

THE CITY OF HURON, OHIO
Proceedings of the Huron City Council
Work Session
Tuesday, October 27, 2020 at 5:30 p.m.

On October 27, 2020 at 5:30pm, the work session of the City Council of the City of Huron, Ohio was called to order by the Mayor.

The Mayor directed the Clerk to call the roll. The following members of Council answered present: **Christine Crawford, Mark Claus, Monty Tapp, Sam Artino, Trey Hardy**. Members absent: **Joe Dike and Joel Hagy**.

Motion by Christine Crawford to excuse Mr. Hagy and Mr. Dike from attendance at the meeting.

The Mayor asked if there was any discussion on the motion. There being none, the Mayor directed the Clerk to call the roll on the motion. Members of Council voted as follows:

YEAS: Crawford, Claus, Tapp, Artino, Hardy (5)
NAYS: None (0)

Administrative staff in attendance: City Manager Matt Lasko, Interim City Manager Mike Spafford, Finance Director Cory Swaisgood, City Engineer Doug Green, Law Director Todd Schrader and Attorney Amelia Leonard, Zoning Clerk Christine Gibboney.

Proposed Transient Rental Regulations Review

Mayor Artino said that the work group has been reviewing various sections of the revised transient rental regulations over the past several days, and is looking for input from Council. With that input, the Law Director and his staff will make revisions for future review.

Ms. Leonard provided an overview of changes made by the work group, which included:

- Changes to definition of an agent (1369.01(A)(a)) to eliminate the aspect of the agent having liability along with the owner or operator.
- Changes to section regarding calls for service (1369.01(D)) to make sure that we exclude those calls from neighbors that just don't like having a transient rental property near them.
- Changes relating to the transient rental certificate to require the inspection and report completed with no violations before the certificate is issued.
- In Section 1369-04, Council should decide whether there will be flat number of transient rental units allowed throughout the City or, alternatively, Council could determine the number of transient rentals allowed either by zoning district or by creating overlay districts by neighborhood in order to tailor the number that Council feels would be appropriate for what the City needs and to be responsive to the citizens.
- With respect to operator responsibility in keeping records, if an owner uses a hosting platform to advertise their transient rental property and that hosting platform is already retaining those records, that satisfies the operator's requirements, which is now spelled out in Section 1369.06(H)(3). If something comes up, the operator is responsible for contacting the hosting platform to get that information. On the initial or renewal application for the transient rental certificate, the owner will identify who they have the property listed with and update it as necessary. The hosting platforms generally retain their records for 3-5 years, which generally satisfies the statute of limitations.

- In Section 1369.10, the amount of time for a new buyer to register an existing transient rental has been extended to 30 days after closing to allow the new owner to close the transaction. The prior owner's certificate expires at closing, but there is a 30-day grace period for the new owner to submit the information necessary to renew the certificate under the new operator.
- In Section 1369.11, we have added the information directly related to hosting platforms.
- In Section 1369.12, there is a new provision regarding hearings and appeals.

Mr. Dike arrived at the meeting at 5:43pm.

- In Section 1369.14, a change was made at the request of the City's prosecutor to clarify and to simplify what the enforcement mechanism is.
- Based on feedback received at the work group meeting, the provision regarding prior owner occupancy for 1 year has been eliminated.

Mr. Claus said that it is his understanding that staff will research the overlay district concept, and then provide the percentages by district, and touch on how the parking regulations might work by overlay district. Some districts have different parking conditions than others. Ms. Leonard said that the changes to that type of overlay district will have to go through zoning, Council will have to refer the matter to the Planning Commission to make that determination as to whether or not to recommend ultimately what zoning overlays might be needed.

The Mayor asked if there is a course of action that happens before the penalty set forth in the ordinance. Ms. Leonard said if they don't register, they are not considered to be a legal business for a legal use of the property, so it falls under any other type of unlawful use that the City would have the power to enforce. The Mayor clarified that he wants to know what happens once we find out they are not registered. Mr. Green said we will send them a report showing their listing along with a cease and desist letter giving them 10 days to sign up. If they haven't signed up within those 10 days, we turn it over to the Prosecutor. The Mayor suggested that should be in writing. Mr. Green said that he asked Prosecutor Kaufman that question, and he said that, technically, through the ordinance you don't have to give them any warning. Mr. Green said that the City likes to give that warning, so that is what they currently do. If Council wants to codify that procedure, he wouldn't be opposed to that. The Mayor deferred to what the Legal Department thinks we should do. Mr. Dike said that he thought it should be in black and white – the more information, the better – so there are no questions. Ms. Crawford agreed that too much information is better than no enough.

Mr. Claus said that on the list of transient rental owners there were several that have been sent cease and desist letters, and then asked if that was based on names given to the department. Mr. Green said if they get a "rumor" that someone is renting, they will send them an application packet with rules and why they need to sign up. If we send them a cease and desist letter, it is because we have actual evidence they are advertising the rental. The Granicus program searches 60+ websites for those advertisements. We will print out the advertisement and send it to the owner with the cease and desist letter. Some of those people will call us back and say it is still out there, but they are not actual renting. Our response is to stop advertising. Mr. Green said these actions have initiated quite a few applications. Mr. Green said that Ms. Maloney has spent some down time between inspections online and found a couple dozen of them on her own prior to obtaining the Granicus software.

Mr. Green said Granicus currently shows 115 rentals in Huron. In June or July, there were around 140 rentals, so it goes up and down depending on the season. Mr. Green said Granicus has a map of the City of Huron with pushpins. We have uploaded the people we already have registered, and the red pins indicate proven rentals that are not registered. We can click on that red pin and it provides the location of the

property, photographs and the actual advertisement. Granicus is a service we subscribe to that is searching out this information.

Ms. Leonard said Section 1369.03(A)(1) says that it is prima facie evidence if finding a transient guest is occupying a residence. We could add language that advertising on a hosting platform would also be prima facie evidence. Mr. Green said it already says that they have to be registered before they can advertise, but Ms. Leonard said it would be better to have it also be evidence that the property is being used as a rental.

Mr. Claus said there are concerns that there are a lot of people out there that have been doing this for years. Some of them have waited to register for various reasons. They shouldn't be, but they are. A lot of them may be companies that are doing a good job, but he wants to make sure that they have the opportunity to get in the system in order to be grandfathered by delaying the start date. He said that Ms. Leonard had previously stated that they are grandfathered if they are legally operating prior to the new regulations, but there is a concern because 1-1/2 years ago it wasn't even legal per our zoning code. People that have been doing this for 20 years wouldn't be grandfathered if they aren't registered. He is trying to figure out how to massage the language to give some people that are legitimately in this business a chance to get in the system without trying to fight it, or come to us later and have some sort of legal battle because they say they can't operate anymore under these new regulations in the way they have been operating for 20 years.

Ms. Leonard said with regard to the provisions relating to parking, etc., once they register the property after the City made it a legal use of this property, then they are grandfathered in. They are then using it in a legal way. If they haven't registered the property, they are not operating it legally, and even if they have been operating it for the last 50 years, they were never operating it legally. Having to comply with the new code regarding parking, etc. will not affect someone renewing their registration if they are grandfathered, but matters such as life safety could. Mr. Tapp said some people may look at this and decide to get out of the business – we can't make them register if this isn't approved. Ms. Leonard said they can still register under the existing chapter, and then they would be grandfathered in. Mr. Claus asked if there is a way we can delay it going into effect, e.g., if we get done in January it goes into effect in March. That would give people a little bit of time to register and then be in the system. Ms. Leonard can include that in the legislation as the effective date.

Mr. Claus asked how the timing would work with regard to an overlay district since it will have to go through Planning/Zoning, three readings, public hearing, etc. Can we simultaneously have this legislation be following behind it? Mr. Schrader said once the legislation is ready, that overlay is going to be integral to what happens with transient rentals. We should consider getting that going as a priority. We are getting good feedback from citizens, the community and Council, but if we are going to introduce the overlay into this, the timing could push us to March. The overlay and the legislation must go together. He likes the idea of reaching out to Mr. Kaufman to talk about the notice and enforcement, and whatever changes are made, we should continue to notify and have him look at this. With the sidewalk legislation that was passed, there's a process that is timely and it's laid out very clearly and meticulously what happens, in that order. He is hopeful that this has that same feel and approach that when you look at the ordinance, the steps, process and procedure should be crystal clear so there is no doubt about the process.

Mr. Dike said he has received comments that it's not right to require an agent within 30 minutes of the property. He asked if the agent could be his cleaning lady. Ms. Leonard said the agent could be any individual person, firm, partnership, corporation or company other than the owner. If it is not the owner or operator, it is someone else. We took out the geographical limitation, so the agent doesn't have to be located in an adjacent community, but that agent still needs to be able to arrive at the property within 30 minutes of being notified. That is in keeping with the restrictions currently in place for hotels – you have to have someone there presently to deal with an emergency that only an owner or agent could deal with. Mr. Dike said that the agent simply someone who can allow access or act on behalf of the owner for that purpose.

Mr. Dike asked if we will be posting the addresses of all transient rentals. Mr. Green answered that the transient rental list is already on our website. Mr. Dike asked about the display of the certificate. Mr. Green said it is a 8-1/2" x 11" piece of paper to be displayed inside a window visible from the exterior. In response to some of the feedback from our residents, Ms. Leonard said that the owner's address will no longer be included on the certificate itself. It will include phone and e-mail contact information so that someone outside of the building can call to get a hold of the agent.

Mr. Dike said we need to make this legislation available so individuals who are watching can access it. The Clerk advised Mr. Dike that it is already on the website, and is updated as changes are made.

After some discussion, Council asked Ms. Leonard to change the word "Agent" to "Authorized Representative" to avoid confusion.

Mr. Green said 1369.03(C)(3) should be revised to remove "principal place of business" as being one of the requirements to be an owner or agent. It shouldn't matter if their business is in Huron or a nearby community. Ms. Leonard said that section could be changed - that language will be taken out and she will insert the same language of 1369.03(A)(3) "within 30 minutes," or whatever other language Council would like.

Mr. Green said he also wanted to talk about the parking regulations. He knows Council has gotten a lot of feedback, as had the City's staff. There are currently two sections: 1369.06(B) that says all guest vehicles must be parked onsite, and 1369.07(E) that says there will be no overnight parking other than onsite by the transient guests. His question is how he can enforce that - he can't. Mr. Tapp said that is another reason to go with the overlay districts to apply different rules to different neighborhoods.

In 1369.08, Mr. Green asked that in the reference to inspecting the electrical panel, he would like that language changed to say the electrical panel is inspected to see that it is safe, covered and properly labeled. Each breaker must be labeled to indicate what it operates so when a guest is there and there is an electrical problem, he or she can go into this strange house's panel and figure out which breaker is involved. Mr. Green's final ask was that Mr. Kaufman have a final review.

Mr. Dike asked if Council had discussed the number of transient rentals to be allowed in the City. Mr. Green said that choice is between either setting a number city-wide or determine the number by overlay district. Mr. Dike said that the sections to be paid attention to are R-1 and R-2. He would like to see fewer transient rentals in those areas. Mr. Green estimated that 80-90% of our rentals are located in R-1. The only neighborhood not in an R-1 with a significant number of rentals is Rye Beach, which is in R-2. If Council wants to get more specific, Council can go neighborhood by neighborhood with overlay districts. Mr. Tapp said that is something that can be looked into, and the number of transient rentals can also be limited by percentage. Mr. Claus said that is something Council talked about at the beginning - staff is going to look at creating overlay districts by neighborhood. The Zoning Department already has a map of where all of registrations are located, and there is a huge concentration in Rye Beach. Rye Beach as an overlay can be looked at differently than Wexford, Old Homestead or Chaska Beach. Mr. Green said that he would come up with current percentages for each neighborhood for rentals, whether registered or not, to give Council a starting point. Ms. Leonard said that if Council determines that the current number of transient rentals in an overlay district is too high, the number can be set lower than the existing number, but all currently registered transient rentals would be grandfathered in and if they keep that registration current, they will retain the ability to use the property as a transient rental. If a grandfathered property is sold and the new owner renews the registration within 30 days, the "grandfathered" status will remain. Any reduction would be through attrition over time if a registration is not renewed, revoked, etc.

Mr. Dike brought up the issue of having the same registration fee for a 4,000 sq.ft. home versus 1,200 sq.ft. home. Mr. Green said when the fees were originally set up by Council it was with the understanding that we were going to go this year and see what the costs are, and adjust the fees accordingly around the first of the year – that is up to Council. Mr. Claus said the ordinance says that Council can adjust the fees annually. Ms. Leonard said that it would be better to have the fee set prior to year end so that it can be part of the municipal budget and begin on January 1st.

Ms. Crawford said there is a person who rents her home 2 weeks a year to the same people, and she doesn't feel that she has a transient rental. Ms. Leonard said the ordinance reads that a transient rental does not mean a residential premises where it is made available for rental for a period less than 2 weeks out of the year. It is only considered a transient rental if it is used for a combined period of more than 2 weeks.

Mr. Tapp said that the homeowners' associations should probably be involved, especially when Council is determining the percentage of rentals permissible in an overlay district. At least they will be able to see what the current percentage is and monitor it.

Asked if there is an exception for friends and family, Ms. Leonard said the ordinance defines what a transient guest is, and it includes "for compensation." If there is no revenue, it is not a rental.

Mayor Artino said he does not want time to drive this, but wanted to know what the timeframe will be to get back to Council. Mr. Schrader said these are relatively modest changes, so they should be able to get it back to Council pretty quickly. The overlay, however, will take more time as it involves the Planning Commission, which meets once a month – the next meeting will be on November 25th. Mr. Claus said the Planning Commission can do a special meeting, if necessary, and there will also have to be a public hearing. Mayor Artino said once we have a final draft that has been reviewed by the Planning Commission, we will then take it to the public. The public hearing currently scheduled for November 24, 2020 will be postponed. Mr. Schrader clarified that a public hearing will be held once the legislation is in its final form.

Mr. Tapp made a motion to adjourn the meeting. The Mayor directed the Clerk to call the roll on the motion. Members of Council voted as follows:

YEAS: Tapp, Artino, Dike, Hardy, Crawford, Claus (6)
NAYS: None (0)

The work session ended at 6:21pm.


Terri S. Welkener, Clerk of Council

Adopted: 24 NOV 2020

Upon approval by the City Council, the official written summary of the meeting minutes will become a permanent record, and the official minutes shall also consist of a permanent audio recording, excluding executive sessions, in accordance with Section 121.01(III) of the Administrative Code.

CHAPTER 1369
Transient Rental Property

1369.01 Definitions.	1369.08 Inspections.
1369.02 Purpose.	1369.09 Nuisance.
1369.03 Rental License/Certificate of Occupancy.	1369.10 Change of Ownership or Control.
1369.04 Limitations on Transient Rental Properties	1369.11 Hosting Platforms
1369.05 Fees.	1369.12 Hearing and Appeals.
1369.06 Operator Responsibilities.	1369.13 Severability.
1369.07 Transient Guest Responsibilities.	1369.14 Enforcement
	1369.99 Penalty; legal action.

CROSS REFERENCES

Building standards - see BLDG. Title 13
 Condemnation proceedings - see BLDG. Ch. 1357
 Hearing and Appeal - see ZONING. Ch. 1139
 Planning and zoning - see ZONING Ch. 1133
 Removal of unsafe buildings - see BLDG. Ch. 1358
 Taxation - see ADMIN. Ch. 189

1369.01 DEFINITIONS.

As used in this chapter:

- (a) "Agent" means any individual, person, firm, partnership, corporation or company, other than an Owner or Permanent Occupant, acting on behalf of an Operator of a Transient Rental Property responsible for ensuring compliance with all provisions of this Chapter.
 - (1) For purposes of this Chapter, an Agent acting on behalf of the Operator shall have the same legal force and effect as if such acts were taken by the Operator.
 - (2) No Operator shall be absolved of individual liability solely on the basis that acts were taken by an Agent and not the Operator.
 - (3) For purposes of this Chapter, an Agent must be able to travel to the Transient Rental Property within thirty (30) minutes of being notified by any law enforcement or public health or safety agency having jurisdiction thereof of an issue affecting the health, safety, or welfare of any person or property arising as a result of use of the Residential Premises as Transient Rental Property.

- (b) **“Applicant”** means the Operator submitting an application for registering a Dwelling for use as a Transient Rental Property.
- (c) **“Application”** means the submission of all information required by this Chapter and payment of the required registration fee for registering a Dwelling or Residential Premises as Transient Rental Property.
- (d) **“Calls for Service”** means any and all calls, including but not limited to those to law enforcement, fire department, or emergency assistance of any kind when those calls result in a representative of a law enforcement agency, a fire department, or another emergency assistance service being dispatched or directed to the Residential Premises and;
 - (1) allege evidence of criminal activity, including but not limited disturbance of the peace that result in an arrest, charge or citation of persons occupying or on the premises of a Transient Rental Property; or
 - (2) result in a finding of an imminent threat to safety of person(s) or property as a result of activities occurring on a Transient Rental Property.
- (e) **“Department”** shall mean and refer to the Building and Zoning Department of the City of Huron.
- (f) **“Dwelling”** means any building, structure, or the part of a building or structure that is used or intended to be used as a home, residence, or sleeping place by one (1) or more persons.
- (g) **“Hosting Platform”** means any person or entity in any form, format, or media that, in exchange for a fee, assists, facilitates, or provides a means through which an Operator may offer Residential Premises as Transient Rental Property and through which a Transient Guest can arrange use of a Transient Rental Property, whether the payment for the use of the Transient Rental Property is directly to the Operator or to the Hosting Platform.
- (h) **“Inspection Report”** means the report issued by the Department containing the results of the Life Safety Inspection.
- (i) **“Lessee”** means an individual or entity, other than an Owner or Permanent Occupant, who has a possessory interest in real property under a lease with an Owner or Permanent Occupant.
- (j) **“Life Safety Inspection”** means that inspection performed by the Department prior to issuing or renewing a Transient Occupancy Registration Certificate.
- (k) **“Operator”** means any person who owns, possesses, or controls a Residential Premises, as an Owner, Lessee, or Permanent Occupant, and offers, advertises, leases, or uses such Residential Premises as Transient Rental Property. If the Operator is a Lessee or Permanent Occupant and not an Owner, the following applies:
 - (1) The Lessee or Permanent Occupant must maintain written evidence of the legal right to sublease the Residential Premises for use as a Transient Rental

Property or the express written consent from the Owner to use the Residential Premises as a Transient Rental Property.

- (2) Both the Owner and Lessee or Permanent Occupant are jointly and severally liable for compliance with this Chapter.

- (l) “Owner” means an individual, corporation, firm, partnership, association, organization, or any other person or entity (jointly or in combination) who has legal title to a Dwelling. For purpose of this Chapter, an Owner includes anyone possessing a fee simple interest, an estate for life or for years, in the Dwelling or Residential Premises including through a trust instrument or other conveyance of real property, or otherwise entitled to have title to real property registered in accordance with Sections 5309.05 or 5309.42 of the Ohio Revised Code.
- (m) “Parking Plan” means the identification of all places within a Transient Rental Property where Transient Guests of that Transient Rental Property may park a Vehicle in accordance with Chapter 1133 of the Codified Ordinances.
- (n) “Permanent Occupant” means one or more individuals who resides in a Dwelling as a Primary Residence more than 75% of the time during a calendar year pursuant a Rental Agreement, or other legal arrangement with an Owner, including a leasehold, life estate, estate for years or other interest less than fee simple.
- (o) “Primary Residence” means a Dwelling which is the usual place of occupancy for an Owner or Permanent Occupant as documented by at least two of the following:
- (1) motor vehicle registration;
 - (2) driver’s license;
 - (3) tax documents (including 1099 or W-2);
 - (4) lease agreement with an Owner or Agent;
 - (5) utility bill.

An Owner or Permanent Occupant, including anyone with whom they reside, may have only one Primary Residence within the City of Huron.

- (p) “Renewal Transient Rental Certificate” means the Transient Occupancy Registration Certificate issued to a Residential Premises that was previously identified as a Transient Rental Property if the Application is approved prior to the date of expiration identified on the Transient Occupancy Registration Certificate and/or within thirty (30) days of a change in ownership or control of the Transient Rental Property, whichever occurs first.
- (q) “Rental Agreement” means any agreement or lease, written or oral, which establishes or modifies the terms, conditions, rules, or any other provisions concerning the use and occupancy of a Dwelling.
- (r) “Rental Period” means any period of time a Transient Rental Property is used or leased by a Transient Rental Guest.

- (s) “Residential Premises” means a Dwelling and any adjacent or attached structures, grounds, areas, and facilities for the use of occupants generally or the use of which is promised an occupant, including Transient Guests.
- (t) “Transient Guests” has the same meaning as the term is used in Section 189.02(k) of the Codified Ordinances.
- (u) “Transient Occupancy Registration Certificate” means the license issued with respect to a Transient Rental Property evidencing compliance with the requirements of this Chapter.
- (v) “Transient Rental Property” means any Residential Premises, or part thereof, being utilized or otherwise made available to a Transient Guest within the City, if such Residential Premises is used by or made available to a Transient Guest for a period in excess of a combined period of two (2) weeks in any calendar year. “Transient Rental Property” does not include any Residential Premises which is the Primary Residence of the Owner or Permanent Occupant if such Residential Premises is not occupied or made available to a Transient Guest in excess of a combined period of two (2) weeks in a calendar year. For purposes of this chapter, each separate Dwelling Unit is a separate Transient Rental Property.

1369.02 PURPOSE.

The purpose and intent of this Chapter is to regulate the peace, health, safety, and wellness of the public, including the Owners, Transient Guests, and neighboring property owners or occupants of any Transient Rental Property; to ensure the continued vibrancy, character, and charm of the City of Huron as a community; to protect and preserve the quality, character, and tranquility of residential neighborhoods; to protect property values, and to preserve the availability of affordable housing stock for permanent residents of the City of Huron.

1369.03 TRANSIENT OCCUPANCY REGISTRATION CERTIFICATE.

- (a) Required. Effective January 1, 2020, there is hereby created a Transient Rental Property Registration System for the City of Huron that requires an Owner or Permanent Occupant of Transient Rental Property to register with the City on an annual basis each and every individual Transient Rental Property in the City.
 - (1) Beginning January 1, 2021, every Transient Rental Property must be issued a Transient Occupancy Registration Certificate before being used, advertised, promoted, offered, listed with a Hosting Platform, or otherwise made available for use as Transient Rental Property. It shall be prima facie evidence of use as a Transient Rental Property if a Transient Guest is found to be occupying a Dwelling or Residential Premises.
 - (2) All Transient Rental Property must be in full compliance at all times with all applicable provisions of the Codified Ordinances of the City of Huron.
- (b) Display of Certificate. Each Transient Rental Property must display the Transient Occupancy Registration Certificate in a location that can be easily observed from public streets or sidewalks.

- (1) No Transient Rental Property shall display a Transient Registration Certificate that has expired or been suspended, revoked, denied, or defaced.
- (2) No person shall make a Transient Rental Property available for use by Transient Guests if such Transient Rental Property is in violation of any applicable provision of the City of Huron's health code, building code, zoning regulations, or any covenant, condition, or restriction enacted in accordance with Chapter 5312 of the Ohio Revised Code, if applicable.
- (3) No person shall allow a Transient Rental Property to be listed or advertised for rent to Transient Guests if the Transient Occupancy Registration Certificate has been suspended, revoked, or denied.
- (4) No person shall remove, deface, or fail to display a Transient Occupancy Registration Certificate while the Residential Premises is being used, advertised, promoted, or available as a Transient Rental Property.

(c) Issuance.

- (1) The initial Application for a Transient Occupancy Registration Certificate required by the provisions of this Chapter shall be made by an Owner or Permanent Occupant by supplying the information required on the forms supplied by the Department and/or the Administrator and agreeing to comply with all requirements of this Chapter.
- (2) Any subsequent Renewal Application may be submitted by the Operator to whom the Transient Occupancy Registration Certificate was issued or an Agent registered with the City as engaged to represent the Operator for purposes of this Chapter.
- (3) A Transient Occupancy Registration Certificate shall not be issued to an Operator unless one of the following applies:
 - i. the Operator is the Owner or Permanent Occupant of the Dwelling or Residential Premises with a principal place of business or Primary Residence within the City of Huron or within a political subdivision immediately adjacent thereto; or
 - ii. the Operator maintains an Agent who resides or has a principal place of business within the City of Huron or within a political subdivision immediately adjacent thereto.
- (4) Upon submission of the Application, the Department shall schedule a Life Safety Inspection, in accordance with Section 1369.08 of these Codified Ordinances, of the Residential Premises prior to issuance of a Transient Occupancy Registration Certificate or a Renewal Transient Rental Certificate.
- (5) No Transient Occupancy Registration Certificate shall be issued or renewed until the Department completes a Life Safety Inspection of the Residential Premises and determines that the Residential Premises complies with all applicable health, building, and safety codes and the requirements of this Chapter.
- (6) After the Life Safety Inspection is completed and the Residential Premises is found to be in full compliance with all applicable building, health, and safety codes, the Department shall issue or renew a Transient Occupancy Registration Certificate for such Residential Premises which shall contain the following information:

- i. the name, email address, and telephone number of the Operator or Agent responsible for maintenance of the Transient Rental Property and ensuring compliance with this Chapter;
 - ii. the address of the subject Transient Rental Property;
 - iii. the expiration date of the Transient Occupancy Registration Certificate; and
 - iv. the maximum occupancy of the Transient Rental Property.
- (7) Upon obtaining a Transient Rental Certificate, the Operator agrees to comply with the provisions of this Chapter.
- (d) Revocation. The Department shall have the power to revoke a Transient Rental Certificate for any of the following:
 - (1) the Operator or Agent provided any material misrepresentation of fact on the Application in connection with the issuance of such certificate;
 - (2) the Transient Occupancy Registration Certificate is not renewed on or before the date of its expiration;
 - (3) change in ownership or control of Transient Rental Property;
 - (4) noncompliance with the requirements of this Chapter;
 - (5) failure to correct any deficiency identified in the Inspection Report within thirty (30) days of the date the Inspection Report was issued;
 - (6) failure to collect and remit taxes required by Chapter 189 of the Codified Ordinances;
 - (7) upon a determination by a Court of competent jurisdiction that the Transient Rental Property has become a nuisance as further defined in Section **1369.09** of the Codified Ordinances.
- (e) No Assignment. A Transient Occupancy Registration Certificate may not be sold, transferred or assigned. All transfers of ownership or control of a Transient Rental Property must be in compliance with Section **1369.10** of the Codified Ordinances.
- (f) Term. A Transient Occupancy Registration Certificate issued pursuant to this chapter shall be valid for twelve (12) months from the application date or until revoked in accordance with **1369.03(d)** of the Codified Ordinance. Applications will be accepted on a rolling basis.

1369.04 LIMITATIONS ON TRANSIENT RENTAL PROPERTIES.

Beginning on January 1, 2021, there shall be a maximum of two hundred (200) Transient Occupancy Registration Certificates issued for Transient Rental Property located within the City at any one time, provided that no Application for a Renewal Transient Rental Certificate will be denied solely on the basis that approving the Application will cause the maximum number of Transient Occupancy Registration Certificates to be exceeded.

ALTERNATIVE TEXT: Beginning on January 1, 2021, there here shall be a maximum number of Transient Occupancy Registration Certificates issued for Transient Rental Property located within the City at any one time, provided that no Application for a Renewal Transient Rental Certificate will be denied solely on the basis that approving the Application will cause the maximum number of Transient Occupancy Registration Certificates to be exceeded.

- (a) The Department shall not accept any Applications for registration of a new Transient Rental Property nor issue a new Transient Occupancy Registration Certificate if the number of existing Transient Rental Properties in a Zoning District, as defined in Chapter 1121 of the Codified Ordinances, meets or exceeds the following number of authorized Transient Rental Properties:
 - (1) B-1 Neighborhood Business: _____
 - (2) B-2 Downtown Business: _____
 - (3) B-3 General Business: _____
 - (4) I-1 Light Industrial: _____
 - (5) I-2 General Industrial: _____
 - (6) R-1 One Family Residential: _____
 - (7) R-1-A One Family Residential: _____
 - (8) R-2 One and Two Family Residential: _____
 - (9) R-3 Multi-Family Residential: _____
- (b) Applications accepted for an available Transient Occupancy Registration Certificate are on a first come bases. The Department will not accept reservations or maintain a waiting list.
- (c) Applications for a Renewal Transient Rental Certificate shall continue to be accepted and Renewal Transient Rental Certificates issued in accordance with Section 1369.03 provided that the Application for a Renewal Transient Rental Certificate is submitted to the Department before the expiration of the existing Transient Rental Certificate.
- (d) No Transient Rental Property which had a Transient Rental Certificate revoked under Sections 1369.03(d)(5)-(7) shall be eligible for issuance of a Transient Rental Certificate for a period of two (2) years after revocation unless a change in ownership or control of the Residential Premises has occurred as demonstrated by sufficient evidence to the Department.

1369.05 FEES.

Transient Rental Registration Fee. Beginning with the Municipal Budget for 2021, the Department and the Administrator, as the term is defined by Chapter 189 of the Codified Ordinances, shall present to City Council a fee schedule that itemizes the fees charged for a Transient Occupancy Registration Certificate for the period beginning on January 1 of the following calendar year. Council may approve or modify the proposed fee schedule upon motion and affirmative vote of a simple majority of Council.

1369.06 OPERATOR RESPONSIBILITIES.

In addition to general requirements that all Transient Rental Property be in full compliance with all applicable laws, statutes, regulations, and ordinances, the following additional responsibilities are applicable to an Operator of Transient Rental Property:

- (a) The Operator of every Transient Rental Property shall be responsible for the maintenance thereof in good repair and in a safe and sanitary condition in

compliance with the applicable requirements of Title 13 of the Codified Ordinances and the requirements established by the City administratively.

- (b) The Operator shall provide Transient Guests with written notice of any known, non-obvious, or concealed condition, whether natural or artificial, which may present a danger to the life, health, or safety of persons occupying the Residential Premises as a Transient Guest.
- (c) The Operator shall post in a conspicuous place within the Transient Rental Property all Ordinances, Rules, or Regulations concerning noise, light, animals, and parking as are applicable to the Residential Premises.
- (d) The Operator shall designate off-street parking for the use of all Vehicles brought to the Transient Rental Property by Transient Guests in accordance with Chapter 1133 of the Codified Ordinances.
- (e) At all times Transient Guests are present on the Transient Rental Property, the Operator or Agent shall be able to be physically present at the Transient Rental Property within thirty (30) minutes of any notification by a member of Law Enforcement or the Fire Department of a Service Call to the Transient Rental Property.
- (f) The Operator shall not maintain the Transient Rental Property in a manner that constitutes a public nuisance or permit criminal activity to occur upon the premises.
- (g) The Operator shall procure and maintain liability insurance for the Transient Rental Property, which shall meet all of the following requirements:
 - (1) Provide coverage of not less than three hundred thousand dollars (\$300,000) and issued by an insurance company that is admitted to conduct business in the state of Ohio or by an eligible surplus lines company or risk retention group.
 - (2) Provide notice of cancellation of insurance to the Department at least ten (10) days prior to cancellation.

A failure to maintain insurance required by this section shall result in a revocation of the Transient Occupancy Registration Certificate.

- (h) Records.
 - (1) The Operator or Agent shall maintain a registry of Transient Guests for a period of at least three (3) years from the date such Transient Guests occupied the Transient Rental Property which shall include the following:
 - i. The name and address of the person or persons who entered into the Rental Agreement for use of the Transient Rental Property;
 - ii. The date(s) each such Transient Guest had use or occupancy of the Transient Rental Property;
 - iii. The number of persons who were scheduled to stay for the night of the Rental Period; and
 - iv. The rate charged per each Rental Period.

- (2) The Operator or Agent shall provide within a reasonable time the records required by this section upon request by a member of law enforcement, the Department, or in accordance with any lawful order issued by a Court or Tribunal having jurisdiction thereof.
 - (3) The Operator or Agent shall be deemed to comply with this provision if such records are kept and maintained by a Hosting Platform which is identified and disclosed to the City on the Application or any Renewal Application.
- (i) No Operator shall lease a Transient Rental Property to a Transient Guest if the Transient Guest's use of the Transient Rental Property would violate Section 2950.034 of the Ohio Revised Code.
 - (j) No Operator shall fail to maintain within with the Department the name and physical address of a person or entity, located within the State of Ohio, who is authorized to receive and accept service, on behalf of the Operator, of any written notice, report, or process required by this Chapter, by the Ohio Revised Code, or issued from a court of competent jurisdiction. For purposes of this section,
 - (1) the authorized person or entity may be the Operator or the Agent, whose identity and address shall be provided to the Department and updated as necessary to keep current at all times; and
 - (2) service upon such person or entity in accordance with the Civil Rules or the Ohio Revised Code as constituting valid legal service shall be deemed service upon the Operator for all purposes of this Chapter.

1369.07 TRANSIENT GUEST RESPONSIBILITIES.

- (a) Transient Guests of a Transient Rental Property shall be responsible for maintaining in a safe and sanitary condition that part of the Transient Rental Property which he or she occupies and controls during the Rental Term.
- (b) Transient Guests of occupant shall be responsible for maintaining in a safe condition all Vehicles, equipment, and appliances which he or she owns and brings onto the Transient Rental Property.
- (c) Transient Guests shall comply with all applicable Ordinances, Rules, and Regulations pertaining to the Transient Rental Property including those concerning noise, light, animals, or parking.
- (d) Transient Guests shall not conduct or allow any illegal activity upon the premises or make use of the Transient Rental Property in violation of the Codified Ordinances or the Ohio Revised Code.
- (e) No Transient Guest shall leave a Vehicle overnight anywhere other than the parking area designated by the Operator and in accordance with Chapter 1133 of the Codified Ordinances. Vehicles parked in violation of this provision are subject to being ticketed or towed.

1369.08 INSPECTIONS.

(a) License Issuance and Renewal Inspections:

- (1)** Prior to issuing a new or renewal Transient Occupancy Registration Certificate, the Department shall conduct a Life Safety Inspection of the Dwelling or Residential Premises that consists of the following:
 - i. Inspection of all electrical receptacles;
 - ii. Check for and test smoke detectors and CO2 detectors;
 - iii. Check for improper wiring;
 - iv. Check electrical panel;
 - v. Check all light fixtures at all stairways and exterior doors;
 - vi. Check furnace and water heaters;
 - vii. Check for leaking water, gas and waste lines;
 - viii. Check for removal of all refuse, garbage and debris;
 - ix. Check for building code compliance, including necessary handrails;
 - x. Check for presence of accessible dry chemical fire extinguishers of a minimum 5-lb. ABC class;
 - xi. Determine maximum occupancy for overnight Transient Guests which shall be limited to:
 1. three (3) persons per Residential Premises plus
 2. the lesser of two (2) persons per bedroom or per 100 square feet of bedroom space.
 3. All areas of a Residential Premises designated as bedroom space shall be used predominantly for sleeping, have a minimum of one or more beds of a size and number equal to the expected occupants, and two (2) separate means of ingress and egress.
- (2)** In conjunction with completing a Life Safety Inspection, the Department shall also review the Operator's parking plan to determine compliance with Chapter 1133 of the Codified Ordinances.
- (3)** Upon completion of a Life Safety Inspection, an Inspection Report shall be issued to the Operator of the Transient Rental Property within fourteen (14) days.
- (4)** The Department shall maintain a copy of the Life Safety Inspection Report for each Transient Rental Property for a period of three (3) years. Copies of all reports of Life Safety Inspections shall be made available to the public in accordance with § 149.43 of the Ohio Revised Code.

(b) Violations enumerated in the Inspection Report shall be abated by the Operator of the Transient Rental Property within thirty (30) days from the date of the Inspection Report. A reinspection shall be required to verify that the violations have been corrected. The Operator of the Transient Rental Property shall contact the Department to schedule the required reinspection which shall occur within forty-five (45) days from the date the Inspection Report is issued.

(c) Failure to correct any violations contained within the Inspection Report within thirty (30) days from the date of the Inspection Report shall constitute a violation of this chapter and may result in the revocation of the Transient Occupancy

Registration Certificate and or criminal charges in accordance with Section 1369.14.

- (d) Failure to permit a reinspection of the Transient Rental Property within forty-five (45) days of the date of the Inspection Report shall constitute a violation of this chapter and may result in the revocation of the Transient Occupancy Registration Certificate and or criminal charges in accordance with Section 1369.14.
- (e) Upon display of the proper credentials, any member of the Department, Law Enforcement, Fire Department, or Public Health Official shall be permitted to inspect the Transient Rental Property to ensure compliance with this Chapter.
 - (1) In the event access to Transient Rental Property is refused, an officer or employee of the entity requesting to inspect the Transient Rental Property may, with the assistance of the Law Director, obtain an administrative warrant from a court of competent jurisdiction in order to gain access to the property.
 - (2) In the event an administrative warrant cannot be obtained, then the inspection shall include only those items which can be inspected by lawful means. This chapter shall not be construed to require an Operator, Agent, or occupant to consent to a warrantless inspection of private property.
 - (3) A repeated failure to permit inspection may be cause for revocation of the Transient Occupancy Registration Certificate.

1369.09 NUISANCE.

The operation of Transient Rental Property may be found to constitute a public nuisance upon a determination by the Department or a court of competent jurisdiction that any of the following apply:

- (a) The Transient Rental Property has been the site of a repeated criminal activity involving prostitution, felony drug possession, gang activity, or acts of violence as such terms are defined in Chapter 29 of the Ohio Revised Code.
- (b) The Transient Rental Property is a nuisance as that is defined under Section 3767.01 of the Ohio Revised Code.
- (c) The Transient Rental Property has had in excess of three (3) Calls for Service within any consecutive twelve (12) month period.
- (d) The Transient Rental Property has a documented history of repeated conduct that endangers neighborhood safety.

1369.10 CHANGE OF OWNERSHIP, OR CONTROL.

- (a) Any person selling or otherwise relinquishing ownership or control of a Transient Rental Property, including an Agent or Operator, shall immediately notify the Department of the effective date of the change in ownership or control.

- (b) The notice required by this section shall be in writing and shall include the following information:
 - (1) the name, address, email address, and telephone number of the new Agent or Operator;
 - (2) the name, address, email address and telephone number of the previous Agent or Operator;
 - (3) the person or entity maintaining the records required to be maintained by Section 1369.06(h)
 - (4) the effective date of such change in ownership or control.
- (c) If the notice provided herein pertains to a change in ownership, then as of thirty (30) days after the effective date thereof, the Transient Occupancy Registration Certificate shall be revoked and a Renewal Transient Rental Certificate obtained before the Residential Premises may be used as a Transient Rental Property.
- (d) If the notice provided herein pertains to a change in control of a Transient Rental Property, including the resignation or substitution of an Agent for the Operator, a failure to notify the Department of such change within fourteen (14) calendar days thereof will result in a violation of this Chapter and a revocation of the Transient Occupancy Registration Certificate and or criminal charges in accordance with Section 1369.14.

1369.11 HOSTING PLATFORMS.

- (a) Listing, Advertising, or Promoting. No Hosting Platform shall list, advertise, promote, or accept reservations for any Transient Rental Property within the City of Huron that does not have a Transient Occupancy Registration Certificate. Upon notification by the Department that the Transient Occupancy Registration Certificate has expired or been revoked, the Hosting Platform shall remove or deactivate that Transient Rental Property from all listings, advertisements, or promotions of any kind within three (3) business days.
- (b) Records Required. To the extent the Hosting Platforms collects the information required to be kept and maintained by an Operator or Agent in accordance pursuant to Section 1369.06(h) of this Chapter, it shall maintain such information for a period of three (3) years for all Transient Rental Properties that are leased to Transient Guests through such Hosting Platform, and shall provide such records upon request in accordance with Section 1369.06(h).
- (c) Reporting Requirements. Each Hosting Platform must, on a monthly basis, provide an electronic report, to the City identifying by address all Transient Rental Property listed, advertised, or promoted within the City maintained on the Hosting Platform for the applicable reporting period.
- (d) Taxation. All Hosting Platforms are subject to taxation in accordance with Chapter 185 of the Codified Ordinances.

1369.12 HEARING AND APPEALS.

Subject to Section 1369.04, any person who has been denied, refused a Transient Occupancy Registration Certificate, or whose Transient Occupancy Registration Certificate has been revoked pursuant to Section 1369.03(d) may appeal such decision to the Board of Building and Zoning Appeals as provided in Section 1139.02 of the Codified Ordinances.

1369.13 SEVERABILITY.

The provisions of these regulations shall be severable and should any section or provision of these regulations be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

1369.14 ENFORCEMENT.

No person shall violate any provision of this chapter or any rule or regulation promulgated thereunder or fail to comply therewith or with any written notice or written order issued thereunder by the Department.

1369.99 PENALTY; LEGAL ACTION.

(a) Except as otherwise expressly provided for elsewhere under the Codified Ordinance or the Ohio Revised Code, whoever violates any provision of this chapter or any rule or regulation promulgated thereunder or fails to comply therewith or with any written notice or written order issued thereunder shall be guilty of a first degree misdemeanor and subject to a fine of not less than five hundred dollars (\$500.00) or a maximum imprisonment term of six (6) months or both. Each day that such violation exists shall constitute a separate and distinct offense. Multiple violations can occur during a single guest stay and may be noticed and heard in a single action.

(b) The imposition of any penalty as provided for in this chapter shall not preclude the Director of Law from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful use of property, require repair or maintenance, restrain, correct or abate a violation, prevent the occupancy of a Residential Premises, revoke a Transient Occupancy Registration Certificate, or to require compliance with the provisions of this chapter or other applicable laws, ordinances, rules or regulations.