

Town of Bowling Green
Town Council Meeting



Date: July 6, 2017
Agenda Item: Planning Commission Referral

TYPE OF AGENDA ITEM:

- CONSENT AGENDA
- PRESENTATION
- ACTION ITEM
- TOWN MANAGER & STAFF COMMENTS
- PUBLIC HEARING
- MOU
- Duly Advertised

PURPOSE OF ITEM:

- INFORMATION ONLY
- DISCUSSION ONLY
- DISCUSSION AND/OR DECISION
 - Introduction Resolution
 - Ordinance Grant/
 - By Motion Bylaws
 - Certificate

PRESENTER: Reese Peck

PRESENTER TITLE: Town Manager

AGENDA ITEM: Planning Commission Referral

BACKGROUND / SUMMARY: Homestay is a popular form of hospitality and lodging whereby visitors stay in a house or apartment of a local of the city to which they are traveling. Popular website such as Airbnb and Craig's List have made this type of lodging popular. Current Town Code does not adequately address this form of lodging.

ATTACHMENTS:

Draft Ordinance

REQUESTED ACTION:

Refer to planning for comment on the draft ordinance and recommendations on in which zoning districts homestay lodging should be allowed as either a by-right use or a special use.

FOR MORE INFORMATION, CONTACT:

Phone#: 804-633-6212

Email: Townmanager@townofbowlinggreen.com

Name:

Reese Peck

FOR USE DURING MEETING

Y	N		Y	N
<input type="checkbox"/>	<input type="checkbox"/>	Coleman	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Davis	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Gaines	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Hauser	<input type="checkbox"/>	<input type="checkbox"/>

VOTE:

PASS

NOT PASSED

McDearmon
Wright
Rowe
Satterwhite

AN ORDINANCE TO AMEND CHAPTER 3 OF THE TOWN CODE BY ADDING
ARTICLE VI, HOMESTAY REGULATIONS, AND AMEND
SECTIONS 7-600 AND 7-601 PERTAINING TO LODGING TAX

WHEREAS, the accessory or secondary use of residential property to provide transient room rentals has become increasingly popular;

WHEREAS, the Town Council finds that while this new use of residential property presents benefits to town residents, there is also potential for harm to neighborhoods, so that moderate regulation is required; and

WHEREAS, the public health, safety and welfare so require.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Bowling Green:

1. That Chapter 3 of the Town Code is amended and reordained by adding Article VI, Homestay Regulations, as follows:

Article VI. Homestay Regulations

Section 3-601. Definitions.

As used in this article, unless the context requires a different meaning:

"Booking transaction" means any transaction in which there is a charge to a transient by a host for the occupancy of any dwelling, sleeping, or lodging accommodations.

"Hosting platform" means any person or entity that is not a host but facilitates reservations or collects payments for any booking transaction on behalf of a host through an online digital platform.

"Guest" or "Transient" means a person who occupies a homestay unit.

"Homestay" means the accessory or secondary use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended for short term transient rental purposes in exchange for a charge for the occupancy. The primary use of the homestay unit shall remain residential. For each booking transaction, all applicable taxes must be collected and remitted to the town as required by Chapter 22 by either the host or the associated hosting platform. Such accessory or secondary use shall not create a landlord/tenant relationship.

"Host" means the person who is the primary resident of a homestay unit offered for homestay lodging. In determining compliance with these regulations, the host has the burden of demonstrating that the dwelling unit is his or her primary residence.

"Primary resident" means the owner of the homestay unit who occupies the property as his or her principal place of residence and domicile.

"Residential dwelling unit" means a residence where one or more persons maintain a household.

"Type A rentals" means rentals where the host is present during the homestay and no more than two bedrooms of the homestay unit are rented.

"Type B rentals" means all other rentals, including ones where more than two bedrooms of the homestay unit are rented or the host is not present during the homestay.

Section 3-602. Registration and other requirements.

(a) *No host shall operate a homestay unit or advertise a residential property for homestay use without the host first having registered with the department of planning and building.*

(b) *The registration form shall include the following information:*

(1) *The name, telephone number, address, and email address of the host.*

(2) *A reminder about the importance of having appropriate levels of insurance that covers the homestay unit, the host and the guests.*

(3) *If the homestay unit shares a common wall or a common driveway with another property owner, proof of written notification to such neighboring property owner(s) prior to filing the registration application.*

(c) *Signs, advertising, or any other display on the property indicating that the homestay unit is being utilized, in whole or in part, as a homestay are not permitted.*

(d) *The host shall register with the Finance Department to collect and remit the Town's transient lodging tax as set forth in Chapter 22, Article V of the Town Code.*

(e) *A host may only register and operate one residential dwelling unit as a homestay in the Town.*

(f) *The registration shall be valid January 1st (or from whatever date the registration first occurs) through December 31st of the calendar year, and shall be renewed annually.*

(g) *A valid registration will permit a maximum ninety (90) days of Type A and Type B rentals in each calendar year. Of these ninety (90) days of rentals, no more than thirty (30) days may be Type B rentals. On each lodging tax return form filed with the director of finance, the number of Type A and Type B rentals shall be listed.*

Section 3-603. Safety.

(a) *The unit shall have smoke alarms and carbon monoxide detectors meeting current Underwriters Laboratory standards installed as follows:*

(1) *In all sleeping areas.*

(2) *In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.*

(3) *In each story within the sleeping unit, including basements.*

(b) *Any sleeping area must have one other adequate method of egress beyond the entrance point.*

(c) *As part of the registration process, the host shall certify that the homestay unit meets the requirements of this section. The registration forms shall also provide that, as part of the registration, the host is agreeing to permit inspections of the home (at reasonable times and after notice has been provided) to address complaints. The failure to permit such an inspection is grounds for registration suspension.*

Section 3-604. Use regulations.

(a) *No recreational vehicles, buses, or trailers shall be parked on the adjoining street or visible on the property in conjunction with the homestay use.*

(b) *The dates for trash and recycling collection shall be posted prominently in the homestay unit.*

(c) *During each stay at the homestay unit, a principal guest shall be designated as the contact person for town officials in the event of safety or behavioral issues at the unit. The host shall provide this information upon request to authorized town officials.*

(d) *The host shall not permit occupancy of a homestay unit for a period of less than twenty-four (24) hours.*

(e) *The name and telephone number of the host or the host's designee shall be conspicuously posted within the homestay unit. The host shall answer calls twenty-four (24) hours a day, seven (7) days a week for the duration of each short term rental to address any problems associated with the homestay unit.*

(f) *The principal guest of a homestay unit shall be at least eighteen (18) years of age.*

(g) *The maximum number of adult guests in a homestay unit is limited to six (6).*

Section 3-605. Registration suspension or cancellation.

(a) *A registration may be suspended or cancelled for the following reasons:*

(i) *Failure to collect and/or remit the transient occupancy tax.*

(ii) *Three or more substantiated complaints (including, but not limited to, parking on grass, noise, excess trash) within a twelve (12) month period.*

(iii) *The failure of any homestay host to maintain his or her principal place of residence or domicile at the dwelling unit used as a limited residential lodging.*

(b) *Before any suspension or cancellation can be effective, a duly designated officer of the town shall give written notice to the homestay host. The notice of suspension or cancellation issued under the provisions of this chapter shall contain:*

(i) *A description of the violations constituting the basis of the suspension or cancellation;*

(ii) *If applicable, a statement of acts necessary to correct the violation; and*

(iii) *A statement that if no request for a hearing is made within ten days from the date of the notice, the registration will be suspended or cancelled;*

(c) *The notice shall be given to the host by delivering a copy of the notice in person. If the host cannot be found, such notice shall be sent by (i) certified mail or e-mail to the addresses in the registration form and (ii) a copy of the notice shall be posted in a conspicuous place on the premises.*

(d) *If requested, a hearing shall be held before a deputy town manager or the deputy manager's designee. It is the burden of the host to demonstrate, by a preponderance of the evidence, why the suspension or cancellation should not go into effect. The decision of the deputy town manager or designee may be appealed to the town council.*

Section 3-606. Penalty.

It shall be unlawful to operate a homestay without registering as required by this article, after a registration has been suspended or cancelled or in violation of any other requirement of this article; the penalty shall be a fine of one thousand dollars (\$1,000.00) per occurrence.

That Sections 7-600 and 7-601 of the Town Code are amended and reordained, as follows:

Section 7-600. Definitions.

For the purpose of this article, the following words shall have the meanings indicated:

“Consumer” means every person who shall pay to any hotel, motel, boardinghouse, campground or other facility offering guest rooms a charge for the occupancy of any room or space.

“Hotel” means any public or private hotel, inn, hostelry, tourist home or house, motel, rooming house or other lodging place within the Town offering lodging, as defined herein, for compensation, to any transient as defined herein.

“Lodging” means space or room furnished any transient, including the cost of all meals, food and other services when furnished with space or room for a unit price.

“Person” means an individual, firm, partnership or corporation and combinations of individuals or any other legal entity by whatever term customarily known.

“Seller” means every person who operates a hotel, motel, boardinghouse, campground or other facility within the Town providing rooms or spaces to any consumer for occupancy for a charge.

“Transient” means any person who, for a period of not more than ~~30~~ 90 consecutive days, either at his own expense or at the expense of another, obtains lodging at any hotel as defined herein.

Section 7-601. Imposition; exemptions.

- (a) Imposition. There is hereby imposed and levied upon the consumer of services provided by hotels, motels, boarding houses, campgrounds and other facilities offering guest rooms for rent for fewer than ~~30~~ 90 days within the Town a transient occupancy tax for general Town purposes equal to 5% of the amount of charge to the consumer for the occupancy of any room or space.

That this ordinance shall be effective upon its adoption.