CHAPTER 741
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 the citizens of the 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) 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;

(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 one or more renters who occupy a single room or multiple rooms in the same dwelling in which the owner is living; or while the renter is occupying a permitted accessory dwelling on the premises that has separate bathroom facilities. An Owner-Occupied Short-Term Rental property owner who has an additional, approved, accessory dwelling located on the same property may choose which dwelling in which they wish to reside, and which dwelling shall be the short-term rental unit. An Owner-Occupied Short-Term Rental property owner shall at no time be permitted to rent both the main dwelling unit and the accessory dwelling. A Short-Term Rental Certificate shall be issued for only one Owner-Occupied Short-Term Rental dwelling on the property.

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 30 consecutive days by persons other than the owner from whom 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 the 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) Short-Term Home Rental Certificates that were issued prior the effective date of this amendment to Chapter 741 and are valid at the time the renewal application is submitted shall be permitted to be renewed provided that a renewal application is submitted prior to 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 a Certificate until the expiration of the time period set forth in Section 741.09(b)(1)(B) and will only be eligible to receive a Certificate if one is available. 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 applicable requirements of this Chapter.

(b) 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 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 30-minute drive time of the Short-Term Home Rental property, the property owner shall designate a Caretaker that meets the 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. 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 contact information or changes to any other information required in the application.

H. Proof of insurance as required by 741.04.

I. Proof of a valid Septic System 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 and the unique URL for any of those listings.

(3) Renewal of Certificates.

A. All Certificates for both Owner-Occupied and Short-Term Home Rentals shall be renewed annually. Certificates expire on December 31 of the year in which they were issued. 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 November 15 of the year in which the Certificate expires. Renewal applications filed after November 15 will require an additional $200 late fee above and beyond the applicable application fee. If a complete application is not received by the expiration of the previous year's Certificate, the applicant is not entitled to a renewal. Renewal applications submitted after December 31st shall be placed on a wait list along with any new applications. After all renewal applications filed prior to January 1 are processed, and if any permits are available, the applicants on the wait list will be reviewed in the order in which they were received.

C. Short-Term Home Rental Certificate holders shall be required to provide evidence that their rental has been occupied for a minimum of 60 days during the previous calendar year to be permitted to renew their Certificate. If the Certificate was issued after January 1 and no Short-Term Rentals occurred in that year prior to the date the Certificate was issued, the total number of occupied days shall be an average of 5 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 1-parking space per bedroom shall be provided, plus 1 additional space. If the Short-Term Home Rental location cannot meet the above requirement, 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.

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 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 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 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 Home 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.

(17) Record Keeping. All Short-Term Home Rental property owners shall retain, and upon request, make available to the Mayor or his or her designee, 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.

(19) Carbon Monoxide Detectors. Carbon monoxide detectors shall be provided on each floor of the dwelling unit which has fuel burning appliances for heating or cooking and in a central location outside each sleeping area on every level of the home as provided by Ohio Fire Code Technical Bulletin TB18-001, as updated from time to time. Fuel burning appliances include, but are not limited to, furnaces, fireplaces, ovens, and hot water tanks.

(20) Fire Department Inspection. Before receiving a Short-Term Rental Certificate, all Short-Term Rental and Owner-Occupied Short-Term Rental properties shall schedule, submit to, and pass a fire inspection administered by the Valley Fire Department. Any inspection fees for that fire inspection shall be paid by the property owner directly to the Valley Fire Department.

(b) Owner-Occupied Short-Term Rental Standards. 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, 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 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 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.

(10) Record Keeping. All Owner-Occupied Short-Term Rental property owners shall retain, and upon request, make available to the Mayor or his or her designee, 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.

(12) Carbon Monoxide Detectors. Carbon monoxide detectors shall be provided on each floor of the dwelling unit which has fuel burning appliances for heating or cooking and in a central location outside each sleeping area on every level of the home as provided by Ohio Fire Code Technical Bulletin TB18-001, as updated from time to time. Fuel burning appliances include, but are not limited to, furnaces, fireplaces, ovens, and hot water tanks.

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

Short-Term Home Rentals shall be permitted in the R-2 "Small Town" Residential District, the Mixed Use District, and the Commercial District, provided the total number of Short-Term Home Rentals within those districts does not exceed 10 units. Owner-Occupied Short-Term Rentals as defined by Section 741.02 and regulated by Section 741.04(b) shall not count toward the total number of Short-Term Home Rentals permitted by this section.

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

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 5 units. Owner-Occupied Short-Term Rentals, 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.

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 an application fee of $500, plus a $250 Village inspection fee.

(b) Each application for an Owner-Occupied Short-Term Rental shall be accompanied by an application fee of $100, plus a $250 Village inspection fee.

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 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) When the Village becomes aware of a violation of this Chapter, the Village may send a written notice to the property owner and/or Caretaker of the property that describes the location of the property, the nature of the violation, and the specific provisions of this Chapter being violated, giving the owner and/or Caretaker of the property no less than 10 days to eliminate the violation before action is taken by the Village to cancel the Certificate. The 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 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, or his or her designee, 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, or Mayor's designee'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) A property owner who has had their Certificate denied may appeal the decision by filing a notice of appeal with the Village Administrative Clerk within 10 days of the date of their receipt of the notice of denial. If a timely appeal is filed, Village Council shall hold a hearing on the denial within 30 days of the notice of appeal filing date. The decision of Village Council on the appeal of the Mayor's, or the Mayor's designee's, denial to issue a permit may be appealed in accordance with Ohio law. A property owner whose Certificate has been denied shall be prohibited from re-applying for a Village Short-Term Rental Certificate for a period of 1 year from the denial date or final adjudication date of the denial 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.