

ORDINANCE NO. 2021-7

Introduced by Trey Hardy

AN ORDINANCE AMENDING AND RESTATING CHAPTER 1369 TRANSIENT RENTAL PROPERTY.

WHEREAS, on March 10, 2020, the City of Huron ("City") passed Ordinance No. 2019-33 to amend portions of Chapter 1369 Transient Rental Property to provide for regulations and enforcement mechanisms to address the growing use of residential property within the City to accommodate Transient Guests in Transient Rental Property; and

WHEREAS, on March 10, 2020, the City passed Ordinance No. 2020-3 to amend Sections 1123.01(a) and 1123.02(a) to permit the use of dwelling units, residential premises, or other residential property for use as Transient Rental Property; and

WHEREAS, the growing number of Transient Rental Property within the City has had both positive and negative effects for the City and the long-term residents in the community; and

WHEREAS, the number of dwelling units being used as Transient Rental Property has an impact on not only the peace, health, safety, welfare, and character of the community, but also the availability of housing stock for long-term residents of the City; and

WHEREAS, the use of dwelling units as Transient Rental Property poses significant risks affecting the peace, health, safety, and welfare of both residents of the City and the guests using the dwelling units as Transient Housing; and

WHEREAS, the City hereby adopts a new and amended and restate ordinance to address the concerns of the long-term residents of the community, to protect the quality of life for long-term residents, to preserve the availability of housing stock for long-term residents, and to protect the peace, health, safety, and welfare of Transient Guests and residents of the City; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

Section 1: That Chapter 1369 Transient Rental Property of the Codified Ordinances of the City of Huron, Ohio WHICH CURRENTLY READS AS FOLLOWS: (refer to Exhibit "A" attached), shall be and hereby is repealed.

Section 2: That Chapter 1369 Transient Rental Property of the Codified Ordinances of the City of Huron, Ohio is hereby amended to read as follows: (refer to Exhibit "B" attached)

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: That this Ordinance shall take effect and be in force from and after the time period contained in Section 3.06 of the Charter of the City of Huron.



Sam Artino, Mayor

ATTEST: 
Clerk of Council

ADOPTED: 23 MAR 2021



CHAPTER 1369
Transient Rental Property

1369.01	Definitions.	1369.06	Entry and inspections.
1369.02	Purpose.	1369.07	Reports and reinspection.
1369.03	Rental license/certificate of occupancy.	1369.08	Change of ownership.
1369.04	Fees.	1369.09	Severability.
1369.05	Maintenance responsibilities.	1369.99	Penalty; legal action.

CROSS REFERENCES

Appeal, hearing and variances - see BLDG. Ch. 1355
 Condemnation proceedings - see BLDG. Ch. 1357
 Removal of unsafe buildings - see BLDG. Ch. 1358

1369.01 DEFINITIONS.

As used in this chapter:

- (a) "Agent" or "Person in Charge" means any individual, person, firm, partnership, corporation or company acting on behalf of the property owner of a residential rental.
- (b) "Dwelling unit" means a structure or the part of a structure that is used as a home, residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.
- (c) "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 residential premises by one of the parties.
- (d) "Residential premises" means a dwelling unit for residential use and occupancy and the structure of which it is a part, the facilities and appurtenances unit, and the grounds, areas, and facilities for the use of tenants generally or the use of which is promised the tenant.
- (e) "Life Safety Inspection" means that inspection performed by the Building Official or his designee that consists of the following:
 - (1) Testing of all electrical receptacles;
 - (2) Check for and test smoke detectors and CO2 detectors;
 - (3) Check for improper wiring;
 - (4) Check electrical panel

- (5) Check all light fixtures at all stairways and exterior doors;
 - (6) Check furnace and water heaters;
 - (7) Check for leaking water, gas and waste lines;
 - (8) Check for removal of all refuse, garbage and debris.
- (f) “Transient Guest” has the same meaning as the term is used in Section 189.02(k) of the Codified Ordinances.
- (g) “Transient Rental Property” means any Dwelling Unit, Residential Premises, or any other residential property being utilized or otherwise made available for rent to Transient Guests within the City.

1369.02 PURPOSE.

The purpose and intent of this section is to regulate the health, safety and wellness of the public, including the owners, occupants, and neighboring property owners of any Transient Rental Property.

1369.03 TRANSIENT OCCUPANCY REGISTRATION CERTIFICATE.

- (a) Required. Effective January 1, 2020, there is hereby created a Residential Rental Property Registration System for the City of Huron that requires owners of Transient Rental Property to register with the City each and every individual Transient Rental Property in the City. Beginning May 1, 2020, every Transient Rental Property must be issued a Transient Occupancy Registration Certificate before being used or otherwise made available for rent to a Transient Guest. If the ownership of any Transient Rental Property changes, then the new owner shall secure a new Transient Occupancy Registration Certificate within thirty (30) days of any ownership change. The owner/operator of each Transient Rental Property shall comply with the following:
- (1) Any Transient Rental Property shall display a Transient Occupancy Registration Certificate in a location that can be easily observed from public streets or sidewalks.
 - (2) No person shall be allowed to make a Transient Rental Property available for rent to Transient Guests if such Transient Rental Property is in violation of any of the provisions of the City of Huron's health code, building code, or zoning regulations.
 - (3) No person shall display a Transient Occupancy Registration Certificate or rent a Transient Rental Property if said Transient Rental Property has had its Transient Occupancy Registration Certificate suspended, revoked, or denied.
 - (4) No person shall allow a Transient Rental Property to be listed or advertised for rent to Transient Guests prior to obtaining a valid Transient Occupancy Registration Certificate.
 - (5) 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.

(b) Issuance.

- (1) Application for a Transient Occupancy Registration Certificate required by the provisions of this chapter shall be made by supplying the information and date to determine the compliance with the requirements of the Life Safety Inspection requirements set forth in this Chapter, as well as all applicable provisions the Codified Ordinances of the City of Huron which govern the existing use or occupancy or the intended use or occupancy of property and the regulations governing all buildings and structures on such properties on forms supplied by the Building Department and/or the Administrator, as the term is used in Chapter 189 of the Codified Ordinances. Upon completion of such application and submission of the required fee, the Building Official or his designee shall issue a Transient Occupancy Registration Certificate. Upon obtaining a Transient Occupancy Registration Certificate, the owner, agent or person in charge of any Transient Rental Property shall comply with the provisions of this Chapter.
- (2) The Building Official or his designee shall cause a general inspection of any Transient Rental Property that is or will be made available for rent to Transient Guests.
- (3) If it is found that a Transient Rental Property to be made available for rent to Transient Guests is in compliance with the inspection provisions of the City Building Code, the Building Official or his designee shall issue a Transient Occupancy Registration Certificate for such Transient Rental Property which shall contain the following information: the name, address and telephone number of the owner(s); the address of each Transient Rental Property; and, if someone other than the owner(s) is responsible for maintenance or repairs to said Transient Rental Property, the name, address and telephone number of the person(s) or entity responsible for such maintenance or repairs.

(c) Revocation. The Building Official or his designee shall have the power to revoke a Transient Occupancy Registration Certificate if any false statement is made by the applicant in connection with the issuance of such certificate, or for the noncompliance of a Transient Rental Property with the requirements of this chapter, or the if the owner, agent or person in charge of a Transient Rental Property refuses to comply with any provisions of this chapter.

(d) Term. A Transient Occupancy Registration Certificate issued pursuant to this chapter shall be valid for twelve months from the application date or until a change in ownership occurs. Applications will be reviewed on a rolling basis. From the time an application is submitted until an inspection report is completed and issued to the applicant, the applicant is deemed to have an approved temporary Transient Occupancy Registration Certificate whose duration shall last only from the date an application is submitted (along with all required fees) until the date when the inspection report is completed.

1369.04 FEES.

- (a) Registration Fee. On or before January 15 of each year, the Building Official 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 to applicants for a Transient Occupancy Registration Certificate. Council may approve or modify the proposed fee schedule upon motion and affirmative vote of a simple majority of Council.

1369.05 MAINTENANCE RESPONSIBILITIES.

- (a) The owner(s), agent(s) or person(s) in charge of every Transient Rental Property shall be responsible for the maintenance thereof in good repair and safe condition in compliance with the requirements of applicable requirements of Title 13 of the Codified Ordinances and the requirements established by the City administratively. The owner shall also be responsible to maintain in a safe and sanitary condition the shared or common areas of the premises.
- (b) The occupant(s) of a Transient Rental Property shall be responsible for maintaining in a safe and sanitary condition that part of the unit and premises which he or she occupies and controls. In addition, such occupant shall be responsible for maintain in a safe condition all equipment and appliances which he or she owns.

1369.06 ENTRY AND INSPECTION.

- (a) The Building Official or his designee is authorized and directed to cause inspections to be made of all Dwelling Units, Residential Premises, or any other residential property to be listed or advertised for rent to Transient Guests which is subject to this Chapter 1369 of the Codified Ordinances, and the grounds surrounding such properties located within the City of Huron, with the inspection to include only those items which can be inspected by lawful means. The owner, operator, or occupant of every rental unit may, upon the request of the Building Official or his designee, give the Building Official or his designee free access to the property, at reasonable times, for the purpose of inspection. In the event access to any private property is refused, the Building Official or his designee with the assistance of the Law Director may obtain an administrative warrant from a court of competent jurisdiction in order to gain access to the property. 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 owner, operator or occupant to consent to a warrantless inspection of private property.
- (b) All owners/operators of Transient Rental Property within the City of Huron shall cause to have each Transient Rental Property inspected by the Building Official or his designee on an as-needed basis to determine compliance with this Chapter. A failure to permit the inspection shall be cause for revocation of the Transient Occupancy Registration Certificate.

1369.07 REPORTS AND REINSPECTION.

- (a) Upon completion of an inspection, an inspection report will be issued to the agent/owner of the Transient Rental Property within fourteen (14) days. If the Building Official and his designee(s) cannot complete an inspection report within fourteen (14) days, then the Transient Rental Property Registration Certificate shall be deemed to be temporarily approved until such time as the required inspection or reinspection is completed.
- (b) Violations enumerated in the inspection report shall be abated by the owner/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 owner/operator of the Transient Rental Property shall contact the Building Official or his designee to schedule the required reinspection.
- (c) Failure to correct the violations within thirty (30) days from the inspection report date shall constitute a violation of this chapter and may result in the revocation of the Transient Occupancy Registration Certificate.

1369.08 CHANGE OF OWNERSHIP.

Any person selling or otherwise relinquishing ownership or control of a Transient Rental Property shall notify the Building Official of said change in ownership within fourteen (14) calendar days of the effective date of the transfer. Such notice shall be in writing and shall include: the name, address and telephone number of the new owner, and the name, address and telephone number of the previous owner. Rental registration shall not be transferred or assigned to any property owner. New owners must register Transient Rental Property in accordance with the provisions of this code.

1369.09 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.

1369.99 PENALTY; LEGAL ACTION.

- (a) 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 maximum fine of one thousand dollars (\$1,000.00) or a maximum imprisonment term of six (6) months or both, with the special restriction that each violation shall result in at least a minimum fine of two hundred fifty dollars (\$250.00).
- (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 repair or maintenance, to restrain, correct or abate a violation, to prevent the occupancy of a building, or premises, or to require compliance with the provisions of this chapter or other applicable laws, ordinances, rules or regulations.

CHAPTER 1369
Transient Rental Property

1369.01 Purpose.	1369.08 Change of Ownership or Control.
1369.02 Transient Rental Registration Certificate.	1369.09 Hosting Platforms.
1369.03 Limitations on Transient Rental Properties.	1369.10 Hearing and Appeals.
1369.04 Fees.	1369.11 Severability.
1369.05 Owner Responsibilities.	1369.12 Enforcement.
1369.06 Inspections.	1369.13 Notice of Violations.
1369.07 Nuisance.	1369.98 Definitions.
	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 PURPOSE.

The purpose and intent of this Chapter is to regulate and ensure 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.

1369.02 TRANSIENT RENTAL REGISTRATION CERTIFICATE.

- (a) Required. Effective January 1, 2020, the City created a Transient Rental Property Registration System for the City of Huron that requires an Owner 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 on the effective date of this Ordinance for new transient rental Applications, and beginning as of the date of expiration, lapse or revocation for an Owner holding one or more current and valid Department-issued Transient Registration Occupancy Certificates (issued prior to the effective date of this Ordinance), every Transient Rental Property must be issued a

Transient Rental Registration Certificate or Renewal Transient Rental Registration Certificate (as the case may be) 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 Residential Premises or the Residential Premises is advertised on a Hosting Platform.

- (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 Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Rental Registration Certificate (as the case may be) in a conspicuous location that can be easily observed from public streets or sidewalks.

- (1) No Owner of a Transient Rental Property shall allow a Transient Rental Property to be used, advertised, promoted, offered, listed or made available for use to Transient Guests if the Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Rental Registration Certificate (as the case may be) has been suspended, revoked, or denied, nor shall an Owner display a Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Rental Registration Certificate (as the case may be) that has expired or been suspended, revoked, denied, altered, 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.

- (c) Issuance.

- (1) The Application for a Transient Rental Registration Certificate or Renewal Transient Rental Registration Certificate required by this Chapter shall be made by an Owner by supplying the information required on the Application supplied by the Department and agreeing to comply with all requirements of this Chapter. Applications may be submitted at any time, subject to the limitations and restrictions set forth in **1369.03**.
- (2) A Transient Rental Registration Certificate or Renewal Transient Rental Registration Certificate shall not be issued to an Owner unless the Owner or an Authorized Representative can arrive at and access the Transient Rental Property within one (1) hour.
- (3) Upon submission of the Application (or renewal Application), the Department shall schedule a Life Safety Inspection, in accordance with Section **1369.06** of these Codified Ordinances, of the Residential Premises prior to issuing or renewing a Transient Rental Registration Certificate.

- (4) No Transient Rental 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.
 - (5) 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 Rental Registration Certificate for such Residential Premises which shall contain the following information:
 - i. the name, email address, and telephone number of the Owner or Authorized Representative responsible for maintenance of the Transient Rental Property and ensuring compliance with this Chapter;
 - ii. the address of the Transient Rental Property;
 - iii. the expiration date of the Transient Rental Registration Certificate or Renewal Transient Rental Registration Certificate (as the case may be); and
 - iv. the maximum occupancy of the Transient Rental Property, which shall be limited to three (3) persons per Residential Premises plus two (2) persons per bedroom.
 - (6) Upon obtaining a Transient Rental Registration Certificate or Renewal Transient Rental Registration Certificate, the Owner shall comply with the provisions of this Chapter.
- (d) Revocation or Lapse. The Department shall revoke a Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Rental Registration Certificate for any of the following:
- (1) the Owner provides any material misrepresentation of fact on the Application;
 - (2) the Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Rental Registration Certificate is not timely renewed;
 - (3) noncompliance with the requirements of this Chapter;
 - (4) failure to correct any deficiency identified in the Inspection Report within thirty (30) days of the date the Inspection Report is issued;
 - (5) failure to collect and remit taxes required by Chapter 189 of the Codified Ordinances;
 - (6) upon a determination by a Court of competent jurisdiction that the Transient Rental Property has become a nuisance as further defined in Section **1369.07** of the Codified Ordinances or other controlling Ohio law.

Notwithstanding any contrary provision of this Chapter, any Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Rental Registration Certificate that expires, is revoked, or becomes invalid for any reason is not assignable nor renewable and

shall be considered a new Transient Rental Property for which a new Application is required for all purposes under this Chapter.

- (e) Limitations on Assignment. Except as otherwise provided in Section **1369.08**, a Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Rental Registration Certificate may not be sold, transferred, or assigned to any property other than the Transient Rental Property for which it was issued.
- (f) Term. A Transient Rental Registration Certificate or Renewal Transient Rental Registration Certificate issued pursuant to this Chapter shall be valid for twelve (12) months from the date of issuance or unless and until such certificate expires, lapses, or is revoked in accordance with **1369.02(d)** of the Codified Ordinance.

1369.03 LIMITATIONS ON TRANSIENT RENTAL PROPERTIES.

Beginning on the effective date of this Ordinance, there shall be a maximum combined aggregate total of **one hundred sixty-five (165)** Transient Registration Occupancy Certificates (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificates, and Renewal Transient Rental Registration Certificates issued for Transient Rental Property located within the City at any one time, provided that no renewal Application for a Renewal Transient Rental Registration Certificate will be denied solely on the basis that approving the Application will cause the foregoing maximum combined aggregate total number of Transient Registration Occupancy Certificates (issued prior to the effective date of this Ordinance), Transient Occupancy Registration Certificates, and Renewal Transient Rental Registration Certificates to be exceeded.

- (a) Subject to the provisions of the foregoing paragraph, Applications accepted for an available Transient Rental Registration Certificate are on a first come basis. The Department shall maintain a waiting list in the event the maximum number of Transient Registration Occupancy Certificates (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificates, and Renewal Transient Rental Registration Certificates issued for Transient Rental Property located within the City at any one time equals one hundred sixty-five (165). At such time as there are a combined aggregate total of one hundred sixty-five (165) Transient Registration Occupancy Certificates (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificates, and Renewal Transient Rental Registration Certificates issued for Transient Rental Property located within the City, new Applications shall only be considered on a “one (1) new Application for every one (1) Transient Registration Occupancy Certificates (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate or Renewal Transient Rental Registration Certificate that is cancelled, revoked, lapses or terminates for any reason” basis, to ensure the total combined maximum aggregate number of Transient Registration Occupancy Certificates (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificates, and Renewal Transient Rental Registration Certificates issued does not exceed one hundred sixty-five (165). Subject to limitations found elsewhere in this Chapter,

renewal Applications shall continue to be accepted and Renewal Transient Rental Registration Certificates issued in accordance with Section **1369.02** provided that the Application for a Renewal Transient Rental Registration Certificate is submitted to the Department before the expiration of the existing Transient Occupancy Registration Certificate (issued prior to the effective date of this Ordinance) or before the expiration of any Renewal Transient Rental Registration Certificate.

- (b) No Transient Rental Property which had a Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Rental Registration Certificate revoked under Sections **1369.02(d)(3)-(6)** shall be eligible for issuance of a Transient Rental Registration Certificate for a period of two (2) years from the date of revocation unless a change in ownership or control of the Residential Premises has occurred, as determined by the Department in its reasonable discretion.

1369.04 FEES.

All fees set forth in this Chapter shall be approved and adopted by City Council in accordance with Article III of the City's Charter and the Codified Ordinances. The effective date of any changes to such fees shall be in accordance with Section 3.06 of the Charter unless a different date is set forth in the adopting Ordinance.

1369.05 OWNER 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 Owner of Transient Rental Property:

- (a) The Owner 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) Subject to the provisions and limitations contained in Section 1369.06(a)(2) of this Chapter, the Owner shall prepare and maintain a parking plan to designate off-street parking for the use of all vehicles associated with the Transient Rental Property in accordance with Chapter 1133 of the Codified Ordinances.
- (c) The Owner or Authorized Representative shall be required to be physically present in person at the Transient Rental Property within sixty (60) minutes of any notification by a member of law enforcement or the fire department or emergency assistance of any kind relating to a Call for Service to the Transient Rental Property.
- (d) The Owner shall provide proof of procurement and maintenance of general liability and premises liability insurance for the Transient Rental Property as may be periodically requested by the Department, which insurance(s) shall meet all of the following requirements:

- (1) Provide coverage of not less than Three Hundred Thousand Dollars (\$300,000.00) and issued in accordance with Chapter 3902 of the Ohio Revised Code.
- (2) Provide notice of cancellation of insurance to the Department at least ten (10) days prior to cancellation.

Failure to maintain insurance required by this Section shall result in a revocation of the Transient Rental Registration Certificate or Renewal Transient Rental Registration Certificate (as the case may be).

(e) **Records.**

- (1) The Owner or Authorized Representative 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 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 scheduled to stay for the night of the Rental Period; and
 - iv. The rate charged per each rental period.
- (2) The Owner or Authorized Representative shall provide 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 Owner or Authorized Representative 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 initial Application or any renewal Application.

- (f) No Owner 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.

1369.06 INSPECTIONS.

(a) **License Issuance and Renewal Inspections:**

- (1) Prior to issuing a new or Renewal Transient Rental Registration Certificate, or in the event of the transfer and assignment of a valid a Transient Rental Registration Certificate, the Department shall conduct a Life Safety Inspection of the Residential Premises within fourteen (14) days from the date the new Application or renewal Application is received by the City (or in the event a waiting list is maintained by the Department pursuant to Section 1369.03(a), within fourteen (14) days that the new Owner is notified by the Department that the new Application is being considered), which Life Safety Inspection shall consist of the following:

- i. Inspection of all electrical receptacles;
 - ii. Check for and test smoke detectors and carbon monoxide 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. two (2) persons per bedroom.
 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 accessible ingress and egress.
- (2) In conjunction with completing a Life Safety Inspection, and for new Transient Rental Registration Certificates issued from and after the effective date of this Ordinance, the Department shall also review the Owner's parking plan to determine compliance with Chapter 1133 of the Codified Ordinances. No parking plan shall be required of an Owner that is the holder of a current and valid Transient Occupancy Registration Certificate (issued prior to the effective date of this Ordinance) provided such Transient Occupancy Registration Certificate is timely and continuously renewed and is not later suspended, revoked, denied, or permitted to lapse, in which case a new Application shall be required and all provisions of this Ordinance shall be apply to such new Application, including not limited to the parking plan requirements identified in this Section 1369.06(a)(2).
 - (3) To the extent an Owner is subject to the parking plan requirements of Section 1369.06(a)(2) of this Chapter, and if a particular Transient Rental Property permits occupancy that cannot be accommodated based on the parking requirements set forth in Section 1133.03(c)(6), the permitted and approved occupancy for such Transient Rental Property shall automatically be reduced by the Department to ensure compliance with the parking requirements set forth in Section 1133.03(c)(6) of the Codified Ordinances.
 - (4) Within fourteen (14) days of completing a Life Safety Inspection, an Inspection Report shall be issued to the Owner of the Transient Rental Property.
 - (5) 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 Owner 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 Owner 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. A reinspection fee set in accordance with Section **1369.04** shall be paid at the time a reinspection is scheduled.
- (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 a Transient Rental Registration Certificate or Renewal Transient Occupancy Registration (as the case may be) and/or penalties or other legal action in accordance with Section **1369.99**.
- (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 Rental Registration Certificate or Renewal Transient Occupancy Registration (as the case may be) and/or penalties or other legal action in accordance with Section **1369.99**.
- (e) Upon display of the proper credentials, any member of the Department, law enforcement, fire department, emergency assistance, 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 Owner, Authorized Representative, 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 Rental Registration Certificate or Renewal Transient Occupancy Registration (as the case may be).

1369.07 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.

1369.08 CHANGE OF OWNERSHIP OR CONTROL.

- (a) Any person selling or otherwise relinquishing ownership or control of a Transient Rental Property, including an Authorized Representative or Owner, shall notify the Department of the proposed effective date of the change in ownership or control.
- (b) In order to transfer and assign a valid Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Occupancy Registration, the Owner and holder of the Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Occupancy Registration shall notify the Department of the change in ownership and control. The notice required by this section shall be in writing and shall include the following:
 - (1) the name, address, email address, and telephone number of the new Authorized Representative or Owner;
 - (2) the name, address, email address and telephone number of the previous Authorized Representative or Owner;
 - (3) the person or entity maintaining the records required to be maintained by Section 1369.05(e).
 - (4) the effective date of such change in ownership or control.

Within fourteen (14) days of acquiring the Transient Rental Property (as evidenced by the new Owner receiving recorded legal title to same), the new Owner shall complete an Application for purposes of the new Owner acknowledging the rights, duties and obligations of an Owner under this Chapter, including permitting the Department to conduct a Life Safety Inspection in accordance with **Section 1369.06** of this Chapter. The new Owner shall be required to pay a reinspection fee in accordance with the Codified Ordinances of the City. Provided the Application is approved, the Life Safety Inspection is approved, and the new Owner pays the reinspection fee, the City shall consider then-existing Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate or Renewal Transient Rental Registration Certificate (as the case may) assigned and transferred to the new Owner, thereby permitting the new Owner to utilize then-existing Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Rental Registration

Certificate (as the case may be) for the unexpired portion of the term of the relevant certificate.

- (c) A failure to notify the Department in accordance with this Section within fourteen (14) calendar days of any change of ownership or control (as evidenced by the new Owner receiving recorded legal title to same) will result in a violation of this Chapter and a revocation of the Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Occupancy Registration (as the case may be) and/or penalties or other legal action in accordance with Section **1369.99**.

1369.09 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 Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate or Renewal Transient Occupancy Registration. Upon notification by the Department that the Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Occupancy Registration 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 Owner or Authorized Representative in accordance pursuant to Section **1369.05(e)** 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 **1369.05(e)**.
- (c) Taxation. All Hosting Platforms are subject to taxation in accordance with Chapter 185 of the Codified Ordinances.

1369.10 HEARING AND APPEALS.

Subject to Section **1369.03**, any person who has been denied, or refused a Transient Rental Registration Certificate or renewal thereof, or whose Transient Rental Registration Certificate or Renewal Transient Occupancy Registration has been revoked pursuant to Section **1369.02(d)** may appeal such decision to the Board of Building and Zoning Appeals as provided in Section 1139.02 of the Codified Ordinances.

1369.11 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.

1369.12 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.

1369.13 NOTICE OF VIOLATIONS

- (a) Upon discovery of a violation of this Chapter, the Department shall issue a written notice of the violation to the Owner.
- (b) The notice required in this Section shall be delivered by one or more of the following methods:
 - a. certified mail delivery (return receipt requested), which shall be deemed effective as of the date of receipt identified on the return receipt or as noted by the U.S. Postal Service;
 - b. courier service, which shall be deemed effective as of the date of receipt as identified by the courier service;
 - c. hand or personal delivery, which shall be effective when delivered to an adult at the Owner's address;
 - d. facsimile delivery, which shall be is effective when the facsimile transmission has been transmitted to the facsimile number provided for that purpose and the Department has received confirmation of the facsimile transmission;
 - e. electronic mail delivery is effective when the electronic mail has been sent to the Owner's electronic mail address without notice of rejection of message.
- (c) It is not a defense to any subsequent enforcement action that the notice provided by the Department was not actually delivered to the Owner provided that one of the methods of delivery set forth in Section **1369.13(b)** was attempted in good faith by the Department but was not accomplished through no fault of the Department.

1369.98 DEFINITIONS.

As used in this chapter:

- (a) "Authorized Representative" means any individual, person, firm, partnership, corporation or company, other than an Owner, acting on behalf of an Owner of a Transient Rental Property responsible for ensuring compliance with all provisions of this Chapter and registered as the Owner's Authorized Representative with the Department.
 - (1) For purposes of this Chapter, actions taken by an Authorized Representative acting on behalf of the Owner shall have the same legal force and effect as if such acts were taken by the Owner.

- (2) No Owner shall be absolved of individual liability solely on the basis that acts were taken by an Authorized Representative and not the Owner.
- (b) “Application” means the submission of all information required by this Chapter, and payment of the required fees, for registering: (i) a Residential Premises as new Transient Rental Property to obtain a Transient Rental Registration Certificate; or (ii) to obtain a Renewal Transient Rental Registration Certificate. For avoidance of doubt, a new Transient Rental Property shall be considered a Transient Rental Property for which the Owner of has failed to maintain a valid or renewable Transient Rental Registration Certificate.
- (c) “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 criminal activity, including, but not limited to, disturbance of the peace that results 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.
- (d) “Department” shall mean and refer to the Building and Zoning Department of the City of Huron.
- (e) “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 Owner 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 Owner or to the Hosting Platform.
- (f) “Inspection Report” means the report issued by the Department containing the results of the Life Safety Inspection.
- (g) “Life Safety Inspection” means that inspection performed by the Department prior to issuing or renewing a Transient Rental Registration Certificate.
- (h) “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 Residential Premises. For purpose of this Chapter, an Owner includes anyone possessing a fee simple interest, vendee interest in a land contract, an estate for life or for years, in the Residential Premises including through a trust instrument or other conveyance of real property, or otherwise entitled to have legal or equitable title to real property registered in accordance with Sections 5309.05 or 5309.42 of the Ohio Revised Code.

- (i) “Renewal Transient Rental Registration Certificate” means the Transient Rental 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 Rental Registration Certificate.
- (j) “Residential Premises” 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 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.
- (k) “Transient Guests” means persons, who in exchange for money or other financial compensation, occupy a room or rooms, Residential Premises or other property used for sleeping accommodations for less than thirty (30) consecutive days.
- (l) “Transient Rental Registration Certificate” means the certificate issued with respect to a Transient Rental Property evidencing compliance with the requirements of this Chapter.
- (m) “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 thirty (30) days in any calendar year. “Transient Rental Property” does not include any Residential Premises which is the primary residence of the Owner if such Residential Premises is not occupied or made available to a Transient Guest in excess of a combined period of thirty (30) days in a calendar year.

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 s Registration Certificate, or to require compliance with the provisions of this chapter or other applicable laws, ordinances, rules or regulations.