



**Trey Hardy**  
Councilmember

**Christine Crawford**  
Councilmember

**Joe Dike**  
Councilmember

**Sam Artino**  
Mayor

**Monty Tapp**  
Vice-Mayor

**Mark Claus**  
Councilmember

**Joel Hagy**  
Councilmember

**CITY COUNCIL — COUNCIL WORK SESSION**

Tuesday, January 26, 2021 @ 5:00 PM

City Council Chambers

417 Main Street

Huron, Ohio 44839

**LIVESTREAM WORK SESSION INFORMATION** Pursuant to Resolution No. 2020-44 adopted by the Huron City Council on June 17, 2020, this joint work session of Council and the Huron Planning Commission will be conducted in person in Council Chambers at Huron City Hall and live-streamed on the City of Huron's YouTube channel. The public is free to access, observe and hear the discussions and deliberations of all members of City Council via the following link: <https://www.youtube.com/channel/UCpRAV-AnmIA6lfukQzKakQg>

*Please note that as all large public gatherings remain prohibited pursuant to Orders of the Ohio Department of Health and President Trump's coronavirus guidelines, participation in person is highly discouraged. All persons entering the building for the Council Meeting will be required to wear a face mask and subjected to a temperature screening prior to being granted entry.*

**I. Call to Order**

**II. Roll Call**

**III. Old Business**

**III.1** Proposed revisions to Chapter 1369

**IV. New Business**

**IV.1** Section 1126.18 Draft Transient Rental Overlay District(s)

**V. Adjournment**

**CHAPTER 1369**  
**Transient Rental Property**

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

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) "Authorized Representative" 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 Authorized Representative 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 Authorized Representative and not the Operator.
  - (3) For purposes of this Chapter, an Authorized Representative 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 Authorized Representative;
  - (5) utility bill.
- (p) An Owner or Permanent Occupant, including anyone with whom they reside, may have only one Primary Residence within the City of Huron.
- (q) “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.
- (r) "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.
- (s) “Rental Period” means any period of time a Transient Rental Property is used or leased by a Transient Rental Guest.
- (t) “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.
- (u) “Transient Guests” means persons, who in exchange for money or other financial compensation, occupy a room or rooms, Dwelling Unit, Residential Premises or other property used for sleeping accommodations for less than 30 consecutive days.
- (v) “Transient Occupancy Registration Certificate” means the license issued with respect to a Transient Rental Property evidencing compliance with the requirements of this Chapter.
- (w) “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 or Permanent Occupant 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. 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 or the Dwelling or Residential Premises are 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 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 Authorized Representative 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 located within a thirty (30) minute drive of the Transient Rental Property; or
    - ii. the Operator maintains an Authorized Representative who resides or has a principal place of business located within a thirty (30) minute drive of the Transient Rental Property.
  - (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 Authorized Representative 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 Authorized Representative 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.**

All fees set forth in this Chapter shall be established by the Department and the Administrator subject to approval and adoption 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.

#### **1369.06 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 Authorized Representative 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 cancelation of insurance to the Department at least ten (10) days prior to cancelation.

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 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 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 Authorized Representative 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 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 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 Authorized Representative, 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 carbon monoxide detectors;
    - iii. Check for improper wiring;
    - iv. Check electrical panel for proper cover and breaker/fuse labels;
    - 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. A reinspection fee set in accordance with Section **1369.05** 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 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, 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 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 Authorized Representative 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 Authorized Representative or Operator;
  - (2) the name, address, email address and telephone number of the previous Authorized Representative 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 Authorized Representative 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 Authorized Representative 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.

### **1369.15 NOTICE OF VIOLATIONS**

- (a) Upon discovery of a violation of this Chapter, the Department shall issue a written notice of the violation to the Operator at the address identified in accordance with Section **1369.06(j)**.
- (b) The notice required in this Section shall be delivered by one or more of the following methods:
  - (1) 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;
  - (2) Hand or personal delivery, which shall be effective when delivered to an adult at the address identified in Section **1369.06(j)**;
  - (3) 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;
  - (4) Electronic mail delivery is effective when the electronic mail has been sent to the Operator'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 Operator provided that one of the methods of delivery set forth in Section 1369.15(b) was attempted in good faith by the Department but was not accomplished through no fault of 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.

## **1126.18 TRANSIENT RENTAL OVERLAY ZONE.**

- (a) Purpose. To establish overlay zoning districts for the regulation of certain aspects of transient rental properties in acknowledgment of the unique environmental conditions of the various areas and neighborhoods of the City.
- (b) Applicability. The regulations set forth in this Chapter are applicable to any Transient Rental Property within the City of Huron that is legally operating and certified under all provisions of the City of Huron. Transient Rental Properties operating illegally or legally with non-conforming status shall be brought into compliance or penalized utilizing the regulations set forth in Chapter 1369. Properties subject to an overlay zoning district shall remain subject to the regulations of the underlying zoning district in effect for such properties.
- (c) Location. Transient Rental Overlay Districts (TRO Districts) designate the allowable location(s) for Transient Rental Properties within the City. TRO Districts are limited to those portions of the zoning map that are designated as Residential (all “R” prefixed zones) and Business (all “B” prefixed zones) and are to comprise in a manner that Transient Overlay Zones are similar in character, use, and density of the existing properties. The boundary of any Transient Rental Overlay District(s) will be set in accordance with the process as laid out in this Chapter. No TRO District shall be less than 10 acres and shall be comprised of contiguous land.
- (d) Creation. An overlay district may be established by the Council at its own initiative or upon submission of a petition in accordance with this section.
  - (1) A petition to create or modify a TRO District may be submitted to Council by the written consent of 80% of the owners of the property located within the area to be designated as a TRO or on behalf of the property owners by a Homeowners Association or similar organization that is authorized to act on behalf of the owners of such property.
  - (2) Upon receipt of a petition to create or modify a TRO District, such petition shall follow the City’s established processes and procedures for district changes and regulation amendments as set forth in Chapter 1139.03 of the Codified Ordinances.
- (e) In recognition of the specific and unique character, use, and density of the various areas of the City, the following parameters shall be specified prior to the approval of any TRO District:
  - (1) Density. Each TRO District shall set a maximum density regulating the amount of Transient Rental Properties permitted within the TRO District. This can be in the form of a percent of total dwellings or a numerical cap. No district can permit more than 25% of total dwelling units being utilized for transient rental properties, provided that
    - (i) no property shall lose its Transient Rental Certificate solely by virtue of the number of Transient Rental Properties within such TRO District exceeding the maximum amount set forth in this Chapter or in Chapter 1369; and
    - (ii) no new Transient Rental Property Certificate shall be issued if the number of Transient Rental Properties exceeds the maximum density set forth in this Chapter or in Chapter 1369.
  - (2) Parking. In order to provide for adequate parking for guests, each TRO District shall establish a minimum requirement of parking per dwelling unit. The minimum threshold can be achieved through a combination of on-site and off-site parking spaces. However, no District shall establish a minimum on-site parking regulation of less than one (1) on-site parking space for each Transient Rental Property with all areas designated for on-site parking constructed, located, and maintained in accordance with the City’s Zoning Code.