

ORDINANCE NO. 2014-03

**AN ORDINANCE AMENDING NO. 13-1976 BEING THE
"COMPREHENSIVE ZONING ORDINANCE OF OCEAN
SPRINGS, MISSISSIPPI", SO AS TO PROVIDE FOR
SHORT-TERM RENTALS OF DWELLINGS IN COMMERCIAL
ZONES AFTER APPLICATION AND APPROVAL**

WHEREAS, the City of Ocean Springs, Mississippi, did on or about December 21, 1976, adopt the Comprehensive Zoning Ordinance of Ocean Springs, Mississippi, which has from time to time been amended; and

WHEREAS, several times new uses or interpretations have been brought to the attention of the City and reviewed by the Ocean Springs Planning Commission; and

WHEREAS, the use of short-term rental units as a use in commercial zones is considered a valuable and needed use for those desiring to engage their dwelling or condominiums to rent to guests visiting Ocean Springs in exchange for compensation and further provides for another type of short-term stay opportunity similar to hotels, motels and bed and breakfast facilities and will aid and encourage tourism.

WHEREAS, said Planning Commission having held numerous work sessions and having published due notice thereof did, on the 14th day of January, 2014, conduct a public hearing on such proposed changes and, following such public hearing, the Planning Commission did thereafter recommend to the Mayor and Board of Aldermen that certain changes be made to said Comprehensive Zoning Ordinance regarding those matters considered in the work sessions and public hearings and as set forth in the public notice ; and

WHEREAS, another public forum and work session was held on February 3, 2014 for further consideration of the measure; and

WHEREAS, after due consideration, the Mayor and Board of Aldermen now find and determine that it would be in the best interest of the City of Ocean Springs that these recommended changes be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN of the City of Ocean Springs, Mississippi, as follows:

Title: SHORT-TERM RENTAL

I. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section:

Short-Term Rental: “Short-term rental” means any dwelling or condominium or portion thereof that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation for a period of less than thirty (30) consecutive days. For the purposes of House Bill No. 1836 (1998) regarding a tax levy on lodging rentals, “Short-term rental” means any establishment engaged in the business of furnishing or providing rooms intended or designed for dwelling, lodging or sleeping purposes to transient guests and which are known in the trade as such. The term “short-term rental” does not include any hospital, convalescent or nursing home or sanitarium, or any facility associated with a hospital providing rooms for medical patients and their families.

Local Property Manager: The person specifically named on the application and permit who is responsible for the day to day operation of the Short -Term Rental Unit, and who may be contacted, day or night, if there is a problem with the Unit. The local property manager may be the owner or an agent of the owner.

II. License Required

It is unlawful to conduct or operate a short-term rental without having obtained a license therefore

- A. A short-term lodging rental license (or permit) and occupancy tax registration are required for each short-term lodging rental unit.
- B. License applications may be made for short-term lodging rentals in all commercial zones.
- C. The license process requires:
 1. Completed application, obtained at the City Building Department.
 - a. Applications shall contain such information as the Building Official shall from time to time require, including but not limited to the location/address of the short-term rental, number of rooms therein contained, the number of persons the short-term rental proposes to accommodate, the name of the property owner, the name of the property manager, sales tax collection, and the name, address and telephone number of the local responsible party who is available for contact, copy of the rental agreement, proposed parking plan (reviewed and determined upon site inspection by Building Official),

rules and a plan for trash management.

b. The application shall include a statement by the applicant affirming that the applicant is in compliance with applicable zoning requirements, building codes, deed restrictions and/or covenants and has paid all applicable taxes, fees and other charges, including the taxes approved by House Bill 1836 (1998).

2. Non-refundable application fee of fifty dollars (\$50.00) or the most recent established fee.

D. Each short-term rental license shall expire one (1) year from the date of issuance of the permit.

E. Permit renewal may be obtained for twenty-five dollars (25.00) (or the most recent established fee) through the City Building Department. Permit renewal process will include staff review of City records or other documentation pertaining to complaints, if any, that have been received about the specific short-term rental unit under consideration. Filed complaints involving violations of the zoning codes, building codes, property maintenance codes and/or applicable laws or regulations may be a basis for denying a permit renewal.

F. Approval of a short-term lodging rental permit does not legalize any non-permitted use or structure. Short-term rental units are not to be used to distribute retail products or personal services to invitees for marketing or similar purposes. The outdoor display of goods and merchandise for sale is prohibited.

- G. Short-term lodging rental permits are not transferrable. Upon transfer of the property, the new owner, if desired, may apply for a new permit in accordance with this Article.
- H. Any structure or unit that is deed-restricted for affordable housing shall not be used as a short-term lodging rental.
- I. Short-term rental units existing as of January 1, 2014 will have forty five (45) days from the date of March 1, 2014 to apply for a license to operate.

III. Occupancy

The maximum occupancy is determined by the Building Official and/or Fire Marshall based on an inspection of the premises and applicable laws, regulations and codes. Each permit shall specify the maximum number of occupants, which may be limited due to building or parking constraints.

IV. Number of Vehicles

The maximum number of vehicles will be determined upon site inspection by the Building Department and should be compatible with the zoning. This number will be based on off-street parking availability and on-street conditions. It will be preferred that the licensee provide off-street parking. In certain circumstances where no off-street parking exists and on-street constraints exist, the Building Official may require an off-street parking space to be constructed or secured.

V. Register of Guests

Each short-term rental licensee shall keep or cause to be kept a register of guests. Such registration or list shall be available for inspection upon ten (10) days written notice by the Building Official or designee.

VI. Noise

Property owners and Local Property Managers shall ensure that the occupants of the short-term lodging rental are aware of City noise ordinances and State laws regarding disturbing the peace.

VII. Premises and Garbage Management

It shall be the duty of every local property manager and/or to keep all of the rooms used in connection with such short-term rental provided for the use of guests, in clean and sanitary condition; and to provide each guest with effective protection against flies, mosquitoes and other vermin. Garbage shall be disposed of in covered containers and placed at the scheduled pick up location in accord with Sec. 20-3 of the Municipal Code.

VIII. Posting of Rules

Short-term lodging rental unit rules shall be posted inside the rental unit in a location readily visible by all tenants. The rules shall include: occupancy, parking limits, noise rules and garbage management.

IX. Local Contact Person

All short-term lodging rentals shall designate a local property manager (within the three coastal counties) who will respond to questions or concerns 24-hours a day. The name, address, and phone number(s) of the local contact person shall be submitted to the Planning Department and City Police Department during the permitting process. The name, address and phone number(s) of the local contact person shall be posted prominently inside the short-term lodging rental unit. The local property manager and/or property owners shall be considered the responsible person for violations of the Short-Term rental ordinance.

X. Complaints and Dispute Resolution

Complaints regarding violation of this ordinance should first be directed to the local contact person. If the local contact person is unable to resolve the issue and/or the issue relates to public safety, the concerned party should contact the City. The Police Department shall have an updated list provided by the Building Department of all local contact persons for short-term rentals in case complaints are received after hours.

XI. Denial or Revocation of License

Conditions for denial of permit or revocation of license to operate a short-term rental unit:

- A. The applicant failed to conform to license conditions of the current or previous year.
- B. Guests and/or users at the property were issued two or more noise ordinance and/or disturbing the peace citations during the previous or current license year;
- C. Any other reasonable and rational factors or combination of factors (including but not limited to inadequate lot size, inadequate street parking, lack of response from local property manager, filed complaints involving violations of the zoning codes, building codes, property maintenance codes and/or applicable laws or regulations) may be a basis for denying a permit.
- D. If an application is denied, the applicant may correct any deficient conditions and reapply. The applicant may appeal the revocation or denial within ten (10) days to the Mayor and Board of Aldermen for review. A new inspection and application fee will be required if the applicant reapplys. Whenever an application or a

renewal application is denied or revoked, the Building Official will provide the applicant with a written list of deficient conditions, including a list of filed complaints in the case of a denied renewal application.

XII. Separate Violations

For purposes of prosecution of violations of this chapter, each day that any violation occurs (rental without license) is deemed to constitute a separate violation. Those found guilty of such violation shall, upon conviction, be fined for each violation not exceeding two hundred fifty dollars (\$250.00) for the first offense, not exceeding five hundred dollars (\$500.00) for the second offense within a calendar year, and not exceeding more than one thousand dollars (\$1,000.00) for other offenses within a calendar year, plus all court costs.

XIII. Constitutionality

Should any portion, provision, or section of this Ordinance be held void, unconstitutional or invalid, the remaining portion of the ordinance shall remain in full force and effect.

XIV. Conflicts

It is hereby provided that the provisions of these regulations shall not be construed as being in conflict with the provisions of any other regulations of Ocean Springs, Mississippi. In any case when the provisions of these regulations and the provisions of other regulations both apply, the provisions of this ordinance shall govern for the purposes of short-term rentals in dwellings or condominiums.

The above Ordinance having been first reduced to writing, the vote was as follows:

Alderman Cox	<u>Aye</u>
Alderman Gill	<u>Absent</u>
Alderman McDonnell	<u>Aye</u>
Alderman Cody	<u>Aye</u>
Alderman Denyer	<u>Aye</u>
Alderman Dalgo	<u>Aye</u>
Alderman Impey	<u>Aye</u>

BY ORDER OF THE MAYOR AND BOARD OF ALDERMEN of the City of

Ocean Springs, Mississippi, on this the 6th day of March, 2014.



MAYOR



CITY CLERK