

BILL NO. 1195

ORDINANCE NO. 1108

Sponsor: Councilman Krank

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF BLACK JACK
AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES
OF THE CITY OF BLACK JACK, MISSOURI BY ADDING A NEW
ARTICLE XIII ENTITLED SHORT TERM RENTAL PROPERTIES

WHEREAS, the City Council of the City of Black Jack believes the regulation of short term rental properties that are located within the City is critical to maintaining the public health and safety of the City and its residents; and

WHEREAS, the City Council wishes to place certain conditions of use and restrictions on short term rental properties within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK JACK, ST. LOUIS COUNTY, MISSOURI AS FOLLOWS:

SECTION 1: The City Council of the City of Black Jack, Missouri hereby amends Chapter 10 of the Code of Ordinances of the City of Black Jack by adding a new **Article XIII**, including **Section 10-325 through Section 10-327** governing the use, occupancy and licensure of **Short Term Rental Properties**.

Section 10-325. Short Term Rental Properties.

- A. Definitions. For the purposes of this Article XIII, the following terms shall have the meanings indicated.
1. "Code" shall mean the Code of Ordinances of the City of Black Jack.
 2. "Facilitation Platform" shall mean the intermediary that facilitates the rental of any Short Term Rental Property and collects payment from the Transient Guest, but not including an entity that acts solely as a property manager.
 3. "Local Contact Person" shall mean either the Owner of the Short Term Rental Property or another specifically designated individual that is available 24 hours per day, 7 days per week, for the purpose of responding within 45 minutes to complaints regarding the condition, operation or conduct of occupants of the Short Term Rental Property or their guests.
 4. "Owner" shall mean the person or entity that holds legal and equitable title to a Short Term Rental Property and who resides there as the legal residence of such person.

5. "Rental Period" shall mean the duration of time that any same Transient Guest(s) shall occupy the Short Term Rental Property, which shall not exceed thirty-one (31) continuous days.
6. "Short Term Rental" shall mean a rental of any legally permitted residential dwelling unit or a portion of such a legally permitted residential dwelling unit located in any Residence District as defined by Sections 110, 120, 130 and 140 of Appendix C of this Code for a period of less than thirty-one (31) consecutive calendar days, in compliance with the terms of this Article XIII.
7. "Short Term Rental Property" shall mean the property in which a Short Term Rental is located.
8. "Short Term Rental Property Application" shall mean the designated form of application as provided by the City, which shall be completed in its entirety and submitted to the City by every Owner of a prospective Short Term Rental Property at least thirty (30) days prior to the start of any intended or prospective Short Term Rental.
9. "Short Term Rental Property Permit" shall mean a permit awarded by the City to an Owner of a Short Term Rental Property authorizing such Owner to permit Transient Guests to occupy and rent for payment the Short Term Rental Property described on such permit for the purposes of, and in accordance with, this Article XIII.
10. "Short Term Rental Property Registry" shall mean the list maintained by the City, of every Owner and each Owner's respective Short Term Rental Property that such Owner rents to Transient Guests, and such other information as may be required by the City Clerk pursuant to the Short Term Rental Property Application, which shall be kept on record with the City Clerk for a period of three (3) years.
11. "Transient Guest" shall mean any person who is over the age of 18 or is accompanied by an adult of legal age who occupies any rooms or accommodations within a Short Term Rental Property for a period of less than thirty-one (31) continuous days; provided, however, that "Transient Guest" shall not mean an occupant under a lease agreement with a term in excess of thirty-one (31) consecutive days.

B. Short Term Rentals.

1. A Short Term Rental shall be permitted in those certain Residence Districts enumerated under Sections 110, 120, 130, 140 of Appendix C of the Code and as otherwise permitted as provided in The Zoning Ordinance of City of Black Jack, Missouri.

2. Short Term Rentals shall be subject to and shall comply with all requirements of the City and state building, fire, safety and occupancy codes and limits.
3. The Owner of the Short Term Rental Property shall be current in the payment of the real estate taxes on the property to be eligible for a Short Term Rental Property Permit.
4. The Owner of any Short Term Rental shall be required to apply for and obtain a Short Term Rental Property Permit and business license as required pursuant to Article VIII of Chapter 10 of the Code from the City before renting or advertising the availability of the Short Term Rental through any Facilitation Platform or otherwise.
5. The Owner of the Short Term Rental shall occupy the house for at least 275 days per year, and shall not rent or otherwise permit Transient Guest(s) to occupy the Short Term Rental Property without the Owner present, for more than a total of 90 nights per year.
6. The number of Transient Guests allowed to occupy any Short Term Rental Property shall be limited to two (2) people per bedroom of the subject Short Term Rental Property. The Short Term Rental Property must be four (4) bedrooms or smaller.
7. Any Short Term Rental Property shall be listed and/or marketed on a publicly available Facilitation Platform.
8. The Owner shall use reasonable, prudent business practices to ensure that the Short Term Rental Property is used in a manner that complies with all applicable laws, rules and regulations pertaining to the use and occupancy of the Short Term Rental Property including but not limited to Sections 6-81, 6-82 and 6-227 of the Code.

Section 10-326. Application and Permit; Procedures.

A. Obtaining a Short Term Rental Property Permit.

1. The Owner of the Short Term Rental Property shall adhere to the following conditions and shall submit the following information on a Short Term Rental Property Application form provided by the City, which shall include, at a minimum, the following information:
 - a. The name, address and telephone number of the Owner of the Short Term Rental Property and the website address of the Facilitation

Platform wherein the Short Term Rental Property is listed for marketing and rental purposes.

- b. A designated Local Contact Person, which may be listed as either (i) the Owner, or (ii) some other individual; provided, however, any such Local Contact Person shall be available 24 hours per day, 7 days per week, for the purpose of responding within 45 minutes to complaints regarding the condition, operation or conduct of Transient Guests or other occupants, and for the purpose of responding to any request, disturbance notice, or for any other reason as the City Clerk may deem necessary for purposes of this Article XIII, and for the purpose of responding to any request or complaint by any Transient Guest regarding the condition or operation of the Short Term Rental Property. In each case, such Local Contact Person shall be available during the prescribed times for the entire term of any Rental Period.
 - c. The name, address, driver's license number, cell phone number and telephone number of the Local Contact Person shall at all times be kept on file with the City Clerk, and shall be kept in the records of the City for a period of three (3) years after the conclusion of any Short Term Rental.
 - d. A one-time initial application fee for any Short Term Rental Property shall be due and payable in the amount of \$200.00 in the form of a check made payable to the City of Black Jack, as of the date and time the Short Term Rental Property Application is submitted. For each year thereafter, the Owner shall be subject only to the annual registration fee in addition to the bi-annual application renewal fee as described in this Section.
 - e. Such other information as the City Clerk deems reasonably necessary to administer this Article XIII, including, an acknowledgement by the Owner of his or her obligation to pay any applicable taxes that may be required as a result of the use and occupancy of the Short Term Rental Property as described herein.
 - f. Upon receiving a Short Term Rental Property Application that complies with the provisions of this Article XIII, the residents within 200 feet of the property lines of the subject Short Term Rental Property shall be notified by the City Clerk or his / her designee of the existence and potential approval of the Short Term Rental Property Application.
2. Any false statements or false information provided in the Short Term Rental Property Application shall be grounds for denial of a Short Term Rental Property Permit, permit revocation or imposition of other penalties as outlined in this Code.

3. A Short Term Rental Property Application shall be denied if the Owner has had a Short Term Rental Property Permit revoked within the past twelve (12) months for the same or other Short Term Rental Property. If a Short Term Rental Property Permit is revoked twice, no Short Term Rental Property Permit shall be subsequently issued for such Owner.
4. The Owner shall post the Short Term Rental Property Permit on the exterior of the Short Term Rental Property within plain view for the general public with the phone number for the Local Contact Person clearly visible. The permit shall be between 8 ½" by 11" and 4" by 5" in size and shall be displayed at all times that the Short Term Rental Property is being used for a Short Term Rental.
5. The Owner shall pay an annual registration fee of \$100.00 per year after the initial application fee in order to remain on the City's Short Term Rental Property Registry, thereby permitting the Owner to continue allowing Transient Guest(s) to rent and/or occupy the subject Short Term Rental Property in accordance with this Article XIII.
6. A Short Term Rental Property Permit shall be valid for two (2) years from the date of issuance. A Short Term Rental Property Permit shall be renewed bi-annually by the Owner by submitting to the City Clerk all updated information as required by the renewal form, along with a \$50.00 application renewal fee.

B. Record of Transient Guest(s) and Notice.

1. Prior to each and every Rental Period of a Short Term Rental Property, the Owner shall:
 - a. Obtain the contact information of all Transient Guest(s) including the name, age, permanent address, telephone number, vehicle license plate number and emergency contact for each person to occupy the Short Term Rental Property;
 - b. Require the Transient Guest(s) to execute a formal acknowledgment that he or she is legally responsible for compliance as occupants or guests of the Short Term Rental Property with all applicable laws, rules and regulations pertaining to the use and occupancy of the Short Term Rental Property, including the payment of any applicable taxes;
 - c. Require any Transient Guest under the age of 18 to be accompanied by an adult of legal age who shall execute and acknowledge an addendum to the formal acknowledgement described above, which shall be in substantially the form of a waiver of all claims against the Owner and

City and shall indicate that the Transient Guest over the age of 18 shall assume full responsibility for the Transient Guest under 18;

- d. Information required in items (a), (b) and (c) above shall be maintained by the Owner for a period of three (3) years and shall be made available upon request by any officer of the City responsible for the enforcement of any provision of this Code or any applicable law, rule or regulation pertaining to the use and occupancy of the Short Term Rental Property; and
 - e. Provide notice to the City Clerk prior to the start of any Rental Period and a list of the names of all Transient Guest(s) which will be occupying the Short Term Rental Property and the expected duration of the subject Rental Period.
2. On-site parking shall be allowed on an approved driveway, garage and/or carport areas.
 3. The City Clerk or such other designee shall have the authority to impose additional conditions on the use and Rental Period of any Short Term Rental Property to ensure that any potential secondary affects unique to the subject Short Term Rental Property are avoided or adequately mitigated.

C. Procedures for Violations or other misconduct.

1. The Owner or Local Contact Person shall use reasonably prudent business practices to ensure that all Transient Guests of the Short Term Rental Property do not create unreasonable noise or disturbances, engage in disorderly conduct or violate any applicable law, rule or regulation pertaining to the use and occupancy of the subject Short Term Rental Property.
2. No amplified or reproduced sound shall be used outside or audible from the property line of any Short Term Rental Property between the hours of 10:00 pm and 9:00 am.
3. The Owner or Local Contact Person shall upon notification that any Transient Guest or other occupant of the Short Term Rental Property has created unreasonable noise or disturbances, engaged in disorderly conduct or committed a violation of any applicable law, rule or regulations pertaining to the use and occupancy of the Short Term Rental Property or otherwise, respond in a timely and appropriate manner to immediately halt or prevent reoccurrence of such conduct.
4. Failure of the Owner or Local Contact Person to respond to such calls or complaints regarding the condition, operation or conduct of Transient

Guests of the Short Term Rental Property in a timely and appropriate manner shall be grounds for revocation of the Short Term Rental Property Permit and shall subject the Owner to all administrative, legal and equitable remedies available to the City.

Section 10-327. Penalties and Enforcement.

- A. Upon request by the City Clerk or such other designee, all Owners shall provide access within 24 hours to the Short Term Rental Property and to any records related to the use and occupancy of the Short Term Rental Property during normal business hours for the purpose of inspection and determining compliance with this Article XIII.
- B. Any person violating any of the provisions in this Article XIII may be prosecuted as provided by law for the violation of ordinances of the City and upon conviction shall be punished by a fine not exceeding five hundred dollars (\$500.00) for any one (1) offense or imprisonment for not more than thirty (30) days, or both such fine and imprisonment.
- C. In addition to any penalty imposed pursuant to Article XIII of this Code, the City may impose additional conditions on the use of any Short Term Rental Property pursuant to Appendix C or Chapter 10 of this Code.
- D. Except as otherwise expressly provided in this Code, enforcement of this Article XIII is at the sole discretion of the City. Nothing in this chapter shall create a right of action in any person against the City or its agents for damages or to compel public enforcement of the provisions of Article XIII for private parties.
- E. Each and every day during any portion of which a violation of this Article XIII exists shall be considered a separate offense.
- F. In addition to the penalties hereinabove authorized and established, the Prosecuting Attorney shall take such other actions at law or in equity as may be required to halt, terminate, remove, or otherwise eliminate any violations of this Article XIII.

SECTION 2: It is the intention of the City Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Black Jack, Missouri.

SECTION 3: This Ordinance shall become effective upon its passage and approval as provided by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BLACK JACK, ST. LOUIS
COUNTY, MISSOURI, THIS 20th DAY OF JUNE, 2017.

Norman C. McCourt, Mayor

ATTEST:

Karen E. Robinson, MRCC-S/CMC
City Clerk
Executive Assistant to the Mayor

APPROVED THIS 20th DAY OF JUNE, 2017

APPROVED AS TO LEGAL FORM:

Sheldon K. Stock, Special Counsel