- TABLED
January 10, 2023
- sent to community Development committee

ORDINANCE NO. 2023-02
VILLAGE OF BUCKEYE LAKE, OHIO
FIRST READING

AN ORDINANCE REPEALING ORDINANCE 2022-36 AND 2022-56 REGARDING SHORT-TERM RENTAL UNITS AND REPLACING IT HEREIN ESTABLISHING BUSINESS REGULATIONS FOR SHORT-TERM RENTAL UNITS WITHIN THE VILLAGE.

WHEREAS, the unregulated use of residential units as short-term rental units can have a negative effect on the Village. The provisions of this ordinance are necessary to prevent unreasonable burdens on services and unreasonable impacts on residential neighborhoods posed by short-term rental operations. Regulation of these uses is necessary to ensure that they will be compatible with surrounding uses and will not act to harm and alter the neighborhoods in which they are located. It is the intent of the Village to benefit the general public by minimizing adverse impacts of short-term rental operations on the local housing supply at all income levels, and to minimize adverse impact of the transient and semi-commercial character of short-term rental operations on adjacent residential uses; and

WHEREAS, Council has discussed this matter in committee and council and has determined it to be in the best interest of the Village, the residents of the Village, and visitors to the Village, that short-term rental units be regulated to minimize any negative effect and to protect persons and property within the Village; and

WHEREAS, Council has previously passed Ordinance 2022-36 and 2022-56 regarding short-term rentals and wishes to replace them with this Ordinance.

NOW THEREFORE, BE IT NOW ORDAINED BY THE COUNCIL OF THE VILLAGE OF BUCKEYE LAKE, OHIO:

Section 1: Ordinance 2022-36 and 2022-56 are hereby repealed, in their entirety.

Section 2: DEFINITIONS

The following words and phrases, when used in this ordinance, shall have the meaning ascribed to them by this section:

(a) "Booking Services" means any mechanism for a reservation and/or payment service provided by a hosting platform that facilitates a short-term rental transaction between a short-term rental host and a prospective short-term rental guest, and for which the hosting platform collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and/or payment services provided for the short-term rental transaction.

(b) "Calls of Service" means any and all calls, including but not limited to those of code enforcement, law enforcement and/or the fire services, when those calls:

- Result in a representative being dispatched or directed to the short-term rental
- Allege evidence of criminal activity associated with the short-term rental
- Result in an arrest, charge or citation; or
- Find an imminent threat to health, safety or welfare of person(s) or property

(c) "Dwelling" means any building, structure, or unit on the same tax parcel, or sharing the same mailing

address, which is occupied or intended for occupancy in whole or in part as a home, residence or sleeping space for one (1) or more persons.

(d) "Hosting Platform" means a person or entity that participates in the short-term rental business by providing and collecting or receiving a fee for booking services through which a short-term rental host may offer a short-term rental to a short-term rental guest. Hosting Platforms usually, though not necessarily, provide booking services through an online platform that allows a short-term rental host to advertise the short-term rental through a website provided by the hosting platform and the hosting platform conducts a transaction by which potential short-term rental guest reserves a guestroom(s) and arranges or makes payment, whether the short-term rental guest pays rent directly to the short-term rental host or to the hosting platform.

(e) "Manager" means any person in any supervisory position regarding the operation of a short-term rental property

(f) "Operator" means any person who operates a short-term rental in a capacity to facilitate the offering of a units and/or guestroom(s) to guests

(g) "Owner" means a corporation, firm, partnership, association, organization and any other group acting as a unit, or a person who has legal title to any structure or premises with or without accompanying actual possession thereof, and shall include the duly authorized agent, a purchaser, devisee, fiduciary and any person having a vested or contingent interest in the premises

(h) "Short-Term Rental Guest" means a person or persons renting temporary lodging from a short-term rental host, or through a hosting platform on behalf of the short-term rental host, for a fee, for less than thirty (30) consecutive days

(i) "Short-Term Rental Host" means the owner, operator or permanent occupant of a short-term rental who offers the short-term rental for temporary lodging, for a fee, for less than thirty (30) consecutive days

(j) "Short-Term Rental" means any dwelling or guestroom that is rented in whole or in part for less than thirty (30) consecutive days for temporary lodging of persons other than the permanent occupant or owner, from which the permanent occupant or owner receives monetary compensation

Section 3: ZONING DISTRICTS LIMITATIONS

Short-term rental operations shall be permitted only in the following Zoning Districts as outlined in Village of Buckeye Lake Official Zoning Regulations "Article 8 District Regulations", and with the density and use limitations set forth below.

(a) Low-Density Residential District (R-1) the number of short-term rental properties in this district shall not exceed five percent (5%) of the total number of existing platted parcels regardless of whether they are developed or not on which residential use lawfully exists in the district. A short-term rental operation in the R-1 district shall not be configured so as to convert a conforming single-family or two-family dwelling into a nonconforming multi-family dwelling.

(b) Medium-Density Residential District (R-2) the number of short-term rental properties in this district shall not exceed five percent (5%) of the total number of existing platted parcels regardless of whether they are developed or not on which residential use lawfully exists in the district. A short-term rental operation in the R-2 district shall not be configured so as to convert a conforming single-family or two-family dwelling

into a nonconforming multi-family dwelling.

(c) High-Density Residential District (R-3) the number of short-term rental properties in this district shall not exceed five percent (5%) of the total number of existing platted parcels regardless of whether they are developed or not on which residential use lawfully exists in the district. A short-term rental operation in the R-3 district shall not be configured so as to convert a conforming single-family or two-family dwelling into a nonconforming multi-family dwelling.

(d) Waterfront Residential District (WR) the number of short-term rental properties in this district shall not exceed five percent (5%) of the total number of existing platted parcels regardless of whether they are developed or not on which residential use lawfully exists in the district. A short-term rental operation in the WR district shall not be configured so as to convert a conforming single-family or two-family dwelling into a nonconforming multi-family dwelling.

(e) Mobile Home Park District (MHP) the number of short-term rental properties in this district shall not exceed five percent (5%) of the total number of existing platted parcels regardless of whether they are developed or not on which residential use lawfully exists in the district. A short-term rental operation in the MHP district shall not be configured so as to convert a conforming single-family or two-family dwelling into a nonconforming multi-family dwelling.

(f) Waterfront Business District (WB) the number of short-term rental properties in this district shall not exceed five percent (5%) of the total number of existing platted parcels regardless of whether they are developed or not on which residential use lawfully exists in the district. A short-term rental operation in the WB district shall not be configured so as to convert a conforming single-family or two-family dwelling into a nonconforming multi-family dwelling.

(g) No short-term rental operations shall be conducted in any accessory building, regardless of zoning district.

Section 4: PERMIT AND FEES REQUIRED

(a) No short-term rental host shall engage in conduct, or carry on, or permit to be engaged in, conducted or carried on, in or upon any premises in the Village of Buckeye Lake, a short-term operation without obtaining a valid permit in accordance with this ordinance. A valid permit shall be required for each unit (e.g., a duplex requires two permits). It shall be prima facie evidence of a short-term rental operation if short-term rental is offered on a hosting platform, offered via traditional physical advertisements or word-of-mouth, or if a short-term rental guest is found to be occupying or using a dwelling in the capacity of a short-term rental.

(b) An application for a new permit may be submitted at any time to the Code and Zoning Department. If the application is approved and a valid permit issued, the permit shall take effect on the listed date of issuance and shall expire one (1) year from the day of issuance. Permits are non-transferable and any change in ownership of the property, the dwelling or the business, change in operator, or change in identity of the short-term rental host shall void the current permit and shall require submission of a new application and the issuance of a new valid permit.

(c) The fees associated with short-term rentals including but not limited to application/permit fees and annual operations fee shall be included in the Village of Buckeye Lake Comprehensive Fee Schedule

(d) Upon issuance of a valid permit, a designee from the Code and Zoning Department shall provide a copy of the permit and a permit sticker that must be displayed on or near the main ingress/egress of the short-

rental dwelling. The permit sticker shall contain the permit number and expiration date.

Section 5. APPLICATION AND REQUIRED INSPECTION(S) FOR PERMIT

(a) An application for a new short-term rental permit and/or for renewal of a valid permit shall be made to the Code and Zoning Department on approved forms. An application packet can be obtained from the Code and Zoning Department at the Village of Buckeye Lake offices.

(b) The initial application process shall consist of, but limited to, the following steps:

1) Fully complete all approved application forms and submit them
2) Payment of Short-term Rental Application and Inspection fee
3) An approved signed certification, from a certified Ohio licensed electrician, that the short-term rental dwelling meets or exceeds current electrical standards. The signed certification must be submitted with the completed application
4) Safety Inspections completed by the Village of Buckeye Lake Fire Chief or their designee and the Code Enforcement Official or their designee.
5) Payment of Short-term Rental Annual fee. Fee will be prorated from the date the permit is issued.

(c) Application process, inspections and issuance of valid permit may take up to 90 days from the date the initial application is received by the Code and Zoning Department.

(d) The renewal application process shall consist of, but not limited to, the following steps:

1) Fully complete all approved application forms and submit them. Application forms can be submitted up to forty-five (45) days prior to the current permit's expiration date. Renewal applications received thirty (30) days after the current permit's expiration date may result in the application be placed on a waiting list if a current waiting list is in effect for that zoning district.
2) Payment of Short-term Rental Annual fee

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

1) The name of the applicant, including mailing address, telephone number, and email address. If the applicant is a corporation, firm, partnership, association, organization or other group acting as a unit, the applicant shall provide the name of the entity set forth exactly as shown on is articles of incorporation, mailing address, telephone number, and email address of an individual who is the statutory agent, president, or managing individual, the state in which the company is incorporated or registered, and the entity or corporation number;

2) Description of the short-term rental, including property address and name(s) of dwelling utilized on any hosting platforms.

3) The legal owner or owners of the property, including mailing address, telephone number, and email address. If the property owner is a corporation, firm, partnership, association, organization or other group acting as a unit, the applicant shall provide the name of the entity set forth exactly as shown on is articles of incorporation as well as the mailing address, telephone number, and email address of an individual who is the statutory agent, president, or a managing individual, the state in which the company is incorporated or registered, and the entity or corporation registration number.

4) Name of the short-term rental host, including mailing address, telephone number, and email address.

5) The number of sleeping rooms in each unit in service in the short-term rental property.

6) The names of all hosting platforms on which the applicant has successfully been registered to list a short-term rental or intends to list a short-term rental, documentation confirming hosting platform registration(s), and proof of general liability insurance for the short-term rental as required by Section 6.

7) The name and information of local contact person/property manager as required by Section 8.

8) Affirmation that the short-term rental host and short-term rental are in compliance with all applicable local, state, and federal laws and regulations.

(f) Safety Inspections will be required at least once every three (3) year period, from the date of issuance on the initial permit, from the Fire Chief or their designee and the Code Enforcement Official or their designee as scheduled by them

Section 6: SHORT-TERM RENTAL HOSTS AND HOSTING PLATFORMS REQUIREMENTS

(a) At time of application the short-term rental host shall provide to the Code and Zoning Department valid proof of identity and, as applicable, two pieces of evidence that the dwelling is the host's primary residence or two pieces of evidence the host is the owner of the dwelling.

(b) One short-term rental permit shall be required for each short-term rental unit.

(c) If a short-term rental host is not the property owner or owner's agent, but an occupant of the dwelling, the host shall provide written permission from the property owner to register the dwelling with the Village of Buckeye Lake for use as a short-term rental.

(d) Short-term rental hosts shall provide written notice to the short-term rental guest(s) of any known, non-obvious, or concealed condition, whether man-made or artificial, which may present a danger to the short-term rental guest(s), together with a local 24-hour emergency contact for the property.

(e) Short-term rental hosts shall make available a copy any homeowner's association rules and regulations that apply to the property and information as outlined in Sections 8 and 9.

(f) Short-term rental hosts shall comply with all applicable hotel/motel/short-term rental excise tax and income tax requirements and comply with all applicable building, electrical, plumbing, fire, health, planning and zoning, and property code requirements as an express condition of the short-term rental permit.

(g) All short-term rental hosts shall obtain liability insurance for each short-term rental. Each short-term rental shall, at all times, maintain the following minimum insurance coverage:

(1) A general liability insurance policy or certificate that shall provide the minimum coverage;

A. Not less than one hundred thousand dollars ($100,000) per individual and three hundred thousand dollars ($300,000) per occurrence. Such policy or certificate must be issued by an insurance company that is admitted to do business in the state of Ohio or by an eligible surplus lines company or risk retention group.

B. Any cancellation of insurance required by this section shall result in an automatic revocation of the respective short-term rental permit.

(2) In the event that a hosting platform provides liability insurance to a host, such insurance would be deemed acceptable for submission provided the insurance meets the requirements of paragraph (1)(A) above

(h) Nothing in this section shall be construed as permitting any person to obtain a permit or offer a short-term rental, where prohibited by any other provision of law

Section 7: SAFETY INSPECTION(S) REQUIRED

(a) Any dwelling which will be made available as a short-term rental shall pass/comply with all required inspections prior to the issuance of a permit.

(b) Electrical Inspection; from a certified Ohio licensed electrician, that the short-term rental dwelling meets or exceeds current electrical standards.

(c) Fire Inspection; from the Village of Buckeye Lake Fire Chief or their designee certifying that the short-term rental dwelling is in compliance with all current fire safety standards, regulations, laws and/or ordinances and maintains working fire and CO2 alarms, fire extinguishers and available egress maps within the dwelling or unit.

(d) Code and Zoning Inspection; from the Code Enforcement and Zoning Officials or their designees certifying that the short-term rental dwelling is in compliance with all property maintenance/zoning regulations, laws and/or ordinances.

(e) Any inspections required by the State of Ohio, Licking or Fairfield counties and/or local government, that pertain to the operation, licensing or permitting of short-term rentals.

Section 8: LOCAL CONTACT PERSON/PROPERTY MANAGER

(a) A designated property manager, who may be the owner of the short-term rental property or the owner's agent, shall maintain a primary residence in Licking County, Ohio or a contiguous county.

(b) The property manager shall be available twenty-four (24) hours per day to ensure that the property is maintained and operated as required by this ordinance and any other laws/ordinances applicable to short-term rentals including but not limited to:

(1) Ensuring that the number of occupants does not exceed the limitations of Section 9.

(2) Responding to incidents of disorderly conduct, disturbing the peace, littering, vandalism or other occurrences that affect the health, safety and welfare of nearby residents.

Section 9: OCCUPANCY / PARKING / PETS

(a) At the time of the Fire Inspection the Fire Chief or their designee shall specify the maximum number of occupants allowed in each short-term rental. The maximum number of occupants shall not exceed three (3) persons, plus two (2) persons per sleeping room.

(b) Short-term rentals must provide off-street parking. All parking for a short-term rental dwelling must comply with Village of Buckeye Lake Zoning regulations and any applicable ordinances. All parking must be in approved parking areas (e.g., in the garage or driveways) and no parking is permitted on lawns or

the Village right-of-way. Where permitted a short-term rental host may lease off-site parking in accordance with Planning and Zoning Code and any applicable laws and/or ordinances.

(c) Short term rentals permitting dogs must have a yard confined by a fence on the property, or must be on a lead under the control of the person responsible for the dog. Dogs may not be outside without a leash unless the yard is fenced. Certified service dogs are exempt.

Section 10. GROUNDS FOR DENIAL OR NON-RENEWAL OF PREMIT

(a) The Mayor or their designee shall deny any application for a new permit, or renewal of permit, if any of the following are shown to have occurred at or in connection with the short-term rental property:

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

(2) The applicant or any owner of the short-term rental has been convicted of violating Section 4.

(3) Any owner, applicant, operator, or manager of the short-term rental has been convicted of the act of prostitution or soliciting for prostitution, or human trafficking, or an act that would constitute a felony drug abuse offense as defined in Ohio Revised Code Chapter 2925, or, within the previous ten (10) years, any misdemeanor violation of Ohio Revised Code Chapters 2925 or 3719, on the premises of the short-term rental or any other short-term rental in which that individual has any interest, including, but not limited to, ownership, licensure, or management.

(4) The property on which the short-term rental is located, or the short-term rental host is not in good standing with the State of Ohio, Licking County and/or Village of Buckeye Lake Property Tax and Income Tax Divisions.

(b) The Mayor or their designee may deny any application for a new permit, or renewal of permit, if any of the following are shown by a preponderance of the evidence to have occurred at or in connection with the short-term rental property:

(1) The short-term rental has outstanding orders/violation notices from the Village Fire Department, the Village Planning and Zoning Department, the Village Code Enforcement Official or the Licking County Building Department that have not been corrected.

(2) A pattern of felony drug related activity.

(3) A pattern of prostitution related activity or evidence of human trafficking.

(4) A pattern of gang related activity as defined in Ohio Revised Code Section 2923.41.

(5) Calls for service in excess of twelve (12) during a consecutive twelve-month period and/or in which an objection to the permit is lodged.

(6) A documented history of offenses of violence.

(7) The owner, applicant, operator, or manager, or short-term rental host has not made a good faith effort to correct violations of this ordinance, or has obstructed or interfered with correction of the violations.

(8) The owner, applicant, operator or manager or short-term rental host maintains a nuisance, at the shoterm rental or any other property, or has a documented history of engaging in or allowing conduct or conditions that endanger the health, safety or welfare of neighboring residents.

(c) Evidence of unlawful conduct under divisions (a) and (b) of this section need only be that of de facto violation of law; evidence of conviction is not a prerequisite for denial except where specifically indicated.

Section 11: OBJECTION, SUSPENSION AND REVOCATION; APPEAL

(a) An adjacent property owner, Village official, Council member, or a party with standing under applicable Ohio law may submit an objection to the Mayor or their designee in writing regarding a new permit application, an existing permit or a renewal application, based on any activity set forth in Section 9 that is

shown to have occurred at or in connection with the short-term rental.

(b) At any time during the calendar year, the Mayor or their designee may suspend and/or revoke a short-term rental permit if it is determined that activity set forth in Section 9 is shown to have occurred at or in connection with the short-term rental. In addition, suspension, revocation and/or other penalties may occur if a short-term rental unit is listed on a hosting platform without the required valid permit.

(c) Decisions of the Mayor or their designee to suspend or revoke a short-term rental permit may be appealed in writing within thirty (30) days of the issuance of the suspension or revocation to the Short-term Rental Appeals Board, which will consist of the Mayor, Chief of Police, Fire Chief, Code Enforcement Official, Council Member and one member of BZA.

Section 12: PHASE-IN PERIOD

(a) On the effect date of this ordinance any short-term rental in operation within the Village shall have sixty (60) days to apply for the required permit.

(b) The limitations on the number of short-term rental operations in each respective zoning district shall not take effect until the passage date of this ordinance. On and after that date, no new short-term rental permit shall be issued in excess of those limitations, and available permits shall be offered to qualifying applicants in the order that all required information and application fees were received by the Code and Zoning department.

(c) All current short-term rentals operating within the Village shall be permitted to continue to operate until their application process is completed and/or they have been issued a valid permit.

(d) No short-term rentals may continue to operate within the Village one hundred eighty (180) days after the passage of this ordinance without a valid short-term rental permit and within the compliance of limitations on the number of short-term rental operations in each respective zoning district. In the event that all short-term rental permits are accounted for due to limitations within a specific zoning district the Village will maintain a waiting list on a first-come, first-serve basis. Short-term rentals/properties on the waiting may not operate as a short-term rental. A completed application must be submitted to be added to the waiting list, payment of fees will not be required until the application process begins. The submitted application will remain on file and on the waiting list for three (3) years from the date it was received. A new application must be submitted to be placed back onto the waiting list.

Section 13: PENALTY

(a) Any short-term rental host who rents a short-term rental for a short-term rental operation in violation of this Ordinance without correcting or remedying the violation, shall be guilty of an unclassified misdemeanor and shall be fined not more than two hundred fifty dollars ($250.00). Upon subsequent conviction, the offense shall be a misdemeanor of the third degree, in addition to any other remedies imposed by this Ordinance or provided by law. In addition, all gross revenue from short-term rental transactions that are unlawfully obtained in violation of Section 4 shall be remitted to the Village of Buckeye Lake, subject to local and state laws governing forfeiture.

PASSED THIS _____DAY OF _____, 2023.

ATTEST: _____ _____

Samantha Torres, Clerk of Council Linda Goodman, Council President

Date filed with Mayor: _____, 2023

Date Approved by Mayor: _____, 2023

Jeryne Peterson, Mayor

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