

RECORD OF ORDINANCES

Government Forms and Supplies (844) 224-3338 FORM NO. SHTR011

Ordinance No. **0-146-21**

Passed **December 13**, 20**21**

Introduced by Chris Fahl, Chair
Planning & Development Committee

AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 29, HOUSING REGULATIONS, CHAPTER 29.03, RENTAL DWELLING AND HOUSING PERMIT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO;

SECTION I: Athens City Council hereby amends Athens City Code, Title 29, Housing Regulations, Chapter 29.03, Rental Dwelling and Housing Permit, to read as follows:

Chapter 29.03. - Rental Dwelling **SHORT TERM RENTAL** and Housing Permit

29.03.01. - Rental permit required.

All residential property within the City of Athens owned for rental purposes or occupied by a party other than the owner for a period of more than six months during any single calendar year, shall require a rental dwelling, **SHORT TERM RENTAL**, or rooming house permit from the office of code enforcement. Traditional motels and hotels are excluded from the necessity of obtaining a rental dwelling, **SHORT TERM RENTAL**, or rooming house permit. Nontraditional (long-term) rentals in hotels and motels are not excluded.

29.03.02. - Application.

To obtain a rental dwelling, **SHORT TERM RENTAL**, or rooming house permit, the owner of a rental dwelling, **SHORT TERM RENTAL**, or rooming house, as defined in this code, shall apply to the Code Enforcement Office of the City of Athens. A rental dwelling, **SHORT TERM RENTAL**, or rooming house permit shall be issued by the director of code enforcement if, upon inspection of the rental dwelling, **SHORT TERM RENTAL**, or rooming house, it is determined that the rental dwelling, **SHORT TERM RENTAL**, or rooming house meets the requirements of this code. Such an inspection shall be made within 30 days after said application has been made. Upon application for a permit, the owner of a rental dwelling, **SHORT TERM RENTAL**, or rooming house may rent or lease the premises at his or her own risk, subject to the subsequent approval of the permit by the director of code enforcement. The director of code enforcement shall deny the issuance of a permanent permit to any owner or operator whose structure does not, within 30 days, comply with this code. Any permit granted or issued under the terms of this

RECORD OF ORDINANCES

Government Forms and Supplies (844) 224-3338 FORM NO. SHTOR11

Ordinance No. **0-146-21 Page 2 of 5** Passed _____, 20____

code to an owner or operator may be suspended or revoked at any time by the director of code enforcement upon satisfactory proof of violation of any provision pursuant to this code or which could have been grounds for failure to issue an original permit. Any person who feels aggrieved by such denial may pursue the remedies as outlined in Chapter 29.07 of this code (housing appeals board). If a permit is suspended or revoked after a hearing as provided in Chapter 29.07, said permit shall be surrendered to the code enforcement office within five days of notification of such suspension or revocation.

29.03.03. - Zoning certification required.

Any person applying for a rental dwelling, **SHORT TERM RENTAL**, or rooming house permit shall include zoning compliance verification.

29.03.04. - Maximum occupancy.

The rental dwelling, **SHORT TERM RENTAL**, or rooming house permit shall state the maximum number of persons who may occupy the rental dwelling, **SHORT TERM RENTAL**, or rooming house as determined by this code and other ordinances of the City of Athens.

29.03.05. - Authorized agent.

No rental dwelling, **SHORT TERM RENTAL**, or rooming house permit shall be issued or received unless the applicant designates, in addition to himself, an agent for the receipt of process pursuant to this code. Said agent must be designated in writing on the application for said permit. Such agent must reside within Athens County.

29.03.06. - Notice of change of ownership.

Any person selling or otherwise relinquishing ownership or control of a rental dwelling, **SHORT TERM RENTAL**, or rooming house for which a rental dwelling, **SHORT TERM RENTAL**, or rooming house permit has been issued shall notify the code enforcement office of said change in ownership within five days of the effective date of the transfer. Such notice shall be in writing and shall include:

(A)

The name and address of the new owner;

(B)

The name and address of the previous owner; and

RECORD OF ORDINANCES

Government Forms and Supplies (844) 224-3338 FORM NO. SHTROR11

Ordinance No. **0-146-21 Page 3 of 5**

Passed _____, 20____

(C)

The agent for the new owner as required under the provisions of Section 23.03.05 herein.

29.03.07. - Expirations and renewals.

Every rental dwelling, **SHORT TERM RENTAL**, and rooming house permit shall be renewed annually on January 2. A flat fee, established by ordinance, will be assessed for each dwelling/rooming house permit fee unpaid on March 1.

29.03.08. - Fees.

(A)

The annual fee for a rental dwelling, **SHORT TERM RENTAL**, or rooming house permit shall be established by ordinance. Nothing herein contained shall prohibit the owner of a dwelling used for rental purposes from treating all the required inspection fees as a normal business expense incidental to the renting of property and, therefore, an appropriate consideration in the determination of debt. A permit issued after July 1 shall pay half of the annual fee for that year.

(B)

Failure to pay a rental permit fee within one year after the date of its mailing, shall result in the cancellation of the rental permit.

(C)

Said rental permit shall be reinstated upon payment of all past due amounts, plus interest, along with a reinstatement fee of \$100.00 per unit.

29.03.08.1. - City of Athens Occupancy Permit and Compliance Form.

Effective, January 1, 2018, it is the responsibility of the owner to place the City of Athens Occupancy Permit and Compliance Form on the back of the main entrance door of each rental unit, or on the wall next to the entrance door.

For all rentals, the names, addresses, and telephone numbers of both the property owner and the agent, along with the address of the rental property, must be provided with the payment of the rental fee.

RECORD OF ORDINANCES

Government Forms and Supplies (844) 224-3338 FORM NO. SHTOR011

Ordinance No. **0-146-21 Page 4 of 5**

Passed _____, 20____

(A)

This information will be placed on the City of Athens Occupancy Permit and Compliance Form by the code enforcement office, along with the maximum permitted occupancy and expiration date.

(B)

The office of code enforcement will provide one copy of the form for each rental unit. A fee of \$5.00 will be charged for additional or replacement copies.

29.03.09. - Display of occupancy permit and compliance form.

It shall be the responsibility of the owner or agent of a rental dwelling, **SHORT TERM RENTAL**, or rooming house to post the City of Athens Occupancy Permit and Compliance Form. This posted form is part of the rental inspection requirements. Failure to post said form is a minor misdemeanor punishable by a fine of up to \$150.00.

29.03.10. - Suspension and reinstatement.

(A)

At the end of the time allowed for correction of violations cited, the code inspector, lacking sufficient documentary evidence of compliance, shall reinspect the rental dwelling, **SHORT TERM RENTAL**, or rooming house. If he determines that such conditions have not been corrected, he may issue an order suspending the operating permit.

Any person whose permit to operate a rental dwelling, **SHORT TERM RENTAL**, or rooming house has been suspended shall be entitled to a reconsideration of the order by the housing appeals board in the manner herein provided. If no request for reconsideration or appeals reaches the housing appeals board within 14 days following receipt of an order of suspension, the permit shall be revoked, except that prior to revocation any person whose permit has been suspended may request reinspection, upon a showing that the violation or violations cited in the notice have been corrected.

(B)

When the owner or agent has been ordered by the code inspector to correct violations that may exist in a dwelling, as noted in the procedure in Section 29.02.03, the inspector shall reinspect the property to verify compliance with the original order. If additional inspections are required, due to noncompliance, a fee to be established by ordinance shall be assessed to the owner for each additional inspection. A reinstatement fee shall be established by ordinance.

RECORD OF ORDINANCES

Government Forms and Supplies (844) 224-3338 FORM NO. SHTROR11

Ordinance No. **0-146-21 Page 5 of 5**

Passed _____, 20____

SECTION II: Athens City Code Title 29, Housing Regulations, Chapter 29.37, Definitions, is hereby amended to include the following definition:

“SHORT TERM RENTAL.” A DWELLING UNIT OFFERED FOR RENT IN PART, OR IN ITS ENTIRETY, FOR LESS THAN 30 CONSECUTIVE DAYS PER OCCUPANT.


SECTION III: This Ordinance shall be in full force and effect at the earliest moment permitted by law upon its passage and approval by the Mayor.

ATTEST:


Clerk of Council


President of Council

APPROVED:


Mayor

RECORD OF ORDINANCES

Government Forms and Supplies (844) 224-3338 FORM NO. SHTROR11

Ordinance No. _____ *Passed* _____, 20____