



*City of
Centerville*

Brooks A. Compton, Mayor | Wayne S. Davis, City Manager

**NOTICE OF PUBLIC HEARING
Centerville City Council**

Notice is hereby given that a Public Hearing shall be conducted during the Centerville Council meeting scheduled for **Monday, November 4, 2024, at 7:30 p.m.** in the Council Chambers of the Centerville Municipal Building, 100 West Spring Valley Road, Centerville, Ohio concerning Ordinance 25-24, An Ordinance Establishing Chapter 846 "Short-Term Rentals" Of The Codified Ordinances Of The City Of Centerville To Regulate Short-Term Rentals In The City Of Centerville.

The Ordinance is attached in full to this notice.

By order of the City of Centerville, Ohio.

Teri Davis
Clerk of Council

**ORDINANCE NO. 25-24
CITY OF CENTERVILLE, OHIO**

SPONSORED BY COUNCILMEMBER _____ ON THE ____ DAY OF _____, 2024.

AN ORDINANCE ESTABLISHING CHAPTER 846 “SHORT-TERM RENTALS” OF THE CODIFIED ORDINANCES OF THE CITY OF CENTERVILLE TO REGULATE SHORT-TERM RENTALS IN THE CITY OF CENTERVILLE.

WHEREAS, the purpose of Chapter 846 is to protect the health, safety, and welfare of the citizens of the City of Centerville; and

WHEREAS, on April 15, 2024, City Council adopted Ordinance No. 08-24 to amend the Unified Development Ordinance for the City of Centerville to add short-term rentals as a permitted use in the APD Zoning District and established a sunset provision for nonconforming short-term rental uses in the City of Centerville; and

WHEREAS, it is in the best interests of the City to provide for regulations and licensing for short-term rentals within the City of Centerville to allow property owners to use their properties as short-term rentals while mitigating any potential disruption that short-term rentals have on a neighborhood; and

WHEREAS, the City Council desires to protect the residential well-being, tranquility, and privacy of its residents by implementing certain licensing and regulations of short-term rentals; and

WHEREAS, the City is authorized as a charter municipality to exercise all powers of local self-government.

NOW, THEREFORE, the Municipality of Centerville hereby ordains:

Section 1. That Chapter 846 “Short-Term Rentals” is hereby adopted as follows:

CHAPTER 846
Short-term Rentals

846.01 DEFINITIONS

As used in this chapter:

- (a) *“Bedroom” means* a room offered to the public for a fee that contains, at a minimum, provisions for sleeping.

- (b) *“Emergency contact” means* an easily accessible contact person that shall serve as an immediate point of contact to remedy any issues with the Short-Term Rental Unit. The Emergency Contact shall be available as required to address potential issues with the Short-Term Rental within twenty-four (24) hours of being notified of issues. Issues include, but are not limited to, damage to persons or property, potential violations of the Short-Term Rental License, health code violations, zoning code violations, building code violations, and public safety violations.
- (c) *“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 service that allows an operator to advertise the short-term rental unit. Current examples include, but are not limited to, Airbnb, Vacation Rentals by Owners (Vrbo), and HomeAway.
- (d) *“Principal residence” means* the place where a person resides seven (7) months or more in a 12-month period.
- (e) *“Rental party” means* one or more Short-term Rental Transients who booked, and/or intended to rent, the Short-Term Rental Unit together at the same time.
- (f) *“Short-term rental” means* any room or dwelling unit that is rented wholly or partly to transients for a fee; for dwelling, lodging, or sleeping purposes; for no more than twenty-nine (29) consecutive days by persons other than the permanent occupant or owner; from which the permanent occupant or owner receive monetary compensation, whether such compensation is paid directly by the short-term rental guest or is collected and remitted to the permanent occupant or owner by a hosting platform. “Short-term Rental” does not include Bed and Breakfast, Hotel, or Motel, as defined elsewhere in the City of Centerville Municipal Code.
- (g) *“Short-term rental host” or “Host” means* any person who is the record owner of residential real property on which the owner operates a Short-term Rental Unit, or the operator of a Short-term Rental Unit regardless if they are the property owner of record or not.
- (h) *“Short-term rental transient” means* a person staying at a Short-term Rental for no more than twenty-nine (29) consecutive days and who does not use the location as their principal residence. Short-term Rental Transient shall also include any overnight guests of the individual renting all or a portion of a Short-term Rental Unit.
- (i) *“Short-term rental unit” means* a residential dwelling which maintains a valid Short-term Rental License. Short-term Rental Units contain one or more bedrooms with a limit of two (2) adults per bedroom. A single-family residential dwelling offered as a Short-term Rental shall be considered one Short-term Rental Unit. Each dwelling unit in a duplex may serve as a separate Short-term Rental Unit, for a maximum of two (2) Short-Term Rental Units on the property. In the case of an apartment or condominium complex, each apartment or condominium offered for Short-term Rental use shall be considered a Short-term Rental Unit.

846.02 GENERAL RESTRICTIONS.

(a) It shall be unlawful for any person to rent a property for Short-term Rental use or advertise a property as a Short-term Rental Unit within the City without first obtaining a valid Short-term Rental License as prescribed in this chapter.

(b) Any Short-term Rental in use or advertised at the time of passage of this chapter shall obtain a license within sixty (60) business days of when this Ordinance becomes effective.

846.03 LICENSE REQUIRED

(a) Any person desiring to rent a property for Short-term Rental use or advertise a property as a Short-term Rental Unit shall make a written application for such license to the City of Centerville City Manager or their designee. The application for such license shall be on a form provided by the City Manager or their designee and shall include the following:

- (1) Location of the Short-term Rental Unit.
- (2) Building Type (Single-family, Duplex, Mixed-use, etc.).
- (3) Provide information identifying the location and number of bedrooms to be offered for Short-term Rental use, and the maximum number of occupants permitted within the Short-Term Rental Unit.
- (4) All hosting platforms (online, newspaper, fliers...etc.) where the Short-term Rental Unit will be advertised.
- (5) Information about off-street parking location, number and size of spaces, and surface of parking areas.
- (6) Contact information including:
 - i. The Applicant
 - ii. Owner of record of the property (if different from the Applicant)
 - 1) All contact information shall be complete, current, and legible. The Applicant shall immediately notify the City in writing of any change in contact information for the above-named individual(s).
 - 2) If the property is owned by a business entity such as a corporation, a limited liability company (LLC), or other commercial entity, a list of names and contact information for anyone holding an interest in the business entity.
 - iii. Emergency Contact.

The above-named individual(s) listed in the application may receive legal

notices from the City pertaining to the operation and maintenance of the Short-Term Rental Unit. If the property is owned by a business entity, a primary contact for all legal notices and any other notices shall be designated.

All contact information shall be complete, current, and legible. The Applicant shall immediately notify the City in writing of any change in contact information for the above-named Emergency Contact, as required in 846.05 (L).

- (7) Certification through separate declaratory statements from the Property Owner, Applicant and Host (to the extent they are different individuals) that, to the best of their knowledge, the Short-term Rental Unit is in conformance with all applicable:
 - iv. Building Codes
 - v. Health Codes
 - vi. Zoning and Property Maintenance Codes
 - vii. Fire Codes
 - viii. Any Covenants and restrictions applicable to the property where the Short-Term Rental Unit will be located.
 - (8) Certification through separate declaratory statements from the Property Owner, Applicant and Host (to the extent they are different individuals) that they have registered with the City of Centerville Finance Department, will submit any relevant forms to the City of Centerville Finance Department, and will pay any applicable hotel/motel and/or other taxes on a regular basis, the timeframe to which will be determined by the City of Centerville Finance Department.
 - (9) Confirmation that the Short-term Rental Unit has active utilities and the property owner is current on all utility payments.
 - (10) Applications for a License to operate a Short-term Rental Unit shall be accompanied by an application fee of \$100.
- (b) License Term: Each Short-term Rental License shall be valid until December 31 of each calendar year.

846.04 RENEWAL OF SHORT-TERM RENTAL LICENSE

- (a) All Short-term Rental Hosts shall apply to renew their Short-term Rental by no later than December 1 of each calendar year.
- (b) Renewal of Short-term Rental License shall require the submission of an updated Application and an application fee of \$100 to operate the Short-term

Rental Unit, per the requirements of Section 846.03.

- (c) A renewed Short-term Rental License shall be valid through December 31 of each calendar year.

846.05 GENERAL LIMITATIONS

- (a) All Short-term Rental Units shall be in compliance with all applicable federal, state and local laws and regulations and directives.
- (b) Occupancy: The property owner and Host shall be responsible for ensuring that the Short-term Rental Unit is in compliance with the following occupancy requirements:
 - (1) The Short-term Rental Unit may only be occupied by one (1) Rental Party of Short-term Rental Transients at a time;
 - (2) The maximum renter occupancy of a Short-term Rental Unit shall be determined by the number of bedrooms in the Short-Term Rental Unit (two adults per bedroom maximum);
 - (3) At least one (1) Short-term Rental Transient must be twenty-five (25) years of age or older at the time of booking. No Short-term Rental Transient under the age of twenty-five (25) may occupy a Short-term Rental Unit without the Short-term Rental Transient that is twenty-five (25) years or older present in the unit at all times.
- (c) Display of License: The Short-term Rental License shall be prominently displayed on the front window facade of the Short-term Rental Unit in a location clearly visible from ordinary public view during all periods of occupancy and contain the following:
 - (1) License number given by the City;
 - (2) Property address;
 - (3) Name and phone number of the Emergency Contact;
 - (4) Building Type (Single-family, Duplex, Mixed-use, etc.);
 - (5) Number of bedrooms within the Short-term Rental Unit; and

- (6) Maximum occupancy limit of the Short-term Rental Unit.

- (d) Advertising: No outdoor advertising signs related to the Short-term Rental Unit shall be allowed on the property.

- (e) Parking: Short-term Rental Units shall provide adequate off-street parking for guests on the property; comply with the Centerville Unified Development Ordinance; and will not obstruct traffic with street parking. Parked vehicles must be on a paved surface. The number of off-street parking spaces required can be reviewed in Article 9, Section 9.29, Table 9.8 of the Centerville Unified Development Ordinance.

- (f) Information Packet: A packet of information shall be provided to each Rental Party of Short-term Rental Transients and shall be posted conspicuously in the common area of the Short-term Rental Unit. The packet shall summarize guidelines and restrictions applicable to the Short-term Rental use, including the following:
 - (1) Information on maximum occupancy of the Short-term Rental Unit;

 - (2) Applicable noise regulations (See §648.09 DISTURBING THE PEACE);

 - (3) Location of off-street parking spaces;

 - (4) Directions pertaining to the disposal of trash on the property, including the following:
 - i. Trash or junk shall not be stored within public view, except within City trash containers or commercial dumpsters; and

 - ii. Information about the trash collection schedule;

 - (5) Contact information for the Short-term Rental Emergency Contact;

 - (6) Evacuation routes;

 - (7) The Short-term Rental Transient's responsibility not to trespass on private property and not to create disturbances and/or nuisances;

- (8) Notification that the Short-Term Rental Transient is responsible for complying with this Chapter 846 and may be cited or fined by the City for violating any provisions of this Chapter.

- (g) Uses: A Short-term Rental Transient may use a Short-term Rental Unit for a purpose incidental to lodging or sleeping purposes, provided that the incidental use complies with rules of the property owner, requirements of this Chapter, and does not violate applicable federal, state and local laws and regulations.

- (h) Outdoor Facilities: Short-term Rental Units shall not be operated in tents or recreational vehicles.

- (i) Emergency Contact: For all Short-term Rental Units, there shall be an Emergency Contact. The Emergency Contact shall respond to the property within twenty-four (24) hours after receiving notice of an issue on the property.

- (j) The Short-term Rental Unit shall not adversely affect the residential character of the neighborhood or adversely affect the general public health, safety, and welfare. Short-term Rental Units shall not be permitted on properties where private covenants and restrictions prohibit such activities. It shall be the responsibility of the applicant, Host, and/or property owner to ensure no such prohibitive covenants and restrictions exist prior to application.

- (k) The Short-Term Rental Unit shall not generate excessive noise, trash, traffic, glare, obstructions, odors, vibration, or any other effects that unreasonably interferes with any individual's use and enjoyment of their property.

- (l) All information associated with the Short-term Rental License and registration must be updated and shared with the City of Centerville within seven (7) days of a change in status, including any changes in contact information for the Applicant, Host, property owner, or Emergency Contact.

- (m) The premises of all Short-term Rental Units are subject to inspection by the City on an annual and as-needed basis to determine compliance with the regulations set forth in this Chapter 846.

846.06 SHORT-TERM RENTAL STANDARDS

The following standards apply specifically to Short-term Rental Units:

- (a) License: A Short-term Rental License shall be obtained prior to operation

and advertisement of the Short-term Rental Unit. Short-term Rental Unit owners and Hosts shall comply with all applicable License requirements and with the regulations and requirements of all City Departments.

- (b) Maximum size: The maximum renter occupancy of a Short-term Rental Unit shall be determined by the number of bedrooms in the Short-Term Rental Unit (two adults per bedroom maximum).
- (c) Off-street parking: Short-term Rental Units shall provide adequate off-street parking for guests on the property, comply with the Centerville Unified Development Ordinance, and will not obstruct traffic with street parking. Parking of vehicles must be on a paved surface. The number of off-street parking spaces required can be reviewed in Article 9, Section 9.29, Table 9.8 of the Centerville Unified Development Ordinance.

846.07 DENIAL OF SHORT-TERM RENTAL APPLICATION OR RENEWAL

A new or renewed Short-term Rental License may be denied upon a finding of any one of the following conditions:

- (a) The Applicant failed to provide Application information or supporting materials for the Application.
- (b) The Applicant, Host, or property owner has had a Short-term Rental License suspended or revoked in the past.
- (c) The Applicant, Host, and/or property owner has falsified or misrepresented a fact on the Application.
- (d) The Applicant, Host, and/or property owner continued to operate or advertise a Short-term Rental Unit without a Short-Term Rental License after being notified by the City of Centerville to submit a new or renewal License Application.
- (e) The Applicant, Host, property owner and/or Emergency Contact has been notified by the City of Centerville about an issue with the Short-term Rental Unit property and failed to address the issue in question within twenty-four (24) hours of contact, unless additional time is approved by the City Manager or their designee.
- (f) The Applicant, Host, property owner, and/or Emergency Contact has obstructed, interfered with, or failed to make good faith efforts towards correcting violations of this Chapter for any Short-term Rental Unit in the City of Centerville with which they are associated.
- (g) The Short-term Rental Unit property is the subject of an outstanding order and/or violation from the City, County, or other governmental

agency that has not been corrected.

- (h) The Short-term Rental Unit property has been declared a public nuisance by Montgomery County Public Health or the City of Centerville;
- (i) The Short-term Rental Unit property has a documented history or pattern of criminal or drug related emergency service calls and/or incidents.

846.08 CONFLICTS

Where a provision of this Chapter 846 conflicts with a provision of a lawful and recorded private restrictive covenant, the more restrictive provision shall apply. This provision does not place any duty on the City to enforce private restrictive covenants.

846.09 REVOCATION OF SHORT-TERM RENTAL LICENSE

The City of Centerville City Manager or their designee may revoke a Short-term Rental License if the property does not comply this Chapter 846. A revoked Short-term Rental License may either appeal the revocation as set forth in 846.11 of this chapter or reapply for a new Short-term Rental License as set forth in 846.03 of this chapter. A revoked Short-term Rental License, the Applicant, Host, or property Owner may not operate or advertise the Short-term Rental Unit associated with the revoked License until either an appeal is granted or a new license is issued.

846.11 APPEALS

- (a) Right of Appeal: Any Short-term Rental Applicant, Short-term Rental Host or Short-term Rental Transient who has been aggrieved or affected by any decision of the City Manager or their designee may appeal such decision to the Planning Commission by filing a petition with the Development Department within 15 days from the date of the decision. Such petition shall state the facts of the case. There shall be filed with the petition a separate document stating the grounds of the appeal.
- (b) Hearing: Any appeals shall follow the Appeal Procedure set forth in Section 5.19 of the Unified Development Ordinance.
- (c) Appeal from Planning Commission Decision: A decision of the Planning Commission may be appealed to City Council and shall follow the procedures set out in Section 5.19 of the Unified Development Ordinance.

846.12 PENALTY

Whoever violates any of the provisions of this chapter is guilty of an unclassified misdemeanor and shall be fined not more than one thousand dollars (\$1,000) for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. If, within thirty-six (36) months of the

offense, the offender previously has been convicted of or pleaded guilty to two or more violations of any provision of this chapter, the offense is a misdemeanor of the fourth degree.

Section 2. This Ordinance shall take effect and be in force at the earliest date provided by law.

PASSED this _____ day of _____, 2024.

Mayor of the City of the City of Centerville, Ohio

ATTEST:

Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. _____, passed by the Council of the City of Centerville, Ohio on the ____ day of _____, 2024.

Clerk of the Council

Approved as to form, consistency with the
Charter and Constitutional Provisions.

Department of Law
Scott A. Liberman
Municipal Attorney