

AN ORDINANCE TO REGULATE THE STANDARDS OF SHORT-TERM RENTAL UNITS WITHIN THE CITY OF CLINTON; ESTABLISHING BASIC STANDARDS FOR SUCH RENTAL UNITS; PROVIDING REGISTRATION REQUIREMENTS AND SETTING STANDARDS THEREFORE; SETTING ADMINISTRATIVE AND ENFORCEMENT REGULATIONS' INCLUDING PENALTIES; AND FOR RELATED PURPOSES.

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI:

SHORT TERM RENTAL UNIT CODE

Section 100. Scope.

This code shall apply to all short-term rental units (STRU) located within the City of Clinton, Mississippi. The intent of this code is to establish base standards for STRU in Clinton so as to prevent or correct slum and blighted conditions and protect the health, safety and welfare of the community. The approval and operation of a STRU does not constitute a change in the characteristics of a neighborhood for the purpose of rezoning.

Section 101. Designation of Administrator.

The Director of the Community Development Department for the City of Clinton is hereby designated as the Administrator of this article and may delegate duties of this Code to the building inspectors, code enforcement officers and other employees of the Community Development Department or other employees of the City of Clinton.

Section 102. Definition.

Host: Any person who is the owner or rental agent of a dwelling unit, or portion thereof who provides a dwelling unit, or portion thereof, for short-term rental use.

Short Term Rental Unit (STRU): Any building or portion thereof that is available for use or is used for accommodations or lodging of guest paying a fee or other compensation for a period of between two (2) and twenty-nine (29) consecutive days.

Section 103. Registration Required.

It shall be unlawful for any person and/or entity to maintain or operate any STRU within the City of Clinton unless such person or entity has registered the property.

The annual registration fee shall be fifty dollars (\$50.00) per dwelling unit payable upon application for registration. A late penalty fee will be assessed in the amount of \$10 per unit

multiplied by the number of months the registration is past due. Each person or entity who operates an office within the City of Clinton must also obtain a Privilege License as required by the City of Clinton for operation of a business pursuant to State Statute 27-17-9.

Section 104. Annual Registration Application.

- A. *Annual Registration.* Application for an annual STRU registration shall be filed with and issued by the Community Development Department. The application shall be in writing, signed by the property owner, agent or designee and shall include the following:
- (1) The name, telephone number, address, and email address of the owner and of a person or business ("responsible party") residing or located within twenty-five miles of the STRU that is responsible for addressing all maintenance and safety concerns.
 - (2) The name, telephone number, address and email address of the STRU host if different from owner.
 - (3) Proof of insurance evidencing homeowner's fire, hazard, and liability insurance. Liability coverage shall have limits of not less than one million dollars per occurrence.
 - (4) Proof of ownership must be provided if the information provided differs from Hinds County records;
 - (5) The location and parcel number of the property on which the STRU is located;
 - (6) For new construction, a complete site plan of the buildings, units or facilities showing it is in conformity with the requirements included within this STRU Code.
 - (7) For new construction, plans and specifications of all buildings, improvements and facilities to be constructed on the same property as the STRU.
 - (8) Such other information as may be requested by the Community Development Department to enable it to determine if the proposed rental unit will comply with all codes and ordinances adopted by the City of Clinton.
 - (9) Not less than fifteen (15) days prior to the scheduled public hearing, the city shall send notification to all land owners within five hundred (500) feet of the applicant's land boundaries of the applicant's intent to obtain a permit to conduct or operate a short-term rental on the property owned by the applicant.

Notification by the city shall be made by standard mail and shall be addressed to the landowner identified for each parcel on the Hinds County Tax Rolls as well as the property address for rental property. The notification shall provide the following information to the landowners and tenants within five hundred (500) feet of the applicant's land boundaries:

- a. Name, address and telephone number of the applicant.
 - b. The date, time and place of a hearing before the planning commission.
 - c. The applicant's intent to operate a STRU.
- (10) Applicant shall provide Mississippi State Tax ID number prior to issuance of permit.
- (11) Applicant shall provide a statement indicating if they have been operating illegally.

B. Inspection Required. Before any registration is issued by the Community Development Department the applicant must authorize the Administrator or designee to inspect the rental unit or complex for which an application for registration has been made. All utilities must be turned on at the time of the inspection in order to inspect all systems, appliances and equipment. The inspection is to be performed prior to issuance of permit.

C. Registration Renewal. Upon application in writing for renewal of a registration issued under this chapter and upon payment of the annual registration fee, the Community Development Department shall issue a certificate renewing such registration for another year if the requirements of Section 104(A) are met. The Community Development Department may, at its discretion, inspect the rental unit or units for which application is being made before a renewal of the registration is issued.

D. Certificate of Occupancy Requirements. A Certificate of Occupancy shall be required as a condition of providing new utility service to any rental property or as a condition of transferring service to a new owner, or billing name. A Certificate of Occupancy is required prior to any guest occupying a rental unit. Certificate of Occupancies are valid for two (2) years.

Section 105. Signage.

Signage may not be used for STRU.

Section 106. Regulations.

- A. All STRU occupants shall abide by all applicable noise restrictions and regulations regarding the public peace and welfare contained in the City of Clinton Municipal Code, and all applicable waste management provisions of the City of Clinton Zoning Ordinance.

- B. The STRU shall meet all applicable requirements of the state and local building and fire safety codes, including, but not limited to, having approved smoke alarms meeting City of Clinton Fire Code installed as follows:
 - (1) In all sleeping areas.
 - (2) In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.
 - (3) In each story within the sleeping unit, including basements.
- C. Parking shall be provided as required by Article XXV of the City of Clinton Zoning Ordinance. No recreational vehicles, buses, or trailers shall be parked on or visible from the street with the STRU use.
- D. The principal renter of a STRU shall be at least twenty-one years of age.
- E. Maximum occupancy shall be based on fifty (50) square foot of sleeping area floor space per occupant.
- F. STRU rules shall be located inside the rental unit in a location readily available to all guest. The rules shall include occupancy limits, parking requirements, noise restrictions and garbage management.
- G. The STRU owner shall not permit occupancy of a STRU for a period of less than forty-eight (48) hours.
- H. The name and telephone number of the local responsible party shall be readily available within the STRU. The responsible party shall answer calls twenty-four hours a day, seven days a week for the duration of each short-term rental period to address problems associated with the STRU.
- I. A STRU permit shall not be transferred or assigned to another individual, person, entity, or address, nor shall the permit authorize any person, other than the person named therein, to operate a STRU on the property.

Section 108. Denial or Revocation of Permit.

- A. Upon the receipt of a complaint regarding a conditional use of a STRU, the Department of Community Development shall notify the permit holder in writing or by e-mail of such complaint.
- B. If the Administrator determines, based on reasonably reliable information that the Administrator has obtained including without limitation public records or reports, records of regularly conducted activity, violations of generally applicable provisions of the City of Clinton Municipal Code have occurred as a direct result of the operation or use of the short-term rental unit, the permit to operate a STRU may be revoked.
- C. Permits may be revoked if the property has outstanding violations from the City of Clinton Fire Department, Police Department, Public Works

Department or Community Development Department or other City Ordinances.

- D. Permits may be revoked for one (1) or more felony or misdemeanor related activities on the property.
- E. Before revoking any permit, the Administrator shall give the permit holder fifteen days written notice of the alleged violation(s) against him/her.
- F. Any denial or revocation of a STRU permit may be appealed to the Mayor and Board of Aldermen.
- G. Once a STRU permit has been revoked, no new permit shall be issued to the applicant for the same property for a period of one year.

Section 109. Ordinance Enforcement.

- A. Any person who shall knowingly and willfully violate the terms, conditions or provisions of this ordinance shall be guilty of a misdemeanor and upon conviction therefor shall be sentenced to pay a fine of not less than one hundred dollars (\$100) and no more than five hundred dollars (\$500), and in case of continuing violations without reasonable effort on the part of the defendant to correct same, each day the violation continues thereafter shall be a separate offense. The Police Department of City of Clinton is hereby empowered to act on behalf of the Administrator, if necessary, and to issue a citation to violators who fail to respond within the warning time provided.
- B. Upon a determination by the City of Clinton Municipal Court that a short-term rental property has operated without having obtained a permit, there shall be a waiting period of one year from the date of such determination by the Court for the property to become eligible for a STRU permit. Upon a determination by the City of Clinton Municipal Court that a short-term rental property has operated without having renewed a previously issued permit, there shall be a waiting period of six months from the date of such determination for the property to become eligible for a STRU permit.

Section 110. Authority to Inspect.

- A. *Personnel.* The Administrator or designee is authorized to make reasonable and necessary inspections of a STRU and premises to determine compliance with this article.
- B. *Access.* Every owner, agent, or manager of a STRU shall, upon reasonable notice, allow access to any part of such STRU at all reasonable times for the purpose of making such inspections. If the owner, agent, or manager refuses access to make an inspection, the city is authorized to obtain an inspection warrant. If a complaint is made to the city of conditions in any rental unit which may be in violation of any

applicable city code, the city is authorized to investigate such complaint without notice.

- C. *Scope.* The Inspector may expand the scope of an inspection to include other city code violations discovered during the inspection.
- D. *Compliance.* If upon inspection, violations of interior or exterior standards exist, the owner, agent or manager will be required to correct all violations within a reasonable period of time as determined by the Inspector. Failure to comply with the order of the Inspector may result in the revocation of the existing Certificate of Occupancy. Future occupancy will be prohibited until all violations have been corrected and the unit has been re-inspected by the city and deemed to be in compliance and a new Certificate of Occupancy issued.

Section 111. Commencement of Action.

- A. The Community Development Department is assigned the primary responsibility of enforcing this chapter and is granted the authority expressly and impliedly needed and necessary for enforcement.
- B. Nothing in this section shall preclude employees of the Community Development Department from seeking voluntary compliance with the provisions of this chapter or from enforcing this chapter, proactively or reactively, through warnings, citations, or other such devices designed to achieve compliance in the most efficient and effective manner under the circumstances.
- C. The Community Development Department is authorized to recommend reasonable and necessary rules and regulations to carry out the provisions of this article which shall be approved by resolution of the Mayor and Board of Aldermen.
- D. Re-inspection fees will be as follows:
 - (1) 3rd inspection \$100.00
 - (2) 4th inspection \$200.00
 - (3) 5th inspection \$400.00
 - (4) 6th inspection without compliance - Citation to court

Section 112. Provisions of this Ordinance shall be in Addition to all other Applicable Ordinances.

Section 113. Severability and Validity Clause.

That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

Section 114. Effective Date of Ordinance.

This ordinance shall become effective after passage and thirty (30) days following publication. The City Clerk shall cause the ordinance to be published in a local newspaper with a general circulation.

The foregoing ordinance was proposed in a motion by Alderwoman Godfrey seconded by Alderman Lott, and after discussion, no board member having called for a reading was brought to a vote as follows:

Alderwoman Ricki Garrett	voted: AYE
Alderwoman Karen Godfrey	voted: AYE
Alderman Jim Martin	voted: AYE
Alderman Ward 3	voted: VACANT
Alderman Chip Wilbanks	voted: AYE
Alderwoman Beverly Oliver	voted: AYE
Alderman James Lott	voted: AYE

Whereupon, the motion having received a majority of affirmative votes, the Mayor of the Board of Alderman declared that the Ordinance had been passed and adopted on this the 16th day of August, 2022.

**CITY OF CLINTON,
MISSISSIPPI**

By:

Philip R. Fisher, Mayor

ATTEST:

Russell Wall, City Clerk