said arrests and/or convictions.
- (b) Notice, hearing practice and procedures for suspension and revocation hearings by the Bureau of Administrative Adjudication shall follow those set forth in section 2-562, et seq.
- (c) When a short term rental permit is suspended for any legal cause by any lawful authority: no new short term rental permit shall be issued for the same short term rental for a minimum period of 61 days, beginning from the first day of the suspension. Suspensions shall last for 60 days from the date the short term rental permit is suspended. Suspensions shall be reserved for minor or first-time violations. The owner(s) and/or operator(s) of a suspended short term rental may begin advertising and operating the short term rental under the same permit immediately after the suspension period has concluded.
- (d) When a short term rental permit is revoked for any legal cause by any lawful authority: no new short term rental permit shall be issued for the same short term rental for a minimum period of one year and one day, beginning from the first day of the revocation. Revocations shall last for one year from the date the short term rental is revoked. Revocations shall be reserved for major violations or repeated and unresolved minor violations that have previously resulted in suspensions. A short term rental permit with three suspensions in one permitting term shall automatically be revoked, and the revocation time period shall not begin until after the time period for the suspension has concluded. The owner(s) and/or operator(s) of a ~~revoked~~ short term rental whose short term rental permit has been revoked cannot continue to advertise or operate the short term rental until a new short term rental permit is obtained after the revocation period has concluded. The owner(s) and/or operator(s) of a revoked short term rental permit shall surrender the short term rental permit to the department of planning and development forthwith.
- (e) To the maximum extent practical, given existing site constraints, short term rentals shall be required to meet all applicable provisions of this Code, including without limitation the application requirements and permit approval requirements set forth in Sec. 22-591 and the grounds set forth for permit denial set forth in Sec. 22-592, and the department of planning and development shall be authorized to inspect a short term rental with a previously suspended or revoked short term rental permit prior to the re-issuance of a new short term rental permit in order to evaluate compliance.

(Ord. No. 21-4593, 7-8-2021)

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective upon adoption.

MOVED FOR ADOPTION BY: _____, SECONDED BY: _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS:

NAYS:

ABSTAIN:

ABSENT:

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 1ST DAY OF JUNE, 2023; AND BECOMES ORDINANCE COUNCIL SERIES NO. 23-_____.

JACOB "JAKE" A. AIREY, COUNCIL CHAIRMAN

ATTEST:

KATRINA L. BUCKLEY, COUNCIL CLERK

MICHAEL B. COOPER, PARISH PRESIDENT

Published Introduction: APRIL 26, 2023

Published Adoption: _____, 2023

Delivered to Parish President: _____, 2023 at _____

Returned to Council Clerk: _____, 2023 at _____

Administrative Comment

May 4, 2023 Council Meeting

STPG LEGAL DEPARTMENT

Provide a brief description of the purpose of the ordinance/resolution:

The purpose of the proposed ordinance is to amend St. Tammany Parish Code of Ordinances, Part I, Chapter 22-Licenses, Taxation and Regulations, Article XII-Short Term Rentals, Sec. 22-591, entitled, "Application Requirements and Permit Approval," to clarify in section 22-591(a)(5) that a request for an approval letter issued by the department of planning and development must be submitted with a short term rental permit application, and to clarify that said approval letter will not be issued by the department of planning and development unless/until the subject short term rental permit application has been approved.

In addition, the proposed ordinance is to amend sections 22-591(a)(12) and (13) which contain typographical errors and incorrectly refer to Part II, Chapter 130-Unified Development Code, Article VII-Minimum Standards, Section 57 (providing minimum standards for "Brewery or distillery with tours") instead of the correct Section 58 (providing minimum standards for "Short term rentals").

The proposed ordinance is also to amend St. Tammany Parish Code of Ordinances, Part I, Chapter 22-Licenses, Taxation and Regulations, Article XII-Short Term Rentals, Sec. 22-594, entitled, "Suspension and Revocation," to clarify that section 22-594(a) applies to the short term rental owner and operator as opposed to simply the "short term rental" (which is a term of art defined in Sec. 22-587 as "a dwelling unit, whether single family or multi-family, rented for a period of less than 30 days). "Short term rental" means and includes any establishment or person engaged in the business of furnishing one or more sleeping rooms, cottages, cabins, or any other similar lodging to transient guests in a location including but not limited to a house, apartment, condominium, camp, cabin, or other building structure used as a residence" and is not, by definition, a natural or juridical person.

In addition, the proposed ordinance is to amend section 22-594 to make clear that the application requirements and grounds for permit denial set forth in Secs. 22-591 and 22-592, may be additional grounds for suspension and/or revocation of a short term rental permit.