



**AGENDA**  
**REGULAR MEETING OF PLANNING COMMISSION**  
**May 28, 2024 7:00 p.m.**  
**Peninsula Village Hall**  
**1582 Main Street**  
**Peninsula, Ohio 44264**

CALL TO ORDER; ROLL CALL

CONSIDERATION OF MINUTES  
April 22, 2024 Planning Commission Meeting

CITIZENS PARTICIPATION

MAYOR'S REPORT

COUNCIL LIAISON REPORT

HEARINGS

Request of Peninsula Foundation for Certificate of Appropriateness for Proposed G.A.R. Hall  
Patio and Pergola

OLD BUSINESS

Wastewater and Water Projects

Area Master Plan

NEW BUSINESS

Review of Possible Amendments to Short-Term Rental and Short-Term Rental Tax Ordinance  
Option 1 – Amend Ordinance and Maintain Existing Structure

Option 2 – Prohibit New S-T Rentals, Grandfather Existing Permits for Existing Owners  
if Continue to Comply with Requirements, No Limits on Owner-Occupied S-T Rentals

Option 3 – Prohibit New S-T Rentals in Residential Zones, Grandfather Existing Permits  
for Existing Owners if Continue to Comply with Requirements, Permit Up to Five  
Permits in Commercial and Mixed-Use Districts Combined, No Limits on Owner-  
Occupied S-T Rentals

Proposed Amendment to S-T Rental Tax Ordinance

ADJOURNMENT

**RECORD OF PROCEEDINGS**  
**VILLAGE OF PENINSULA PLANNING COMMISSION**  
**Held: Monday, April 22, 2024**

**CALL TO ORDER:** Chairperson Walters called the meeting to order at 7:00 p.m.

**ROLL CALL**

Chairperson Karen Walters	Present
Kevin Royer	Present
Mayor Danial Schnieder, Jr.	Present
Greg Canda	Present
Council Rep. Doug Steidl	Absent

**OTHERS PRESENT:** Solicitor Brad Bryan, Village Planner Rita McMahon, Administrative Assistant Faith Dorton

**CONSIDERATION OF MINUTES**

March 25, 2024 Planning Commission Meeting

Mr. Canda made a motion to approve the Minutes that was seconded by Ms. Walters.

Mr. Canda asked whether a statement in the Draft Minutes about the sewer project attributed to Doug Mayer was correct. Others on the Commission confirmed Mr. Mayer made that statement. Kathy Bertsch stated she felt part of the discussions of the Commission regarding their individual opinions on the short-term rental ordinance were omitted from the Minutes. Members of the Commission discussed that issue and concluded the minutes should strike a good balance between recording what decisions were made and the reasons behind them, as opposed to containing everything that was said at the meeting.

Ms. Walters made a renewed motion to approve the Minutes as drafted that was seconded by Mr. Royer. Roll Call: Chairperson Walters, yes; Mr. Royer, yes; Mayor Schneider, abstain; Mr. Canda, yes. The Minutes were approved.

**CITIZENS PARTICIPATION**

Mo Riggins asked who makes the final decision on the short-term rental approvals and whether the list of licensed properties would be listed on the Village website. She brought up a property which online listing did not match its septic permit capacity. She expressed her concerns with non-owner occupied short-term rental properties and asked what action takes place after someone reports a violation.

Mr. Bryan stated the decision whether to approve a short-term rental application is an administrative decision, not a decision made by the Commission or Council. The Village plans on listing the short-term rental properties with certificates on the website once the inspections are completed and the information is processed. He stated when someone reports information, the Village investigates it.

Steve Craig asked about certificates of appropriateness for new garages in the historic district. Ms. McMahon stated such certificates are not required for garages and sheds.

Denise English reported that the Chamber of Commerce supports having short-term rentals in the Village.

Mark Anson shared his gratitude for the Planning Commission, Faith Dorton, Rita McMahon, and Mr. Bryan for their hard work on these issues.

## RECORD OF PROCEEDINGS

### VILLAGE OF PENINSULA PLANNING COMMISSION

**Held: Monday, April 22, 2024**

#### **MAYOR'S REPORT**

Mayor Scheider stated Council approved additional money for the Zoning Officer to help with the short-term rental property inspections and reported those inspections have been scheduled for May. Mr. Bryan shared the current numbers of approved certificates in each category.

The Mayor stated the photo traffic enforcement program will be re-commenced soon. Mr. Bryan provided more details about the last steps for Stow Court to be ready for the new process.

#### **COUNCIL LIAISON REPORT**

The Mayor, on behalf of the absent Mr. Steidl, confirmed his report also provided a Council Meeting update.

**HEARINGS:** None.

#### **OLD BUSINESS**

##### Wastewater and Water Projects

Mr. Bryan informed everyone the County selected the Burgess & Niple firm to perform the design engineering work for the sewer project. The County is in the process of approving that contract.

The Mayor confirmed he will be meeting with the County in the near future to discuss options for water. He will let everyone know when more information is available.

##### Area Master Plan

Mr. Bryan stated OHM is working on its public communications plan and confirmed a Steering Committee and public meeting will be scheduled soon.

#### **NEW BUSINESS**

##### Short Term Rentals

*Review of Possible Amendments to Short-Term Rental and Short-Term Rental Tax Ordinance*

Option 1 – Amend Ordinance and Maintain Existing Structure

Option 2 – Prohibit New S-T Rentals, Grandfather Existing Permits for Existing Owners if Continue to Comply with Requirements, No Limits on Owner-Occupied S-T Rentals

Option 3 – Prohibit New S-T Rentals in Residential Zones, Grandfather Existing Permits for Existing Owners if Continue to Comply with Requirements, Permit Up to Five Permits in Commercial and Mixed-Use Districts Combined, No Limits on Owner-Occupied S-T Rentals

Proposed Amendment to S-T Rental Tax Ordinance

Ms. McMahon and Mr. Bryan reviewed the proposed amendments for each of the above options, and the Commission Members had the opportunity to ask questions. Mr. Bryan stated Mr. Steidl shared in advance with him that he preferred Option 3. Mr. Canda stated he was also leaning in that direction. Mr. Royer stated the Commission should consider the pros and cons of each option and then determine what is best for the Village and residents.

**RECORD OF PROCEEDINGS**  
**VILLAGE OF PENINSULA PLANNING COMMISSION**  
**Held: Monday, April 22, 2024**

Ms. Walters stated she supports short-term rentals. It is an opportunity for residents to have a place to stay for relatives and friends and a way to share Peninsula with visitors. As a result, she thinks Option 1 is the best for the Village. She stated downtown residents are used to visitors.

The Commission further discussed the options and opened the floor for residents' comments to be heard. The need to enforce the rules was determined to be important. The Commission determined further deliberation on the presented options was necessary at its next meeting before a recommendation could be made to Council.

G.A.R. Hall

*Discussion for the G.A.R. Hall Proposed Patio.*

Ms. Walters recused herself from her Commission position on this issue due to her employment status with the Peninsula Foundation. Information was provided on the proposed patio. Mr. Canda asked for further details on the location and materials of the patio. It was confirmed the patio would meet ADA standards. Ms. McMahon and Mr. Bryan recommended that more details be provided before the Commission could grant approval. They emphasized a site plan and more detailed information on the pergola and its materials were needed.

It was noted that since the May Planning Commission Meeting date falls on Memorial Day, the May Meeting will be moved to the next day, Tuesday May 28.

**ADJOURNMENT**

Mr. Canda made a motion to adjourn the meeting that was seconded by Mayor Schneider. Roll call vote: Ms. Walters, yes; Mr. Royer, yes; Mayor Schneider, yes; Mr. Canda, yes. The meeting was adjourned at 9:35 p.m.

Respectfully submitted:  
Karen Walters, Chairperson

Date

\_\_\_\_\_

\_\_\_\_\_



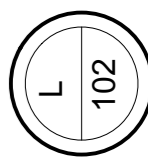
North

G.A.R Hall  
1785 Main Street  
Peninsula, OH 44264

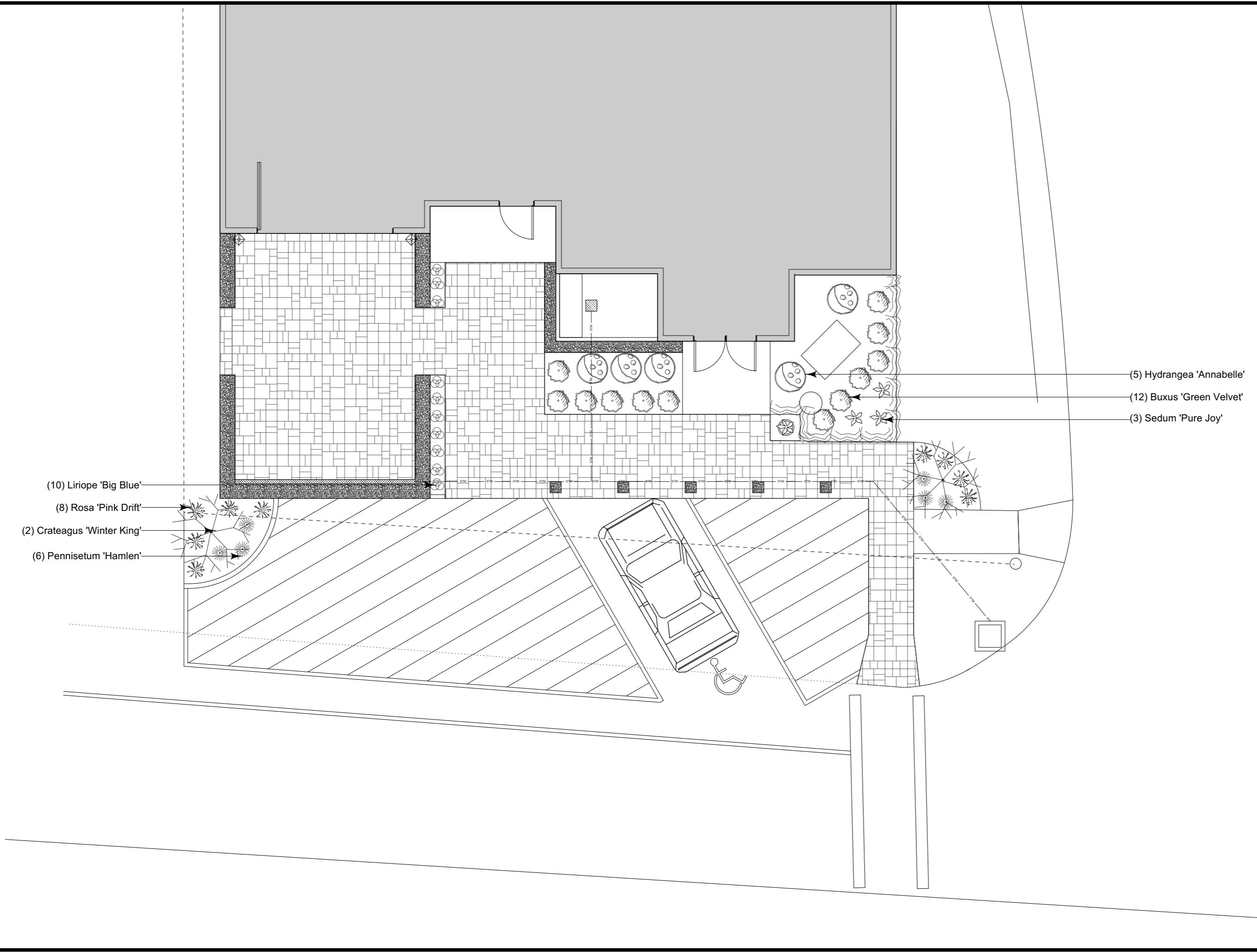


Scale: 1/8" = 1'

Planting Plan

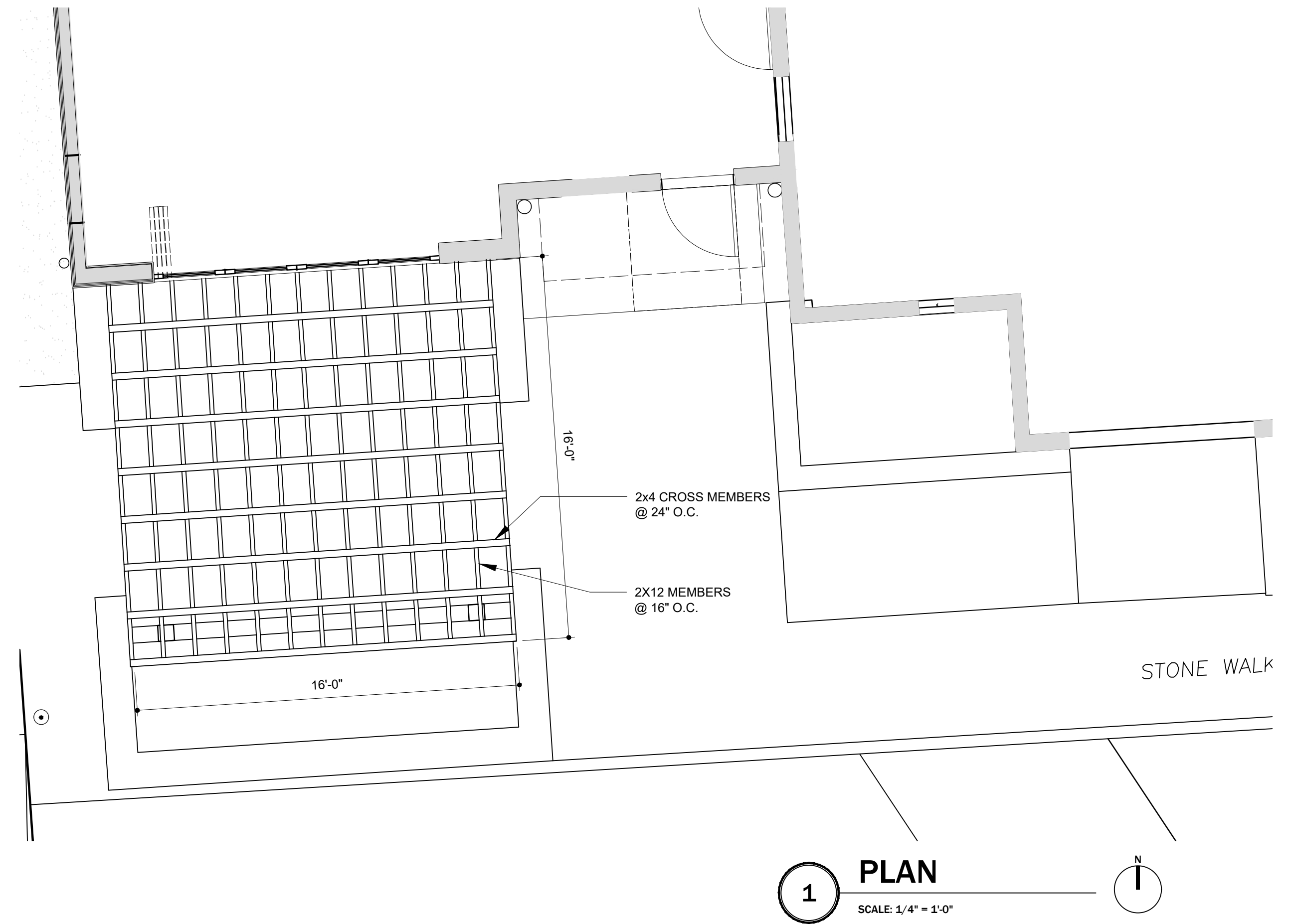


Date: 4-11-2024





**2 SOUTH ELEVATION**  
SCALE: 1/4" = 1'-0"



**1 PLAN**  
SCALE: 1/4" = 1'-0"



**3 WEST ELEVATION**  
SCALE: 1/4" = 1'-0"

**M**  
MVL CONSTRUCTION SERVICES, L.L.C.  
16270 LAKE FOREST DR.  
Seymour, Ohio 44136  
PH: (440) 821-6284

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Project Number: 24-GAR

Date: 05-21-24  
PLANNING

REVISION DATES:

**GAR HALL PERGOLA**  
**1785 MAIN STREET**  
**PENINSULA, OHIO**

DRAWING NO:

**A-001**

PERGOLA PLAN & ELEVATIONS



**SHORT-TERM RENTAL REGULATIONS****741.01. PURPOSE AND INTENT.**

(a) This Chapter is intended to protect and promote the health, safety, and general welfare of all of the citizens of Village of Peninsula and preserve the small-town character of the Village by requiring the registration and certification of short-term rentals within the Village. It is also the intent of this chapter to protect the integrity of the residential neighborhoods while allowing property owners to receive remuneration from renting a dwelling or portions of a dwelling to help maintain the dwelling.

(b) ~~Short term rentals shall be limited to the R-1 Rural Residential District, R-2 “Small Town” Residential District, and the C Commercial District within the Village.~~ The purpose of this chapter is to regulate and limit short term rentals in order to:

- (1) Establish minimum standards and conditions for short-term home rentals and owner-occupied short-term rentals that reflect the goals and policies of the Long Range Plan and the Planning and Zoning Code;
- (2) Reinforce the purpose of the R-1 Rural Residential District by retaining a rural living environment in the district, maintaining suitable neighborhoods for families and children, and discouraging uses that would generate traffic on local streets in excess of normal traffic generated by the neighborhood; ~~and~~
- (3) Acknowledge that the R-2 “Small Town” Residential District is intended to be more eclectic in its design, character, and size of housing, resulting in varied neighborhoods in close proximity to commercial and tourist attractions, while controlling the density of short-term rentals, preventing congestion on public streets, and reducing hazards to life and property; and
- (4) Provide resident owners of property in residential districts the opportunity to generate additional income to support their continued ownership in the Village.

**741.02. DEFINITIONS.**

Caretaker. A caretaker is an individual, other than the certificate holder, who is responsible for the oversight and care of the short-term rental.

Certificate. A short-term rental certificate duly issued by the Village.

Owner-Occupied Short-Term Rental. A rental for less than ~~thirty (30)~~ consecutive days in which the owner is concurrently, personally occupying the premises with the renter.

There are two categories of Owner-Occupied Short-Term Rentals:

Owner-Occupied Short-Term Rental – Type A: One or more renters occupy a single room or multiple rooms in the main dwelling unit.

Owner-Occupied Short-Term Rental – Type B: Renters are occupying an accessory building that has separate bathroom facilities and meets health standards.

Parking Space. For purposes of this chapter, a parking space shall be a minimum of 9 feet by



18 feet, located off-street, outside of a road right-of-way, and in one of the following locations on the same lot as the short-term rental:

- in a garage or carport.
- within a paved or gravel driveway; or
- within a paved or gravel parking pad.

Renter. As used in this Chapter, a Renter is an occupant or renter of a Short-Term Rental pursuant to a rental agreement. The term “renter”, as used herein, does not include guests of the occupant or renters who are visiting between the hours of 7:00 a.m. and 11:00 p.m., provided the total number of visiting guests does not exceed the total number of renters permitted by the certificate.

Septic System Operations Permit. As used in this chapter, septic system operations permit means a valid permit issued by Summit County Public Health for the on-site septic system.

Short-Term Home Rental. For purposes of this chapter, Short-Term Home Rental means any dwelling that is rented in its entirety for less than ~~thirty (30)~~ consecutive days by persons other than the owner from which the owner receives monetary compensation, and the owner is not present and personally living on the premises during the time of the rental. Rentals for 30 or more consecutive days to the same rentee(s)/guest(s) do not constitute a short-term home rental and are not subject to short-term rental regulations.

Special Event. In association with a Short-Term Rental, Special Event means a wedding, party, family reunion, or similar gathering that exceeds the maximum number of occupants allowed under the Short-Term Rental certificate.

#### **741.03. APPLICABILITY.**

(a) This chapter applies to all residential dwellings and owners of those dwellings, regardless of zoning district, wherein the entire dwelling or portion of a dwelling is rented for a period of less than 30 days.

(1) Certificate Required. A certificate is required prior to the rental of any dwelling or portion of any dwelling for a period of less than 30 days.

A. A certificate issued by the Village shall be valid for ~~a period of one (1) year, beginning January to December of each year~~ the calendar year for which it is issued. Certificates shall automatically expire upon transfer of the property, and certificates are not transferable to succeeding property owners.

B. A certificate will be issued within 30 days of receipt of a complete application, provided the information on the application is accurate and is verified by an inspection of the property by the Village.

C. The certificate shall indicate the maximum number of guests that can be accommodated at the rental in accordance with the standards listed in 741.04 of this chapter.

D. A certificate and certificate holder shall be subject to all of the standards and penalties of this Chapter.

(2) Application. An application provided by the Village for a Short-Term Rental certificate shall, at a minimum, include the following:

- A. Address of property.
- B. Property owner name(s). If the owner does not reside within a thirty (30) minute drive time of the Short-Term Home Rental property, they property owner shall designate a caretaker that meets the ~~thirty (30)~~ minute drive time requirement.
- C. Signature of property owner(s) and caretaker, if any.
- D. Number of bedrooms in the dwelling. For Owner-Occupied Short-Term Rentals, the number of available rooms to be rented.
- E. Number of parking spaces as defined under 741.02.
- F. Sketch of the property, indicating location of the dwelling, driveway, or other point of access, and designated parking spaces meeting the definition of a parking space under 741.02.
- G. Contact information including: name, address, and 24-hour contact phone number for the owner of the property and the caretaker, if any.
  - 1. ~~This information must be kept up to date in the Village's records.~~
  - 2. Throughout the term of the certificate, it is the certificate holder's responsibility to inform the Village, in a timely manner, of any change in the certificate holder or caretaker's or contact information for the certificate holder or caretaker or changes to any other information required in the application.
- H. Proof of insurance as required by 741.04.
- I. Proof of a valid Operations Permit for the septic system.
- J. The domain addresses for all websites on which the property is being advertised as available for Short-Term Rentals.

(3) Renewal of Certificates.

- A. All certificates for both Owner-Occupied and Short-Term Home Rentals shall be renewed annually. No rental shall occur until the rental certificate is renewed. The fee for each certificate shall not be prorated should a partial year permit be requested.
- B. Renewal applications shall contain the same information as required for

the initial application and shall be filed no later than December 1 of the year in which the certificate expires. Applications filed after December 10 will require an additional \$200 late fee above and beyond the applicable application fee.

- C. Short-Term Home Rental certificate holders shall be required to provide evidence that their rental has been occupied for a minimum of ~~ninety (90)~~ 120 days ~~in~~ during the previous calendar year to be permitted to renew their certificate. If the certificate was issued after January, the total number of occupied days shall be an average of 10 days per month for each month the certificate was valid.

#### **741.04. STANDARDS.**

- (a) Short-Term Home Rental Standards. All Short-Term Home Rentals shall be subject to the following standards, in addition to the requirements set forth in 741.05 and 741.06 of this Chapter.
- (1) Parking. Parking for guests in a Short-Term Home Rental shall only be in identified parking spaces as defined in this chapter. No on-street parking shall be permitted in association with a Short-Term Rental. A minimum of ~~one (1)~~ parking space per bedroom shall be provided, plus ~~one (1)~~ additional space. The maximum number of spaces shall not exceed ~~two (2)~~ per bedroom. If the Short-term Home Rental location cannot meet the requirement of ~~one (1)~~ per bedroom, the applicant shall indicate the number of spaces provided and restrict guests to that number of vehicles.
  - (2) Accessory Buildings. No Short-Term Home renters shall be permitted to sleep in any accessory building to the primary building on the site. Nor shall sleeping be permitted outside or in tents, campers, or other similar temporary structures outside of the main dwelling.
  - (3) Trash. Refuse and recyclables shall be stored in appropriate containers with tight-fitting lids and shall be regularly picked up by a licensed waste hauler.
  - (4) Safety Standards. The Short-Term Home Rental owner shall provide an affidavit stating the Short-Term Rental is in compliance with all applicable local, state, and federal laws and regulations.
  - (5) Special Events. Special events, as defined in this chapter, are not permitted.
  - (6) Capacity Limit. The maximum number of renters to be accommodated shall be equal to the number of bedrooms multiplied by a factor of 2, plus 3 additional guests. Children 3 years of age and younger shall not count toward the capacity limit.
    - A. The number of bedrooms shall be as certified by the applicant and verified by inspection of the Village and in no event shall exceed the number of bedrooms permitted by the Summit County Public Health Septic System Operations Permit.

- B. The certificate issued by the Village shall indicate the maximum number of renters that may be accommodated as calculated under these standards.
- (7) Contact. The certificate holder, or a caretaker representing the property owner, must be available by telephone at all times and be physically located within a ~~thirty~~ (30) minute drive time of the property in the event of an emergency or an issue that requires immediate attention.
- (8) Certificate Number. The unique Short-Term Home Rental certificate number included on the Short-Term Rental certificate issued by the Village shall be:
- A. Included in any advertisement for the rental; and
  - B. The certificate shall be posted on inside the property in a conspicuous location.
- (9) Quiet Hours. Short-Term Home Rentals shall observe quiet hours between 10:00 p.m. and 7:00 a.m.
- (10) Pets. Pets shall be secured on the premises or on a leash at all times.
- (11) Applicable Rules. Renters shall be made aware of the rules applicable to the renters under this Chapter.
- (12) Signs. Signs shall conform to the requirements of Chapter 1133 of the Village of Peninsula Zoning Ordinance.
- (13) Insurance. A general liability insurance policy or certificate that shall provide minimum liability insurance coverage of not less than three hundred thousand dollars (\$300,000) issued by an insurance company licensed to conduct business in the State of Ohio shall be provided. The policy or certificate shall provide notice of cancellation of insurance to the Village at least ten (10) days prior to cancellation.
- (14) Short-term Rental Tax. Each Short-Term Home rental shall charge the Short-Term Rental Tax on every rental and remit same to the Village in compliance with the requirements of Chapter 185 of the Village of Peninsula Codified Ordinances.
- (15) Advertising. No person shall allow a dwelling to be listed or advertised as a Short-Term Rental prior to obtaining a permit or if the permit has been revoked, suspended, or denied. All advertisements shall include the certificate number, occupancy limitations, parking requirements, quiet hours, and special event requirements. Advertisements shall be updated with current information throughout the year.
- (16) Septic System. No Short-Term Home Rental shall be permitted unless a valid Septic System Operations Permit from Summit County Public Health is provided. The number of bedrooms certified on the certificate shall be limited to the number of bedrooms approved by Summit County Public Health on the valid Operations Permit.
- (17) Record Keeping. All Short-Term Home Rental property owners shall retain, and upon request, make available to the Zoning Officer or law enforcement officials,

records to demonstrate compliance with this section, including, but not limited to, primary residency, the name of the Short-Term Home Rental guest responsible for the reservation and/or who rented the unit on each night, dates of the rental, price per night, and duration of stay in a Short-Term Home Rental.

(18) Smoke Detectors. Smoke detectors shall be provided and maintained within each sleeping area within each dwelling unit.

(b) Owner-Occupied Short-Term Rental Standards. Owner-Occupied Short-Term Rentals standards shall apply to both Type A and Type B Owner-Occupied Short-Term Rentals. Owner-Occupied Short-Term Rentals shall be permitted in any zoning district. All Owner-Occupied Short-Term Rentals shall comply with the following standards.

(1) Parking. Parking for guests shall be on the same lot as the dwelling. No on-street parking shall be permitted in association with the rental.

(2) Accessory buildings. If the rental unit is within an accessory building it shall provide bathroom facilities within that building.

(3) Safety Standards. The Owner shall provide an affidavit stating that the rental is ~~in compliance~~ complies with applicable local, state and federal laws and regulations.

(4) Capacity Limit. The maximum number of renters to be accommodated shall be equal to the number of bedrooms available for rent multiplied by a factor of 2, plus 3 additional guests. Children 3 years of age and younger shall not count toward the capacity limit.

A. The number of bedrooms shall be as certified by the applicant and verified by inspection of the Village and in no event shall exceed the number of bedrooms permitted by the Summit County Public Health Septic System Operations Permit, minus the number of bedrooms occupied by the permanent residents.

B. The certificate issued by the Village shall indicate the maximum number of renters that may be accommodated as calculated under these standards.

(5) Certificate Number. The unique short-term rental certificate number included on the Short-Term Rental certificate issued by the Village shall be:

A. Included in any advertisement for the rental; and

B. The certificate shall be posted on inside the property in a conspicuous location.

(6) Insurance. A general liability insurance policy or certificate that shall provide minimum liability insurance coverage of not less than three hundred thousand dollars (\$300,000) issued by an insurance company licensed to conduct business in the State of Ohio shall be provided. The policy or certificate shall provide notice of cancellation of insurance to the Village at least ~~ten~~ (10) days prior to cancellation.

(7) Short-term Rental Tax. Each Owner-Occupied Short-Term Rental shall charge

the Short-Term Rental Tax on every rental and remit same to the Village in compliance with the requirements of Chapter 185 of the Village of Peninsula Codified Ordinances.

- (8) Advertising. No person shall allow a dwelling to be listed or advertised as a Short-Term Rental prior to obtaining a permit or if the permit has been revoked, suspended, or denied. All advertisements shall include the certificate number, occupancy limitations, parking requirements, quiet hours, and special event requirements contained in Section 741.04. Advertisements shall be updated with current information throughout the year.
- (9) Septic System. No Owner-Occupied Short-Term Rental shall be permitted unless a valid Septic System Operations Permit from Summit County Public Health is provided. The number of bedrooms certified on the certificate shall be limited to the number of bedrooms approved by Summit County Public Health on the valid Operations Permit minus the number of bedrooms occupied by the permanent residents.
- (10) Record Keeping. All Owner-Occupied Short-Term Rental property owners shall retain, and upon request, make available to the Zoning Officer or law enforcement officials, records to demonstrate compliance with this section, including, but not limited to, primary residency, the name of the short-term rental guest responsible for the reservation and/or who rented the unit on each night, dates of the rental, price per night, and duration of stay in a short-term rental.
- (11) Smoke Detectors. Smoke detectors shall be provided and maintained within each sleeping area within each dwelling unit.

**741.05. SPECIAL REQUIREMENTS IN THE R-2 “SMALL TOWN” RESIDENTIAL AND COMMERCIAL DISTRICTS FOR SHORT-TERM HOME RENTALS.**

- 4. Short-Term Home Rentals shall be permitted in the R-2 “Small Town” Residential District and the Commercial District provided the total number of Short-Term Rentals within both of those districts does not exceed fifteen (15) units. Owner-Occupied Short-Term Rental Type A rentals as defined by Section 741.02 and regulated by Section 741.04(2 b) shall not count toward the total number of Short-Term Rentals permitted by this section.
- ~~2. Short-Term Home Rentals that show proof of being in existence as of the date of adoption of this chapter shall have sixty (60) days to obtain a short-term rental certificate, provided they are able to comply with the requirements of this chapter. After sixty (60) days from the date of adoption of this chapter, the Village will accept applications for new Short-Term Home Rentals.~~

**741.06. SPECIAL REQUIREMENTS IN THE R-1 RURAL RESIDENTIAL DISTRICT FOR SHORT-TERM HOME RENTALS.**

- 4. Short-Term Home Rentals shall be permitted in the R-1 Rural Residential District, provided that the total number of Short-Term Home Rentals in that district does not exceed five (5) units. Owner-Occupied Short-Term Rental Type A rentals as defined by Section 741.02 and regulated by Section 741.04(2 a) shall not count toward the total number of Short-Term Rentals permitted by this section.
- ~~2. Short-Term Home Rentals that show proof of being in existence as of the date of~~

~~adoption of this chapter shall have sixty (60) days to obtain a short-term rental certificate, provided they are able to comply with the requirements of this chapter. After sixty (60) days from the date of adoption of this chapter, the Village will accept applications for new Short-Term Home Rentals.~~

**741.07. SHORT-TERM RENTAL TAX.**

(a) The Short-Term Rental Tax shall be 3% of the listing price, including any fees, for reservations 29 nights and shorter.

(b) The tax shall be collected and administered in conformance with Chapter 185 of the Village of Peninsula Codified Ordinances.

**741.08. FEES.**

(a) Each application for a Short-Term Home Rental certificate shall be accompanied by a fee of ~~\$150~~ \$500.

(b) Each application for an Owner-Occupied Short-Term Rental shall be accompanied by a fee of ~~\$50~~ \$100.

**741.09. VIOLATIONS, DENIAL, OR REVOCATION OF CERTIFICATE, AND PENALTY.**

(a) Any of the following will be considered a violation of this chapter:

- (1) Failure to update information required on the application with the Village ~~such as the caretaker's or owner's contact information~~ in a timely manner.
- (2) Advertising either an Owner-Occupied or Short-Term Home Rental for a capacity in excess of that allowed under the certificate issued by the Village.
- (3) Permitting a number of persons in excess of that allowed under the certificate issued by the Village to stay at the premises.
- (4) Failure of the certificate holder or his/her designated caretaker to be available at any time during the tenure of an active Short-Term Home Rental, or failure of a homeowner to be present during the rental of an Owner-Occupied Short-Term Rental.
- (5) Providing false or misleading information on the application for any Short-Term Rental certificate or failing to include the information required by this chapter in advertisements.
- (6) Failure to obtain a Short-Term Rental certificate when operating either an Owner-Occupied Short-Term Rental or a Short-Term Home Rental.
- (7) Failure to comply with any of the standards listed in 741.04.
- (8) The property taxes for the subject property are in arrears with the Summit County Fiscal Office.
- (9) Short-Term Rental Taxes for the property that are due and owed are in arrears and/or Short-Term Rental Tax return forms for the property have not been

timely filed.

- (10) The subject property has outstanding Building, Zoning, or Property Maintenance Code violations or outstanding violations from the Summit County Department of Health.
- (11) The applicant, property owner, or caretaker has refused, hindered, or prevented any inspection by the Village authorized by Section 741.04.
- (12) Evidence of a violation for the purposes of this section needs to be only a de facto violation; a conviction for such violation is not a prerequisite for denial or revocation of a certificate.

(b) Penalties.

- ~~(1) Any violation of this Ordinance shall be subject to the penalties specified in Section 1149.12 of the Zoning Code.~~
- ~~(2) (1) In addition or as an alternative to the penalties set forth herein, w~~When the Village becomes aware of a violation of this e~~C~~hapter, the Village may send a written notice to the property owner and/or caretaker of the p~~ro~~perty violation that describes the location of the property, the nature of the violation, and the specific provisions of this e~~C~~hapter being violated, giving the owner and/or caretaker of the property no less than thirty (30) 10 days to eliminate the violation before action is taken by the Village to cancel the C~~e~~ertificate. The thirty (30) 10-day notice requirement shall not apply when the Village has previously cited the certificate holder for, or provided notice to the certificate holder of, the same type of violation within the past three hundred sixty-five (365) days.
  - A. If the property owner and/or caretaker does not eliminate the violation within 10 days, or an alternate amount of time specifically indicated in the violation notice, and the Village has not granted an extension to remedy the violation, the Mayor may revoke the certificate. If a certificate is revoked, the property owner and/or caretaker shall cease renting the property. Property owners and/or caretakers that continue to rent the property after the certificate has been revoked are subject to the penalties set forth in Section 741.09(b)(3).
  - B. A property owner who has had their certificate revoked may appeal the revocation decision by filing a notice of appeal with the Village Administrative Clerk within 10 days of the date of their receipt of the revocation notice. If a timely appeal is filed, Village Council shall hold a hearing on the revocation within 30 days of the notice of appeal filing date. The decision of Village Council on the appeal of the Mayor's revocation action may be appealed in accordance with Ohio law. A property owner whose certificate has been revoked shall be prohibited from re-applying for a Village Short-Term Rental certificate for a period of 1 year from the revocation date or final adjudication



date of the revocation decision, whichever is later.

(3) Any violation of Chapter 741 shall constitute a first-degree misdemeanor. Any person who is convicted of such a violation shall be subject to punishment by a fine not exceeding \$1,000 or imprisonment not exceeding 180 days for each offense, or both, at the discretion of the court. Each day a violation occurs may be considered a separate offense. The imposition of any sentence shall not exempt the offender from having to comply with the requirements of this Chapter. Use of any rights and remedies set forth above shall not preclude the use of other remedies provided by law, including any additional rights of the Village to initiate proceedings in an appropriate court of law to restrain or prevent any non-compliance with any provisions of this Chapter, or to correct, remedy, or abate such non-compliance. Any failure or omission to enforce the provisions of this Chapter, or failure or omission to prosecute any violations of this Chapter, shall not constitute a waiver of any rights and remedies provided by this Chapter, or by law, and shall not constitute a waiver nor prevent any further prosecution of violations of this Chapter.

**CHAPTER 741  
SHORT-TERM RENTAL REGULATIONS**

**OPTION 2 MAY 24**

**741.01. PURPOSE AND INTENT**

(a) This Chapter is intended to protect and promote the health, safety, and general welfare of all of the citizens of Village of Peninsula and preserve the small-town character of the Village by requiring the registration and certification of short-term rentals within the Village. It is also the intent of this chapter to protect the integrity of the residential neighborhoods while allowing property owners to receive remuneration from renting a dwelling or portions of a dwelling to help maintain the dwelling.

(b) ~~Short term rentals shall be limited to the R-1 Rural Residential District, R-2 “Small Town” Residential District, and the C Commercial District within the Village.~~ The purpose of this chapter is to regulate and limit short term rentals in order to:

- (1) Establish minimum standards and conditions for short-term home rentals and owner-occupied short-term rentals that reflect the goals and policies of the Long Range Plan and the Planning and Zoning Code;
- (2) Reinforce the purpose of the R-1 Rural Residential District by retaining a rural living environment in the district, maintaining suitable neighborhoods for families and children, and discouraging uses that would generate traffic on local streets in excess of normal traffic generated by the neighborhood; ~~and~~
- (3) Acknowledge that the R-2 “Small Town” Residential District is intended to be more eclectic in its design, character, and size of housing, resulting in varied neighborhoods in close proximity to commercial and tourist attractions, while controlling the density of short-term rentals, preventing congestion on public streets, and reducing hazards to life and property; and
- (4) Provide resident owners of property in residential districts the opportunity to generate additional income to support their continued ownership in the Village.

**741.02. DEFINITIONS**

Caretaker. A caretaker is an individual, other than the certificate holder, who is responsible for the oversight and care of the short-term rental.

Certificate. A short-term rental certificate duly issued by the Village.

Owner-Occupied Short-Term Rental. A rental for less than thirty (30) consecutive days in which the owner is concurrently, personally occupying the premises with the renter.

There are two categories of Owner-Occupied Short-Term Rentals:

Owner-Occupied Short-Term Rental – Type A: One or more renters occupy a single room or multiple rooms in the main dwelling unit.

Owner-Occupied Short-Term Rental – Type B: Renters are occupying an accessory building that has separate bathroom facilities and meets health standards.

Parking Space. For purposes of this chapter, a parking space shall be a minimum of 9 feet by 18 feet, located off-street, outside of a road right-of-way, and in one of the following locations

on the same lot as the short-term rental:

- in a garage or carport;
- within a paved or gravel driveway; or
- within a paved or gravel parking pad.

Renter. As used in this Chapter, a renter is an occupant or renter of a short-term rental pursuant to a rental agreement. The term “renter”, as used herein, does not include guests of the occupant or renters who are visiting between the hours of 7:00 a.m. and 11:00 p.m., provided the total number of visiting guests does not exceed the total number of renters permitted by the certificate.

Septic System Operations Permit. As used in this chapter, septic system operations permit means a valid permit issued by Summit County Public Health for the on-site septic system.

Short-Term Home Rental. For purposes of this chapter, Short-Term Home Rental means any dwelling that is rented in its entirety for less than ~~thirty (30)~~ consecutive days by persons other than the owner from which the owner receives monetary compensation, and the owner is not present and personally living on the premises during the time of the rental. Rentals for 30 or more consecutive days to the same rentee(s)/guest(s) do not constitute a short-term home rental and are not subject to short-term home regulations.

Special Event. In association with a short-term rental, Special Event means a wedding, party, family reunion, or similar gathering that exceeds the maximum number of occupants allowed under the short-term rental certificate.

### **741.03. APPLICABILITY**

(a) Short-Term Home Rentals shall be prohibited as of the effective date of this amendment to Chapter 741 (insert effective date), and Certificates for Short-Term Home Rentals for properties that do not have valid Certificates as of the effective date of this amendment to Chapter 741 shall not be issued after that date. Short-Term Home Rental Certificates that were issued prior the effective date of this amendment to Chapter 741 (insert effective date) shall be permitted to be renewed provided that a renewal application is submitted prior to or within 30 days of the expiration date of the certificate and the short-term home rental property owner is in compliance with all other requirements outlined in this Chapter. A certificate may be revoked for violations outlined in Section 741.09. If a certificate is revoked, the property shall no longer be eligible to apply for and receive a certificate. Owner-Occupied Short-Term Rentals shall continue to be permitted in all Village zoning districts provided the property owner obtains a certificate in compliance with all requirements of this chapter.

(b a) This chapter applies to all residential dwellings and owners of those dwellings, regardless of zoning district, wherein the entire dwelling or portion of a dwelling is rented for a period of less than 30 days.

(1) Certificate Required. A certificate is required prior to the rental of any dwelling or portion of any dwelling for a period of less than 30 days.

A. A certificate issued by the Village shall be valid for ~~a period of one (1) year, beginning January to December of each year~~ the calendar year for which it is issued. Certificates shall automatically expire upon transfer of

the property, and certificates are not transferable to succeeding property owners.

- B. A certificate will be issued within 30 days of receipt of a complete application, provided the information on the application is accurate and is verified by an inspection of the property by the Village.
- C. The certificate shall indicate the maximum number of guests that can be accommodated at the rental in accordance with the standards listed in 741.04 of this chapter.
- D. A certificate and certificate holder shall be subject to all of the standards and penalties of this Chapter.

(2) Application. An application provided by the Village for a short-term rental certificate shall, at a minimum, include the following:

- A. Address of property.
- B. Property owner name(s). If the owner does not reside within a ~~thirty~~ (30) minute drive time of the short-term home rental property, they property owner shall designate a caretaker that meets the ~~thirty~~ (30)-minute drive time requirement.
- C. Signature of property owner(s) and caretaker, if any.
- D. Number of bedrooms in the dwelling. For Owner-Occupied short-term rentals, the number of available rooms to be rented.
- E. Number of parking spaces as defined under 741.02.
- F. Sketch of the property, indicating location of the dwelling, driveway, or other point of access, and designated parking spaces meeting the definition of a parking space under 741.02.
- G. Contact information including: name, address, and 24-hour contact phone number for the owner of the property and the caretaker, if any.
  - 1. ~~This information must be kept up to date in the Village's records.~~
  - 2. Throughout the term of the certificate, it is the certificate holder's responsibility to inform the Village, in a timely manner, of any change in the certificate holder or caretaker's or contact information for the certificate holder or caretaker or changes to any other information required in the application.
- H. Proof of insurance as required by 741.04.
- I. Proof of a valid Operations Permit for the septic system.
- J. The domain addresses for all websites on which the property is being

advertised as available for short-term rental.

(3) Renewal of Certificates.

- A. All certificates for both owner-occupied and short-term home rentals shall be renewed annually. No rental shall occur until the rental certificate is renewed. The fee for each certificate shall not be prorated should a partial year permit be requested.
- B. Renewal applications shall contain the same information as required for the initial application and shall be filed no later than December 1 of the year in which the certificate expires. Applications filed after December 1 will require an additional \$200 late fee above and beyond the applicable application fee.
- C. Short-Term Home Rental certificate holders shall be required to provide evidence that their rental has been occupied for a minimum of ~~ninety (90)~~ 120 days in during the previous calendar year to be permitted to renew their certificate. If the certificate was issued after January, the total number of occupied days shall be an average of 10 days per month for each month the certificate was valid.

**741.04. STANDARDS**

- (a) Short-Term Home Rental Standards. All Short-Term Home Rentals shall be subject to the following standards, in addition to the requirements set forth in 741.05 and 741.06 of this Chapter.
  - (1) Parking. Parking for guests in a Short-Term Home Rental shall only be in identified parking spaces as defined in this chapter. No on-street parking shall be permitted in association with a short-term rental. A minimum of ~~one (1)~~ parking space per bedroom shall be provided, plus ~~one (1)~~ additional space. The maximum number of spaces shall not exceed ~~two (2)~~ per bedroom. If the Short-term Home Rental location cannot meet the requirement of ~~one (1)~~ per bedroom, the applicant shall indicate the number of spaces provided and restrict guests to that number of vehicles.
  - (2) Accessory Buildings. No Short-Term Home renters shall be permitted to sleep in any accessory building to the primary building on the site. Nor shall sleeping be permitted outside or in tents, campers, or other similar temporary structures outside of the main dwelling.
  - (3) Trash. Refuse and recyclables shall be stored in appropriate containers with tight-fitting lids and shall be regularly picked up by a licensed waste hauler.
  - (4) Safety Standards. The Short-Term Home Rental owner shall provide an affidavit stating the short-term rental is in compliance with all applicable local, state, and federal laws and regulations.
  - (5) Special Events. Special events, as defined in this eChapter, are not permitted.

- (6) Capacity Limit. The maximum number of renters to be accommodated shall be equal to the number of bedrooms multiplied by a factor of 2, plus 3 additional guests. Children 3 years of age and younger shall not count toward the capacity limit.
- A. The number of bedrooms shall be as certified by the applicant and verified by inspection of the Village and in no event shall exceed the number of bedrooms permitted by the Summit County Public Health Septic System Operations Permit.
  - B. The certificate issued by the Village shall indicate the maximum number of renters that may be accommodated as calculated under these standards.
- (7) Contact. The certificate holder, or a caretaker representing the property owner, must be available by telephone at all times and be physically located within a ~~thirty~~ (30) minute drive time of the property in the event of an emergency or an issue that requires immediate attention.
- (8) Certificate Number. The unique Short-Term Home Rental certificate number included on the Short-Term Rental certificate issued by the Village shall be:
- A. Included in any advertisement for the rental; and
  - B. The certificate shall be posted on inside the property in a conspicuous location.
- (9) Quiet Hours. Short-Term Home Rentals shall observe quiet hours between 10:00 p.m. and 7:00 a.m.
- (10) Pets. Pets shall be secured on the premises or on a leash at all times.
- (11) Applicable Rules. Renters shall be made aware of the rules applicable to the renters under this Chapter.
- (12) Signs. Signs shall conform to the requirements of Chapter 1133 of the Village of Peninsula Zoning Ordinance.
- (13) Insurance. A general liability insurance policy or certificate that shall provide minimum liability insurance coverage of not less than three hundred thousand dollars (\$300,000) issued by an insurance company licensed to conduct business in the State of Ohio shall be provided. The policy or certificate shall provide notice of cancellation of insurance to the Village at least ~~ten~~ (10) days prior to cancellation.
- (14) Short-term Rental Tax. Each Short-Term Home rental shall charge the Short-Term Rental Tax on every rental and remit same to the Village in compliance with the requirements of Chapter 185 of the Village of Peninsula Codified Ordinances.
- (15) Advertising. No person shall allow a dwelling to be listed or advertised as a short-term rental prior to obtaining a permit or if the permit has been revoked, suspended, or denied. All advertisements shall include the certificate number, occupancy limitations, parking requirements, quiet hours, and special event requirements. Advertisements shall be updated with current information throughout

the year.

- (16) Septic System. No Short-term Home Rental shall be permitted unless a valid Septic System Operations Permit from Summit County Public Health is provided. The number of bedrooms certified on the certificate shall be limited to the number of bedrooms approved by Summit County Public Health on the valid Operations Permit.
- (17) Record Keeping. All Short-Term Home Rental property owners shall retain, and upon request, make available to the Zoning Officer or law enforcement officials, records to demonstrate compliance with this section, including, but not limited to, primary residency, the name of the Short-Term Home Rental guest responsible for the reservation and/or who rented the unit on each night, dates of the rental, price per night, and duration of stay in a Short-Term Home Rental.
- (18) Smoke Detectors. Smoke detectors shall be provided and maintained within each sleeping area within each dwelling unit.

(b) Owner-Occupied Short-Term Rental Standards. Owner-Occupied Short-Term rentals standards shall apply to both Type A and Type B Owner-Occupied Short-Term Rentals. Owner-Occupied Short-Term Rentals shall be permitted in any zoning district. All Owner-Occupied Short-Term Rentals shall comply with the following standards.

(1) Parking. Parking for guests shall be on the same lot as the dwelling. No on-street parking shall be permitted in association with the rental.

(2) Accessory buildings. If the rental unit is within an accessory building it shall provide bathroom facilities within that building.

(3) Safety Standards. The Owner shall provide an affidavit stating that the rental is in compliance with applicable local, state and federal laws and regulations.

(4) Capacity Limit. The maximum number of renters to be accommodated shall be equal to the number of bedrooms available for rent multiplied by a factor of 2, plus 3 additional guests. Children 3 years of age and younger shall not count toward the capacity limit.

A. The number of bedrooms shall be as certified by the applicant and verified by inspection of the Village and in no event shall exceed the number of bedrooms permitted by the Summit County Public Health Septic System Operations Permit, minus the number of bedrooms occupied by the permanent residents.

B. The certificate issued by the Village shall indicate the maximum number of renters that may be accommodated as calculated under these standards.

(5) Certificate Number. The unique Short-Term Home Rental certificate number included on the Short-Term Rental certificate issued by the Village shall be:

A. Included in any advertisement for the rental; and

B. The certificate shall be posted on inside the property in a conspicuous location.

- (6) Insurance. A general liability insurance policy or certificate that shall provide minimum liability insurance coverage of not less than three hundred thousand dollars (\$300,000) issued by an insurance company licensed to conduct business in the State of Ohio shall be provided. The policy or certificate shall provide notice of cancellation of insurance to the Village at least ~~ten~~ (10) days prior to cancellation.
- (7) Short-term Rental Tax. Each Owner-Occupied Short-Term Rental shall charge the Short-Term Rental Tax on every rental and remit same to the Village in compliance with the requirements of Chapter 185 of the Village of Peninsula Codified Ordinances.
- (8) Advertising. No person shall allow a dwelling to be listed or advertised as a short-term rental prior to obtaining a permit or if the permit has been revoked, suspended, or denied. All advertisements shall include the certificate number, occupancy limitations, parking requirements, quiet hours, and special event requirements. Advertisements shall be updated with current information throughout the year.
- (9) Septic System. No Owner-Occupied Short-Term Rental shall be permitted unless a valid Septic System Operations Permit from Summit County Public Health is provided. The number of bedrooms certified on the certificate shall be limited to the number of bedrooms approved by Summit County Public Health on the valid Operations Permit minus the number of bedrooms occupied by the permanent residents.
- (10) Record Keeping. All Owner-Occupied Short-Term Rental property owners shall retain, and upon request, make available to the Zoning Officer or law enforcement officials, records to demonstrate compliance with this section, including, but not limited to, primary residency, the name of the short-term rental guest responsible for the reservation and/or who rented the unit on each night, dates of the rental, price per night, and duration of stay in a short-term rental.
- (11) Smoke Detectors. Smoke detectors shall be provided and maintained within each sleeping area within each dwelling unit.

**~~741.05. SPECIAL REQUIREMENTS IN THE R-2 “SMALL TOWN” RESIDENTIAL AND COMMERCIAL DISTRICTS FOR SHORT-TERM HOME RENTALS~~**

- ~~1. Short-term home rentals shall be permitted in the R-2 “Small Town” Residential District and the Commercial District provided the total number of short-term rentals within both of those districts does not exceed fifteen (15) units. Owner-Occupied Short-Term Rental Type A as defined by Section 741.02 and regulated by Section 741.04(2) shall not count toward the total number of short-term rentals permitted by this section.~~
- ~~2. Short-term Home rentals that show proof of being in existence as of the date of adoption of this chapter shall have sixty (60) days to obtain a short-term rental certificate, provided they are able to comply with the requirements of this chapter. After sixty (60) days from the date of adoption of this chapter, the Village will accept applications for new Short-term Home Rentals.~~

**~~741.06. SPECIAL REQUIREMENTS IN THE R-1 RURAL RESIDENTIAL DISTRICT FOR SHORT-TERM HOME RENTALS~~**



- ~~1. Short term Home rentals shall be permitted in the R-1 Rural Residential District, provided that the total number of Short term Home rentals in that district does not exceed five (5) units. Owner Occupied Short Term Rental Type A as defined by Section 741.02 and regulated by Section 741.04(2) shall not count toward the total number of short term rentals permitted by this section.~~
- ~~2. Short term Home rentals that show proof of being in existence as of the date of adoption of this chapter shall have sixty (60) days to obtain a short term rental certificate, provided they are able to comply with the requirements of this chapter. After sixty (60) days from the date of adoption of this chapter, the Village will accept applications for new Short term Home rentals.~~

**741.07. SHORT-TERM RENTAL TAX**

(a) The Short-Term Rental Tax shall be 3% of the listing price, including any fees, for reservations 29 nights and shorter.

(b) The tax shall be collected and administered in conformance with Chapter 185 of the Village of Peninsula Codified Ordinances.

**741.08. FEES**

(a) Each application for a Short-Term Home Rental certificate shall be accompanied by a fee of ~~\$150~~ \$500.

(b) Each application for an Owner-Occupied Short-Term Rental shall be accompanied by a fee of ~~\$50~~ \$100.

**741.09. VIOLATIONS, DENIAL, OR REVOCATION OF CERTIFICATE, AND PENALTY**

(a) Any of the following will be considered a violation of this chapter:

- (1) Failure to update information required on the application with the Village ~~such as the caretaker's or owner's contact information~~ in a timely manner.
- (2) Advertising either an Owner-Occupied or Short-Term Home rental for a capacity in excess of that allowed under the certificate issued by the Village.
- (3) Permitting a number of persons in excess of that allowed under the certificate issued by the Village to stay at the premises.
- (4) Failure of the certificate holder or his/her designated caretaker to be available at any time during the tenure of an active Short-Term Home Rental, or failure of a homeowner to be present during the rental of an Owner-Occupied Short-Term Rental.
- (5) Providing false or misleading information on the application for any Short-Term Rental certificate or failing to include the information required by this Chapter in advertisements.
- (6) Failure to obtain a Short-Term Rental certificate when operating either an Owner-Occupied Short-Term Rental or a Short-Term Home Rental.
- (7) Failure to comply with any of the standards listed in 741.04.

- (8) The property taxes for the subject property are in arrears with the Summit County Fiscal Office.
- (9) Short-Term Rental Taxes for the property that are due and owed are in arrears and/or Short-Term Rental Tax reporting forms for the property have not been timely filed.
- (10) The subject property has outstanding Building, Zoning, or Property Maintenance Code violations or outstanding violations from the Summit County Department of Health.
- (11) The applicant, property owner, or caretaker has refused, hindered, or prevented any inspection by the Village authorized by Section 741.04.
- (12) Evidence of a violation for the purposes of this section needs to be only a de facto violation; a conviction for such violation is not a prerequisite for denial or revocation of a certificate.

(b) Penalties.

- ~~(1) Any violation of this Ordinance shall be subject to the penalties specified in Section 1149.12 of the Zoning Code.~~
- (2) (1) In addition or as an alternative to the penalties set forth herein, wWhen the Village becomes aware of a violation of this eChapter, the Village may send a written notice to the property owner and/or caretaker of the property violation that describes the location of the property, the nature of the violation, and the specific provisions of this eChapter being violated, giving the owner and/or caretaker of the property no less than thirty (30) 10 days to eliminate the violation before action is taken by the Village to cancel the Ccertificate. The thirty (30) 10-day notice requirement shall not apply when the Village has previously cited the certificate holder for, or provided notice to the certificate holder of, the same type of violation within the past three hundred sixty five (365) days.
  - A. If the property owner and/or caretaker does not eliminate the violation within 10 days, or an alternate amount of time specifically indicated in the violation notice, and the Village has not granted an extension to remedy the violation, the Mayor may revoke the certificate. If a certificate is revoked, the property owner and/or caretaker shall cease renting the property. Property owners and/or caretakers that continue to rent the property after the certificate has been revoked are subject to the penalties set forth in Section 741.09(b)(3).
  - B A property owner who has had their certificate revoked may appeal the revocation decision by filing a notice of appeal with the Village Administrative Clerk within 10 days of the date of their receipt of the revocation notice. If a timely appeal is filed, Village Council shall hold a hearing on the revocation within 30 days of the notice of appeal filing date. The decision of Village Council on the appeal of the Mayor's revocation action may be appealed in accordance with Ohio law. A property owner whose certificate has been revoked shall be prohibited from re-applying for a Village Short-Term Rental

certificate.

- (2) Any violation of Chapter 741 shall constitute a first-degree misdemeanor. Any person who is convicted of such a violation shall be subject to punishment by a fine not exceeding \$1,000 or imprisonment not exceeding 180 days for each offense, or both, at the discretion of the court. Each day a violation occurs may be considered a separate offense. The imposition of any sentence shall not exempt the offender from having to comply with the requirements of this Chapter. Use of any rights and remedies set forth above shall not preclude the use of other remedies provided by law, including any additional rights of the Village to initiate proceedings in an appropriate court of law to restrain or prevent any non-compliance with any provisions of this Chapter, or to correct, remedy, or abate such non-compliance. Any failure or omission to enforce the provisions of this Chapter, or failure or omission to prosecute any violations of this Chapter, shall not constitute a waiver of any rights and remedies provided by this Chapter, or by law, and shall not constitute a waiver nor prevent any further prosecution of violations of this Chapter.

**CHAPTER 741  
SHORT-TERM RENTAL REGULATIONS**

**OPTION 3 MAY 24**

**741.01. PURPOSE AND INTENT.**

(a) This Chapter is intended to protect and promote the health, safety, and general welfare of all of the citizens of Village of Peninsula and preserve the small-town character of the Village by requiring the registration and certification of short-term rentals within the Village. It is also the intent of this chapter to protect the integrity of the residential neighborhoods while allowing property owners to receive remuneration from renting a dwelling or portions of a dwelling to help maintain the dwelling.

(b) ~~Short-term rentals shall be limited to the R-1 Rural Residential District, R-2 “Small Town” Residential District, and the C Commercial District within the Village.~~ The purpose of this chapter is to regulate and limit short term rentals in order to:

- (1) Establish minimum standards and conditions for short-term home rentals and owner-occupied short-term rentals that reflect the goals and policies of the Long Range Plan and the Planning and Zoning Code;
- (2) Reinforce the purpose of the R-1 Rural Residential District by retaining a rural living environment in the district, maintaining suitable neighborhoods for families and children, and discouraging uses that would generate traffic on local streets in excess of normal traffic generated by the neighborhood; ~~and~~
- (3) ~~Acknowledge that the R-2 “Small Town” Residential District is intended to be more eclectic in its design, character, and size of housing, resulting in varied neighborhoods in close proximity to commercial and tourist attractions, while controlling the density of short-term rentals, preventing congestion on public streets, and reducing hazards to life and property.~~ Promote commercial and residential uses in the C Commercial and MU Mixed-Use zoning districts; support the economic development of the community; and meet the needs of residents and visitors; and
- (4) Provide resident owners of property in residential districts the opportunity to generate additional income to support their continued ownership in the Village.

**741.02. DEFINITIONS.**

Caretaker. A caretaker is an individual, other than the certificate holder, who is responsible for the oversight and care of the short-term rental.

Certificate. A short-term rental certificate duly issued by the Village.

Owner-Occupied Short-Term Rental. A rental for less than ~~thirty (30)~~ consecutive days in which the owner is concurrently, personally occupying the premises with the renter.

There are two categories of Owner-Occupied Short-Term Rentals:

Owner-Occupied Short-Term Rental – Type A: One or more renters occupy a single room or multiple rooms in the main dwelling unit.

Owner-Occupied Short-Term Rental – Type B: Renters are occupying an accessory building

that has separate bathroom facilities and meets health standards.

Parking Space. For purposes of this chapter, a parking space shall be a minimum of 9 feet by 18 feet, located off-street, outside of a road right-of-way, and in one of the following locations on the same lot as the short-term rental:

- in a garage or carport;
- within a paved or gravel driveway; or
- within a paved or gravel parking pad.

Renter. As used in this Chapter, a renter is an occupant or renter of a short-term rental pursuant to a rental agreement. The term “renter”, as used herein, does not include guests of the occupant or renters who are visiting between the hours of 7:00 a.m. and 11:00 p.m., provided the total number of visiting guests does not exceed the total number of renters permitted by the certificate.

Septic System Operations Permit. As used in this chapter, septic system operations permit means a valid permit issued by Summit County Public Health for the on-site septic system.

Short-Term Home Rental. For purposes of this chapter, Short-Term Home Rental means any dwelling that is rented in its entirety for less than ~~thirty (30)~~ consecutive days by persons other than the owner from which the owner receives monetary compensation, and the owner is not present and personally living on the premises during the time of the rental. Rentals for 30 or more consecutive days to same rentee(s)/guest(s) does not constitute a short-term home rental and are not subject to short-term home rental regulations.

Special Event. In association with a short-term rental, Special Event means a wedding, party, family reunion, or similar gathering that exceeds the maximum number of occupants allowed under the short-term rental certificate.

### **741.03. APPLICABILITY.**

(a) Short-Term Home Rentals shall be prohibited in Residential zoning districts as of the effective date of this amendment to chapter 741 (insert effective date), and Certificates for Short-Term Home Rentals for properties in Residential zoning districts that do not have valid Certificates as of the effective date of this amendment to Chapter 741 (insert effective date) shall not be issued after that date. Short-Term Home Rental certificates that were issued prior to the effective date of this amendment to Chapter 741 (insert effective date) shall be renewed provided that a renewal application is submitted prior to or within 30 days of the expiration date of the certificate and the Short-Term Home Rental property owner is in compliance with all other requirements outlined in this Chapter. A certificate may be revoked for violations outlined in Section 741.09. If a certificate is revoked, the property shall no longer be eligible to apply for and receive a certificate. Owner-Occupied Short-Term Rentals shall continue to be permitted in all zoning districts provided the property owner obtains a certificate in compliance with all requirements of this Chapter.

(b a) This Chapter applies to all residential dwellings and owners of those dwellings, regardless of zoning district, wherein the entire dwelling or portion of a dwelling is rented for a period of less than 30 days.

(1) Certificate Required. A certificate is required prior to the rental of any

dwelling or portion of any dwelling for a period of less than 30 days.

A. A certificate issued by the Village shall be valid for ~~a period of one (1) year, beginning January to December of each year~~ the calendar year for which it is issued. Certificates shall automatically expire upon transfer of the property, and certificates are not transferable to succeeding property owners.

B. A certificate will be issued within 30 days of receipt of a complete application, provided the information on the application is accurate and is verified by an inspection of the property by the Village.

C. The certificate shall indicate the maximum number of guests that can be accommodated at the rental in accordance with the standards listed in 741.04 of this ~~e~~Chapter.

D. A certificate and certificate holder shall be subject to all of the standards and penalties of this Chapter.

(2) Application. An application provided by the Village for a short-term rental certificate shall, at a minimum, include the following:

A. Address of property.

B. Property owner name(s). If the owner does not reside within a ~~thirty (30)~~ minute drive time of the short-term home rental property, they property owner shall designate a caretaker that meets the ~~thirty (30)~~ minute drive time requirement.

C. Signature of property owner(s) and caretaker, if any.

D. Number of bedrooms in the dwelling. For Owner-Occupied short-term rentals, the number of available rooms to be rented.

E. Number of parking spaces as defined under 741.02.

F. Sketch of the property, indicating location of the dwelling, driveway, or other point of access, and designated parking spaces meeting the definition of a parking space under 741.02.

G. Contact information including: name, address, and 24-hour contact phone number for the owner of the property and the caretaker, if any.

1. ~~This information must be kept up to date in the Village's records.~~

2. Throughout the term of the certificate, it is the certificate holder's responsibility to inform the Village, in a timely manner, of any change in the certificate holder or caretaker's or contact information for the certificate holder or caretaker or changes to any other information required in the application.

- H. Proof of insurance as required by 741.04.
- I. Proof of a valid Operations Permit for the septic system.
- J. The domain addresses for all websites on which the property is being advertised as available for short-term rentals.

(3) Renewal of Certificates.

- A. All certificates for both owner-occupied and non-owner-occupied short-term home rentals shall be renewed annually. No rental shall occur until the rental certificate is renewed. The fee for each certificate shall not be prorated should a partial year permit be requested.
- B. Renewal applications shall contain the same information as required for the initial application and shall be filed no later than December 1 of the year in which the certificate expires. Applications filed after December 1 will require an additional \$200 late fee above and beyond the applicable application fee.
- C. Short-Term Home Rental certificate holders shall be required to provide evidence that their rental has been occupied for a minimum of ~~ninety (90)~~ 120 days in during the previous calendar year to be permitted to renew their certificate. If the certificate was issued after January, the total number of occupied days shall be an average of 10 days per month for each month the certificate was valid.

**741.04. STANDARDS.**

- (a) Short-Term Home Rental Standards. All Short-Term Home Rentals shall be subject to the following standards, in addition to the requirements set forth in 741.05 and 741.06 of this Chapter.
  - (1) Parking. Parking for guests in a Short-Term Home Rental shall only be in identified parking spaces as defined in this ~~e~~Chapter. No on-street parking shall be permitted in association with a short-term rental. A minimum of ~~one (1)~~ parking space per bedroom shall be provided, plus ~~one (1)~~ additional space. The maximum number of spaces shall not exceed ~~two (2)~~ per bedroom. If the Short-term Home Rental location cannot meet the requirement of ~~one (1)~~ per bedroom, the applicant shall indicate the number of spaces provided and restrict guests to that number of vehicles.
  - (2) Accessory Buildings. No Short-Term Home renters shall be permitted to sleep in any accessory building to the primary building on the site. Nor shall sleeping be permitted outside or in tents, campers, or other similar temporary structures outside of the main dwelling.
  - (3) Trash. Refuse and recyclables shall be stored in appropriate containers with tight-fitting lids and shall be regularly picked up by a licensed waste hauler.

- (4) Safety Standards. The Short-Term Home Rental owner shall provide an affidavit stating the short-term rental is in compliance with all applicable local, state, and federal laws and regulations.
- (5) Special Events. Special events, as defined in this chapter, are not permitted.
- (6) Capacity Limit. The maximum number of renters to be accommodated shall be equal to the number of bedrooms multiplied by a factor of 2, plus 3 additional guests. Children 3 years of age and younger shall not count toward the capacity limit.
  - A. The number of bedrooms shall be as certified by the applicant and verified by inspection of the Village and in no event shall exceed the number of bedrooms permitted by the Summit County Public Health Septic System Operations Permit.
  - B. The certificate issued by the Village shall indicate the maximum number of renters that may be accommodated as calculated under these standards.
- (7) Contact. The certificate holder, or a caretaker representing the property owner, must be available by telephone at all times and be physically located within a thirty (30) minute drive time of the property in the event of an emergency or an issue that requires immediate attention.
- (8) Certificate Number. The unique Short-Term Home Rental certificate number included on the Short-Term Rental certificate issued by the Village shall be:
  - A. Included in any advertisement for the rental; and
  - B. The certificate shall be posted on inside the property in a conspicuous location.
- (9) Quiet Hours. Short-Term Home Rentals shall observe quiet hours between 10:00 p.m. and 7:00 a.m.
- (10) Pets. Pets shall be secured on the premises or on a leash at all times.
- (11) Applicable Rules. Renters shall be made aware of the rules applicable to the renters under this Chapter.
- (12) Signs. Signs shall conform to the requirements of Chapter 1133 of the Village of Peninsula Zoning Ordinance.
- (13) Insurance. A general liability insurance policy or certificate that shall provide minimum liability insurance coverage of not less than three hundred thousand dollars (\$300,000) issued by an insurance company licensed to conduct business in the State of Ohio shall be provided. The policy or certificate shall provide notice of cancellation of insurance to the Village at least ~~ten~~(10) days prior to cancellation.
- (14) Short-term Rental Tax. Each Short-Term Home rental shall charge the Short-Term Rental Tax on every rental and remit same to the Village in compliance with the requirements of Chapter 185 of the Village of Peninsula Codified Ordinances.
- (15) Advertising. No person shall allow a dwelling to be listed or advertised as a



short-term rental prior to obtaining a permit or if the permit has been revoked, suspended, or denied. All advertisements shall include the certificate number, occupancy limitations, parking requirements, quiet hours, and special event requirements. Advertisements shall be updated with current information throughout the year.

- (16) Septic System. No Short-term Home Rental shall be permitted unless a valid Septic System Operations Permit from Summit County Public Health is provided. The number of bedrooms certified on the certificate shall be limited to the number of bedrooms approved by Summit County Public Health on the valid Operations Permit.
- (17) Record Keeping. All Short-Term Home Rental property owners shall retain, and upon request, make available to the Zoning Officer or law enforcement officials, records to demonstrate compliance with this section, including, but not limited to, primary residency, the name of the Short-Term Home Rental guest responsible for the reservation and/or who rented the unit on each night, dates of the rental, price per night, and duration of stay in a Short-Term Home Rental.
- (18) Smoke Detectors. Smoke detectors shall be provided and maintained within each sleeping area within each dwelling unit.

(b) Owner-Occupied Short-Term Rental Standards. Owner-Occupied Short-Term rentals standards shall apply to both Type A and Type B Owner-Occupied Short-Term Rentals. Owner-Occupied Short-Term Rentals shall be permitted in any zoning district. All Owner-Occupied Short-Term Rentals shall comply with the following standards.

(1)Parking. Parking for guests shall be on the same lot as the dwelling. No on-street parking shall be permitted in association with the rental.

(2)Accessory buildings. If the rental unit is within an accessory building it shall provide bathroom facilities within that building.

(3)Safety Standards. The Owner shall provide an affidavit stating that the rental is in compliance with applicable local, state and federal laws and regulations.

(4)Capacity Limit. The maximum number of renters to be accommodated shall be equal to the number of bedrooms available for rent multiplied by a factor of 2, plus 3 additional guests. Children 3 years of age and younger shall not count toward the capacity limit.

A. The number of bedrooms shall be as certified by the applicant and verified by inspection of the Village and in no event shall exceed the number of bedrooms permitted by the Summit County Public Health Septic System Operations Permit, minus the number of bedrooms occupied by the permanent residents.

B. The certificate issued by the Village shall indicate the maximum number of renters that may be accommodated as calculated under these standards.

(5)Certificate Number. The unique short-term rental certificate number included on the Short-Term Rental certificate issued by the Village shall be:

A. Included in any advertisement for the rental; and

B. The certificate shall be posted on inside the property in a conspicuous location.

(6) Insurance. A general liability insurance policy or certificate that shall provide minimum liability insurance coverage of not less than three hundred thousand dollars (\$300,000) issued by an insurance company licensed to conduct business in the State of Ohio shall be provided. The policy or certificate shall provide notice of cancellation of insurance to the Village at least ~~ten~~ (10) days prior to cancellation.

(7) Short-term Rental Tax. Each Owner-Occupied Short-Term Rental shall charge the Short-Term Rental Tax on every rental and remit same to the Village in compliance with the requirements of Chapter 185 of the Village of Peninsula Codified Ordinances.

(8) Advertising. No person shall allow a dwelling to be listed or advertised as a short-term rental prior to obtaining a permit or if the permit has been revoked, suspended, or denied. All advertisements shall include the certificate number, occupancy limitations, parking requirements, quiet hours, and special event requirements contained in Section 741.04. Advertisements shall be updated with current information throughout the year.

(9) Septic System. No Owner-Occupied Short-Term Rental shall be permitted unless a valid Septic System Operations Permit from Summit County Public Health is provided. The number of bedrooms certified on the certificate shall be limited to the number of bedrooms approved by Summit County Public Health on the valid Operations Permit minus the number of bedrooms occupied by the permanent residents.

(10) Record Keeping. All Owner-Occupied Short-Term Rental property owners shall retain, and upon request, make available to the Zoning Officer or law enforcement officials, records to demonstrate compliance with this section, including, but not limited to, primary residency, the name of the short-term rental guest responsible for the reservation and/or who rented the unit on each night, dates of the rental, price per night, and duration of stay in a short-term rental.

(11) Smoke Detectors. Smoke detectors shall be provided and maintained within each sleeping area within each dwelling unit.

**741.05. SPECIAL REQUIREMENTS IN THE R-2 “SMALL TOWN” RESIDENTIAL AND COMMERCIAL AND MIXED-USE DISTRICTS FOR SHORT-TERM HOME RENTALS.**

4. Short-term home rentals shall be permitted in the ~~R-2 “Small Town” Residential District~~ and the Commercial District and Mixed-Use District provided the total number of Short-Term Rentals within both of those districts combined does not exceed ~~fifteen (15)~~ 5 units. Owner-Occupied Short-Term Rental Type A as defined by Section 741.02 and regulated by Section 741.04(2) shall not count toward the total number of Short-Term Rentals permitted by this section.
2. ~~Short-Term Home Rentals that show proof of being in existence as of the date of adoption of this chapter shall have sixty (60) days to obtain a short-term rental certificate, provided they are able to comply with the requirements of this chapter. After~~

~~sixty (60) days from the date of adoption of this chapter, the Village will accept applications for new Short-Term Home Rentals.~~

**~~741.06. SPECIAL REQUIREMENTS IN THE R-1 RURAL RESIDENTIAL DISTRICT FOR SHORT-TERM HOME RENTALS.~~**

- ~~1. Short-Term Home Rentals shall be permitted in the R-1 Rural Residential District, provided that the total number of Short-Term Home Rentals in that district does not exceed five (5) units. Owner-Occupied Short-Term Rental Type A ~~r~~ as defined by Section 741.02 and regulated by Section 741.04(2 ~~a~~) shall not count toward the total number of short-term rentals permitted by this section.~~
- ~~2. Short-Term Home Rentals that show proof of being in existence as of the date of adoption of this chapter shall have sixty (60) days to obtain a short-term rental certificate, provided they are able to comply with the requirements of this chapter. After sixty (60) days from the date of adoption of this chapter, the Village will accept applications for new Short-Term Home Rentals.~~

**741.07. SHORT-TERM RENTAL TAX.**

- (a) The Short-Term Rental Tax shall be 3% of the listing price, including any fees, for reservations 29 nights and shorter.
- (b) The tax shall be collected and administered in conformance with Chapter 185 of the Village of Peninsula Codified Ordinances.

**741.08. FEES.**

- (a) Each application for a Short-Term Home Rental certificate shall be accompanied by a fee of ~~\$150~~ \$500.
- (b) Each application for an Owner-Occupied Short-Term Rental shall be accompanied by a fee of ~~\$50~~ \$100.

**741.09. VIOLATIONS, REVOCATION OF CERTIFICATE, AND PENALTY.**

- (a) Any of the following will be considered a violation of this chapter:
  - (1) Failure to update information required on the application with the Village ~~such as the caretaker's or owner's contact information~~ in a timely manner.
  - (2) Advertising either an Owner-Occupied or Short-Term Home rental for a capacity in excess of that allowed under the certificate issued by the Village.
  - (3) Permitting a number of persons in excess of that allowed under the certificate issued by the Village to stay at the premises.
  - (4) Failure of the certificate holder or his/her designated caretaker to be available at any time during the tenure of an active Short-Term Home Rental, or failure of a homeowner to be present during the rental of an Owner-Occupied Short-Term Rental.
  - (5) Providing false or misleading information on the application for any Short-Term Rental certificate or failing to include the information required by this Chapter in advertisements.

- (6) Failure to obtain a Short-Term Rental certificate when operating either an Owner-Occupied Short-Term Rental or a Short-Term Home Rental.
- (7) Failure to comply with any of the standards listed in 741.04.
- (8) The property taxes for the subject property are in arrears with the Summit County Fiscal Office.
- (9) Short-Term Rental Taxes for the property that are due and owed are in arrears and/or Short-Term Rental Tax return forms for the property have not been timely filed.
- (10) The subject property has outstanding Building, Zoning, or Property Maintenance Code violations or outstanding violations from the Summit County Department of Health.
- (11) The applicant, property owner, or caretaker has refused, hindered, or prevented any inspection by the Village authorized by Section 741.04.
- (12) Evidence of a violation for the purposes of this Section needs to be only a de facto violation; a conviction for such violation is not a prerequisite for denial or revocation of a certificate.

(b) Penalties.

- ~~(1) Any violation of this Ordinance shall be subject to the penalties specified in Section 1149.12 of the Zoning Code.~~
- (2) ~~(1) In addition or as an alternative to the penalties set forth herein, w~~When the Village becomes aware of a violation of this eChapter, the Village may send a written notice to the property owner and/or caretaker of the ~~property~~ violation that describes the location of the property, the nature of the violation, and the specific provisions of this eChapter being violated, giving the owner and/or caretaker of the property no less than ~~thirty (30)~~ 10 days to eliminate the violation before action is taken by the Village to cancel the Certificate. The ~~thirty (30)~~ 10-day notice requirement shall not apply when the Village has previously cited the certificate holder for, or provided notice to the certificate holder of, the same type of violation within the past ~~three hundred sixty-five (365)~~ days.
  - A. If the property owner and/or caretaker does not eliminate the violation within 10 days, or an alternate amount of time specifically indicated in the violation notice, and the Village has not granted an extension to remedy the violation, the Mayor may revoke the certificate. If a certificate is revoked, the property owner and/or caretaker shall cease renting the property. Property owners and/or caretakers that continue to rent the property after the certificate has been revoked are subject to the penalties set forth in section 741.09(b)(3).
  - B. A property owner who has had their certificate revoked may appeal

the revocation decision by filing a notice of appeal with the Village Administrative Clerk within 10 days of the date of their receipt of the revocation notice. If a timely appeal is filed, Village Council shall hold a hearing on the revocation within 30 days of the notice of appeal filing date. The decision of Village Council on the appeal of the Mayor's revocation action may be appealed in accordance with Ohio law. A property owner whose certificate has been revoked shall be prohibited from re-applying for a Village Short-Term Rental certificate for a period of 1 year from the revocation date or final adjudication date of the revocation decision, whichever is later.

- (2) Any violation of Chapter 741 shall constitute a first-degree misdemeanor. Any person who is convicted of such a violation shall be subject to punishment by a fine not exceeding \$1,000 or imprisonment not exceeding 180 days for each offense, or both, at the discretion of the court. Each day a violation occurs may be considered a separate offense. The imposition of any sentence shall not exempt the offender from having to comply with the requirements of this Chapter. Use of any rights and remedies set forth above shall not preclude the use of other remedies provided by law, including any additional rights of the Village to initiate proceedings in an appropriate court of law to restrain or prevent any non-compliance with any provisions of this Chapter, or to correct, remedy, or abate such non-compliance. Any failure or omission to enforce the provisions of this Chapter, or failure or omission to prosecute any violations of this Chapter, shall not constitute a waiver of any rights and remedies provided by this Chapter, or by law, and shall not constitute a waiver nor prevent any further prosecution of violations of this Chapter.

**CHAPTER 185**  
**SHORT-TERM RENTAL TAX**

**185.01 INTENT OF TAX.**

It is the intent of the Village to levy an excise tax of three percent (3%) on transactions by which lodging is or is to be furnished in a Short-Term Rental Dwelling to Transient Guests as referred to and authorized by RC 5739.02(C). Accordingly, this chapter shall be construed to effectuate that purpose and so as to be consistent with any requirement of law, compliance with which is a prerequisite to the validity of the tax intended to be levied hereby.

**185.02 DEFINITIONS.**

As used in this chapter:

(a) "Administrator" means the individual charged with direct responsibility for administration of a tax levied by the Village of Peninsula in accordance with this chapter.

(b) "Booking Agent" means any person or entity that facilitates reservations or collects payment for Short-Term Rental Dwelling accommodations on behalf of or for a Vendor. Merely publishing an advertisement for accommodations does not make the publisher a Booking Agent.

(c) "Short-Term Rental Dwelling" means every establishment kept, used, maintained, advertised, or held out to the public to be a place where lodging for less than thirty consecutive days is offered to guests in one (1) or more rooms, regardless of use of keyed entry, whether such rooms are in one (1) or several structures, and whether the rooms are located in different structures or on different parcels of land if the structures are not identified in advertisements of the accommodations as distinct establishments and regulated by chapter 741 of the Village's Codified Ordinances.

(d) "Transaction Price" means the total amount of consideration, including money or any other value, paid, or to be paid, or given by, or on behalf of, a Transient Guest to a Short-Term Rental Dwelling Vendor or Booking Agent in exchange for lodging. The Transaction Price is the amount advertised or published to the public inclusive of any fees built into the advertised or published price; however, service fees or booking fees, if separately stated, shall not be included in the Transaction Price.

(e) "Transient Guest" or "Transient Guests" means a person or persons occupying a room or rooms for lodging for less than thirty (30) consecutive days.

(f) "Vendor" means the person who is the owner or operator of the Short-Term Rental Dwelling and who furnishes the lodging.

**185.03 PURPOSE, RATE, AND APPLICATION OF TAX.**

(a) There is hereby levied an excise tax of three percent (3%) on transactions by which lodging at a Short-Term Rental Dwelling is, or is to be, furnished to Transient Guests.

(b) The excise tax levied under this chapter shall provide revenue for the purposes of general municipal operations, procurement of fixed assets or permanent improvements, payment of debt charges, the elimination of deficits in Village funds, and for all other lawful purposes. To carry out such purposes, the receipts of the tax levied under this chapter shall be deposited to the credit of the General Fund.

(c) The tax, which shall be known as the short-term rental tax, applies and is collectible at the time the lodging is furnished, regardless of the time when the price is paid. The tax shall not apply to transactions by which lodging is furnished to:

(1) the Federal government, the State, or any of its political subdivisions; or

(2) a person maintaining occupancy for a period of thirty (30) or more consecutive days; provided, however, that except in the case of employees of the same employer, no occupancy may be used in combination with the occupancy of another, regardless of the source of payment, to exempt a transaction under this division.

(d) For the purpose of the proper administration of this chapter and to prevent the evasion of the tax, it shall be presumed that all lodging furnished at Short-Term Rental Dwellings in the Village to Transient Guests is subject to the tax until the contrary is established.

**185.04 TRANSIENT GUEST TO PAY THE TAX.**

(a) The short-term rental tax shall be paid by the Transient Guest to the Vendor unless division (b) of this section applies. Each Vendor shall collect from the Transient Guest the full and exact amount of the tax payable on the taxable price for each taxable lodging. The tax required to be collected under this chapter shall be deemed to be held in trust by the Vendor until paid to the Administrator as provided in Section 185.07 of this chapter. If, for any reason, the tax due is not paid to the Vendor, the Administrator may require the Transient Guest to pay such tax directly to the Administrator.

(b) A Booking Agent collecting for a Vendor may collect and remit the short-term rental tax in place of the Vendor, and in that instance, the Vendor shall not be responsible for collecting the short-term rental tax on any transaction for which the Vendor has received confirmation that the Booking Agent has collected and remitted the tax. If the Booking Agent collects the short-term rental tax, the requirements imposed on the Vendor set forth in section 185.04(a) shall be applicable to the Booking Agent.

**185.05 RECORDS INSPECTION AND PRESERVATION.**

Each Vendor and Booking Agent shall maintain complete and accurate records of lodging furnished, together with a record of the tax collected thereon. Such records shall be open and accessible to inspection by the Administrator within the Village within fifteen (15) days upon notification in writing to the Vendor or Booking Agent. Such records shall be preserved for a period of three (3) years, unless the Administrator in writing consents to their destruction within that period, or by order requires that they be kept for a longer period of time.

**185.06 TAX TO BE SEPARATELY STATED AND CHARGED.**

(a) The Vendor, or Booking Agent collecting for a Vendor, shall state and charge the short-term rental tax to the Transient Guest separately from the charge for the lodging and on any record thereof, at the time when the occupancy is arranged or contracted and charged for, and upon every evidence of occupancy or any bill or statement or charge made for occupancy issued or delivered by the Vendor or Booking Agent.

(b) No Vendor or Booking Agent shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the Vendor or Booking Agent, or that the tax will not be added to the amount charged for the lodging, or that, if added, any part will be refunded except in the manner provided in this chapter.

**185.07 REGULATIONS FOR FILING RETURNS.**

(a) Each Vendor, or Booking Agent collecting for a Vendor, shall on or before the last day of the month of the month following the end of each quarter make and file a return for the preceding quarter, on forms prescribed by the Administrator, showing the receipts from furnishing lodging, the amount of tax due from the Vendor, or Booking Agent collecting for a Vendor, to the Village for the period covered by the return, and such other information as the Administrator deems necessary for the proper administration of this chapter. All returns shall be signed by the Vendor, its authorized agent, or Booking Agent collecting for a Vendor. Returns shall be filed by delivering or mailing the same to the Administrator together with payment of the full amount of tax shown to be due thereon.

(b) The Administrator may authorize Vendors, or Booking Agents collecting for Vendors, whose tax liabilities are not such as to merit quarterly returns as determined by the Administrator upon the basis of administrative costs of the Village, to make and file returns at ~~less frequent~~ greater intervals. Such authorization shall be in writing and shall indicate the intervals at which returns are to be filed.

(c) Each Vendor, or Booking Agent collecting for a Vendor, shall file all claims for exemption from tax filed by the Transient Guests with the Vendor during the reporting period with the return.

(d) The Administrator shall treat all returns and payments submitted by Vendors, and Booking Agents collecting for Vendors, as confidential and shall not release them except upon



order of a court of competent jurisdiction or to an officer or agent of the United States, the State, the County, or the Village, for official use only, or except as required by law.

**185.08 REFUNDS.**

The Administrator shall refund or grant credits to Vendors, or Booking Agents collecting for Vendors, for the amount of tax paid illegally or erroneously or paid on any illegal or erroneous assessment where the Vendor or Booking Agent has not reimbursed itself from the Transient Guest. As between a Vendor and a Booking Agent, the request for refund shall be made by the party that filed the return containing the illegal or erroneous assessment. A Transient Guest may obtain a refund or credit for the amount of taxes paid illegally or erroneously, but only when the tax was paid by the Transient Guest directly to the Administrator. No refund shall be paid unless the claimant establishes a right thereto by written records showing entitlement thereto and makes a claim filed within three (3) years of the date of payment in the manner and on forms prescribed and furnished by the Administrator, and stating under penalty of perjury, the specific grounds upon which the claim is founded.

**185.09 FAILURE TO COLLECT AND REPORT TAX; DETERMINATION BY ADMINISTRATOR.**

(a) If any Vendor fails or refuses to collect the short-term rental tax or to file a return or remit the tax or any portion thereof, as required by this chapter, and the Vendor has not received confirmation that a Booking Agent has collected and remitted the tax, the Administrator shall proceed in such manner as he or she may deem best to obtain information on which to base an assessment of the tax due. When the Administrator has obtained such information as he or she is able, he or she shall proceed to determine and assess against such Vendor the tax and penalty provided for in this chapter.

(b) In case such determination is made, the Administrator shall serve notice upon the Vendor of the amount so assessed, either by personal service, by registered or certified mail, or by a delivery service authorized under Section 5703.056 of the Ohio Revised Code, to the address provided to the Village by the Vendor, or if no such address is provided, to the property tax mailing address for the property on file with the County Fiscal Officer. If delivery is not made due to an undeliverable address or refusal of service, the assessment shall be sent by ordinary mail and be considered served. Such Vendor may, within thirty (30) days after the serving or mailing of such notice, apply in writing to the Administrator for a hearing on the correctness of the amount assessed. If the Vendor does not apply within the time prescribed, the tax and penalty determined by the Administrator shall become final and conclusive and due and payable. If the Vendor makes timely application, the Administrator shall give the Vendor written notice not less than five (5) days in advance in the manner prescribed in this section, to show cause at a time and place fixed in the notice why the amount specified therein should not be fixed for such tax and penalty. At any such hearing, the Vendor may appear and offer evidence why such specified tax and penalty should not be so fixed.

(c) After such hearing, the Administrator shall determine the proper amount of tax due and shall thereafter give written notice to the Vendor, in the manner prescribed in this section,

of such determination and the amount of such tax and penalty. The amount determined to be due shall be payable within fifteen (15) days from the date of the Administrator's determination.

**185.10 APPEALS.**

Appeals from any ruling or determination of the Administrator with respect to the amount of such tax and penalty shall be made to the Village Board of Tax Review in conformance with Section 181.21 of the Village's Codified Ordinances.

**185.11 ACTIONS TO COLLECT.**

Any tax required to be paid under the provisions of this chapter shall be deemed a debt owed by the Transient Guest to the Village. Any such tax not collected by a Vendor, or a Booking Agent collecting for a Vendor, pursuant to the provisions of this chapter, or any tax paid by a Transient Guest to a Vendor, or a Booking Agent collecting for a Vendor, not paid to the Village pursuant to the provisions of this chapter, shall be deemed a debt owed by the Vendor or Booking Agent to the Village. Any person owing money to the Village under the provisions of this chapter shall be liable to an action brought in the name of the Village for the recovery of such an amount and/or be subject to the penalties set forth in sections 185.12, 185.13, and 185.99 of this chapter.

**185.12 INTEREST ON UNPAID TAX.**

The tax imposed and collected or required to be collected under the provisions of this chapter remaining unpaid to the Village after the tax becomes due shall bear interest at the rate of the federal short-term interest rate, rounded to the nearest whole number percent, plus five percent. The rate shall apply for the calendar year next following the July of the year in which the federal short-term interest rate is determined under Section 1274 of the Internal Revenue Code.

**185.121 BOOKING AGENTS.**

(a) Any Booking Agent that facilitates transactions for one (1) or more Short-Term Rental Dwellings in the Village and does not collect or remit the tax on behalf of all the Vendors of such Short-Term Rental Dwellings shall provide to the Village, quarterly within thirty (30) days of the end of each calendar quarter, a transaction report. The transaction report shall consist of all listings by the Vendors during the preceding calendar quarter, including, but not limited to, the dates of occupancy for each lodging and the amount paid for each completed transaction.

(b) Any Booking Agent that lists one (1) or more Short-Term Rental Dwellings in the Village shall:

(1) at the time any Vendor first obtains a short-term rental certificate, notify the Vendor of the Vendor's tax and obligations to the Village; and

(2) annually provide all Vendors of one (1) or more Short-Term Rental Dwellings with a reminder of their tax and license obligations to the Village.

**185.13 PENALTIES ON UNPAID TAX.**

In addition to interest as provided in Section 185.12 hereof, penalties based on the unpaid tax are hereby imposed as follows:

(a) Any Vendor, or Booking Agent collecting for a Vendor, who fails to remit any tax imposed by this chapter within ~~thirty (30) days after~~ the date required shall pay, in addition to the tax and interest, a penalty equal to ten percent (10%) of the amount of the tax;

(b) Any Vendor, or Booking Agent collecting for a Vendor, who fails to remit any tax imposed by this chapter within sixty (60) days after the date required shall pay, in addition to the tax and interest, a penalty equal to fifteen percent (15%) of the amount of the tax;

(c) Any Vendor, or Booking Agent collecting for a Vendor, who fails to remit any tax imposed by this chapter within ninety (90) days after the date required or upon a second delinquency within a 2 year period shall pay, in addition to the tax and interest, a penalty equal to twenty percent (20%) of the amount of the tax;

(d) Any Vendor, or Booking Agent collecting for a Vendor, who fails to remit any tax imposed by this chapter within one hundred twenty (120) days or more or upon a third or later delinquency within a 2 year period shall pay, in addition to the tax and interest, a penalty equal to twenty-five percent (25%) of the amount of the tax.

#### **185.14 RULES AND REGULATIONS.**

The Administrator shall have the power to adopt rules and regulations not inconsistent with the terms of this chapter for carrying out and enforcing the payment, collection, and remittance of the short-term rental tax. A copy of such rules and regulations shall be published in the Village Record at least once before they become effective. Copies shall be printed and made available in the office of the Administrator.

#### **185.99 PENALTY.**

(a) Any Vendor or Booking Agent who fails to file any return or report required under this chapter or violates any other provision of this chapter shall be guilty of a misdemeanor of the first degree and be subject to a maximum fine of one thousand dollars (\$1,000.00) per occurrence or imprisonment of up to six months, or both. A separate offense shall be deemed to occur on the first day of each month that the offense continues.

(b) If not otherwise specified herein, no person or entity shall:

(1) Fail, neglect, or refuse to file any return or make any declaration required by this ordinance;

(2) File any incomplete or false return or provide any false information to the Administrator;

(3) Fail, neglect, or refuse to pay the tax, penalties, or interest imposed by this ordinance; or

(4) Refuse to produce to the Tax Administrator or permit the Tax Administrator or any duly authorized agent or employee to examine the books, records, or papers relating to short-term rentals of the Vendor or Booking Agent.