

CITY OF DOVER ORDINANCE #2020-05

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Chapter 22 - Buildings and Building Regulations, Article IX - Lodginghouses, Section 22-281 - Purpose; Applicability; Definitions; Compliance (c) Definitions be amended by inserting the text indicated in blue and deleting the text indicated in red strikeout for the following definition:

- (1) *Lodginghouse* means a building operated principally for the temporary residence of the transient public, including but not limited to hotels, motels, **inns, boardinghouses, rooming houses**, tourist homes, and dormitories.

BE IT FURTHER ORDAINED:

That Chapter 22 - Buildings and Building Regulations, Article X - Rental Dwellings, Division 2 - Permit, be amended by inserting the text indicated in blue and deleting the text indicated in red strikeout as follows:

Secs. 22-353—22-~~369~~**355**. - Reserved.

BE IT FURTHER ORDAINED:

That Chapter 22 - Buildings and Building Regulations, Article X - Rental Dwellings, Division 3 - Safe Communities be renumbered as Division 4.

BE IT FURTHER ORDAINED:

That Chapter 22 - Buildings and Building Regulations, Article X - Rental Dwellings, be amended by adding a new Division 3 - Short Term Rental Use, as follows:

DIVISION 3. - SHORT TERM RENTAL USE

Section 22-356. Purpose; applicability; definitions; compliance.

- (a) *Purpose.* The City of Dover wishes to permit the limited and temporary rental use of one family dwellings (residences) in established areas of the City as an economic asset, allowing for increased travel, visitation and tourism and affording property owners of the opportunity to earn revenue from such occupancy, while ensuring that such uses do not become a nuisance, that neighborhood character is not compromised, and that such businesses are properly operated and maintained. The purpose of this Division shall be to minimize public safety risks and public nuisances, such as noise, trash and parking problems; to ensure that traditional neighborhoods are not turned into tourist areas to the detriment of long-term residents; and to ensure that individual dwellings are not turned into pseudo hotels or party houses.
- (b) *Applicability.* A Short Term Rental Use (STRU) shall be allowed in any one family dwelling as defined in Appendix B - Zoning, Article 12 - Definitions of the Zoning Ordinance wherever such are allowed by right and do not require a variance or conditional use approval.

- (c) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- (1) *Good Neighbor Brochure* means a document provided by the owner to the guest or guests and containing: the name and telephone number for the owner; notification on standards of behavior and occupancy relating to parking, noise, trash collection, waste disposal, street maintenance, snow removal, and public safety services and including contact and web access information; and such other information as the City may from time to time prescribe.
 - (2) *Guest or guests* means the individual or individuals securing the Short Term Rental Use for the purposes of staying overnight.
 - (3) *Owner* means the person or persons holding legal or equitable title to the property being offered as a Short Term Rental Use.
 - (4) *Short Term Rental Use (STRU)* means rental of all or a part of a residential one family dwelling unit **which is made available by agreement for a residential occupancy by a tenant in exchange for compensation** for a duration of a temporary occupancy of less than 30 days. Rentals of 30 days or more shall comply with the provisions of Divisions 1 and 2 of this Chapter. **Lodginghouses as defined in Article IX, Section 22-281 are not included as Short Term Rental Uses under this Division.**
- (d) *Compliance.* No person shall operate, offer for occupancy or let to another for occupancy as a Short Term Rental Use any dwelling which is not in compliance with this Article or any other applicable codes.

Section 22-357. Registration and Inspection Requirements; Inspection required for life safety and building purposes. Short-Term Rental Use License Required.

- (a) The Owner of any dwelling proposed for a Short Term Rental Use must obtain an annual Short Term Rental Use license.
- (b) An inspection by the City of Dover code enforcement office shall be required to determine compliance with ~~City Property Maintenance, Life Safety and Building Codes~~ **property maintenance and all other applicable codes**. Any items in non-compliance shall be remedied before a license is granted. The inspection shall be required the first time a license is issued and may be required at renewal at the discretion of the code enforcement office. The rental license must be kept current during anytime the dwelling is offered as a Short Term Rental Use.
- (c) The license shall be valid for up to one year and must be renewed no later than January 31 of each year of continued operation.
- (d) The Short Term Rental Use license must be clearly displayed inside the dwelling along with any state licenses or permits.

- (e) The Short Term Rental Use license may not be transferred to any party except heirs and assigns and shall be void upon transfer of ownership of the property where the Short Term Rental Use is located.

Section 22-358. Owner obligations.

An Owner of a dwelling seeking to use a property as a Short Term Rental Use shall comply with the following obligations:

- (a) The Owner of the property being offered as a Short Term Rental Use must be a resident of the City of Dover. Determination of residency shall be based on meeting City of Dover voting residency eligibility. Such owner may offer for Short Term Rental Use only that property which is the owner's primary residence.
- (b) A property not owned by a resident of the City of Dover shall not be used as a Short Term Rental Use. Such property shall not be used for overnight accommodations unless such property qualifies as a Bed and Breakfast Inn pursuant to Dover Code, Appendix B - Zoning, Article 3 - District Regulations.
- (c) A Good Neighbor Brochure must be provided in the dwelling listing City provisions as required.

Section 22-359. Limitations on occupancy and use.

- (a) The number of guests 12 years and older permitted at any time shall not exceed twice the number of bedrooms (i.e. 3 bedrooms x 2 = 6 occupants), with a maximum of 12 individual occupants of all ages at any one time regardless of the number of bedrooms available.
- (b) No more than 1 extra vehicle per bedroom shall be allowed, not to exceed 6 extra in total; all parking shall comply with all requirements relating to street maintenance, fire access, parking on paved surfaces, trash collection, obstacles to travel, or other requirements. Violations shall be ticketed offenses.
- (c) Signage identifying the Short Term Rental Use, if desired, shall be limited to one sign, mounted on the dwelling, not illuminated, and not to exceed one (1) square feet in size overall. A sign permit must be obtained for any desired sign.
- (d) Access to a full bath must be provided.
- (e) Guests shall be prohibited from further subletting the dwelling.
- (f) Weddings, graduation parties, corporate events, commercial functions, large gatherings, or other special events associated with the STRU shall be prohibited unless a City of Dover Special Event Permit shall have been granted for a specific activity and date.
- (g) The Owner has the responsibility to not knowingly allow any illegal or criminal activity on the property nor permit the guests to create a public nuisance including, but not limited to, creating noise, causing odors, permitting an unsafe condition, maintaining a disorderly premise, generation of trash, or other behavior which unreasonably disturbs the peace, safety and general welfare of the neighborhood as

provided in this Chapter and pursuant to Chapter 70 - Offenses and Miscellaneous Provisions, Section 70-8 - Disorderly Premises and Chapter 42 - Environment, Section 42-2 - Noise of the Dover Code of Ordinances.

Section 22-360. Enforcement, Fees and Penalties, Reporting.

- (a) *Short term rental license.* Payment of a Short Term Rental Use license fee as set forth in Appendix F - Fees and Fines is required annually beginning January 31 of each year; the fee will be prorated for a partial year.
- (b) *Failure to register and obtain a license.* Penalties fines for failure to register and obtain a license shall be as set forth in Appendix F - Fees and Fines.
- (c) *Penalties for violations.* Penalties for violations of Division 3, Short Term Rental Use, shall be as set forth in Appendix F - Fees and Fines.
- (d) A dwelling cited three times by the Code official or by any City department as a nuisance or the location of illegal or criminal activity within any consecutive 12-month period shall have its Short Term Rental Use license suspended for not less than the rest of the license year or a longer period up to permanently.
- (e) The Owner shall voluntarily report to the City annually documenting the occupancy and frequency of rentals obtained, such report to be completed by January 31 of the following year as part of the license renewal and for the purposes of building a database of STRU activity and economic impact, not for enforcement or tax purposes.

Section 22-361. Enforcement, Notice and Appeals.

Enforcement of violations of this Division shall be as set forth in Chapter 22 - Buildings and Building Regulations, Chapter 42 - Environment, and Chapter 70 - Offenses and Miscellaneous Provisions of the Code of Ordinances.

Secs. 22-362—22-369. - Reserved.

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 12 - Definitions, be amended by inserting the text indicated in blue and deleting the text indicated in red strikeout in the following definition:

Family: One or more persons occupying a dwelling unit as a single ~~nonprofit~~ housekeeping unit. More than five persons, exclusive of domestic servants, or not more than one boarder or roomer, not related by blood, marriage or adoption, shall not be considered to constitute one family.

BE IT FURTHER ORDAINED:

That Appendix F - Fees and Fines, Chapter 22 - Buildings and Building Regulations, Article X - Rental Dwellings be amended by adding Section 22-360 - Enforcement, Fees and Penalties, Reporting in its correct numerical order, as follows:

Sec. 22-360. Enforcement, Fees and Penalties, Reporting.	
Subsec. (a) Short Term Rental License	\$100.00 annually, prorated for partial year
Subsec. (b) Failure to register and obtain a license.	\$100.00 (not prorated) in addition to license.
Subsec. (c) Penalties for violations.	\$100.00 per offense

ADOPTED: JANUARY 11, 2021