

ORDINANCE NO. 2022 - 22

**AN ORDINANCE AMENDING THE SEARCY ZONING CODE
ESTABLISHING STANDARDS FOR SHORT-TERM RENTALS**

WHEREAS, the Searcy City Council has been City of Searcy has been made aware of the use of certain real property, and improvements, on a short-term basis.

WHEREAS, citizens of the City of Searcy, and the Searcy City Council recognize that the use of real property in residential areas for short term rentals presents a tension between the rights of landowners withing to employ their real property and the rights of adjacent landowners, and landowners in areas near, these short term rentals.

WHEREAS, the Searcy City Council wishes to recognize the right of property owners to utilize their property must be balanced against the rights of these adjacent landowners and permit them to quietly enjoy their property.

WHEREAS, as of the adoption of the ordinance set forth herein, Arkansas law, as interpreted by the State of Arkansas and by United States District Courts recognize the ternsion between short-term rentals and other landowners.

WHEREAS, the Searcy City Council finds that it is desirable to establish standards for the regulation of short term rentals and include these regulations in the Searcy Zoning Code.

WHEREAS, the Planning Commission for the City of Searcy, Arkansas, has, pursuant to Article 9-4-2 of the Searcy Zoning Code, conducted a public hearing upon proposed amendments to the Searcy Zoning Code.

WHEREAS, the City of Searcy conducted a community meeting upon proposed amendments to the Searcy Zoning Code.

WHEREAS, the Planning Commission for the City of Searcy, Arkansas, has upon conclusion of said public hearing and community meeting, made a finding of fact that the amendments to the Searcy Zoning Code are consistent with the purposes of the Searcy Zoning Code adopted by the said Planning Commission.

WHEREAS, upon aforesaid finding of fact, the Planning Commission has recommended to the City Council the amendments to the Searcy Zoning Code.

WHEREAS, the City Council has reviewed and requested code changes.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SEARCY, ARKANSAS:

SECTION 1. The Zoning Code text of the City of Searcy, Arkansas be amended as follows:

Add the following to Chapter 5: Use Standards and Special Provisions

Art. 5-11: Short-Term Rentals:

5-11-1: Purpose

The purpose of this section is to set forth guidelines that will balance the right for homeowners within the City of Searcy to utilize the benefits of short-term residential rental units while protecting the health, safety, and welfare of the entire citizenry. Additionally, these provisions seek to protect the users of short-term rentals. These provisions were formed with the goal of being enforceable, equitable and affordable.

The public interests to be protected under this Article include the following:

1. Maintaining the quality and character of existing neighborhoods;
2. Controlling the spread of unregulated parking on quiet residential streets;
3. Creating equity in municipal tax collection;
4. Maintaining life-safety standards for visitors to the City of Searcy;
5. Protecting the availability of affordable housing in the City of Searcy;
6. Allowing reasonable latitude for the use of private residences to generate income; and;
7. Documenting accountability for problems associated with short-term rentals.

5-11-2: General Standards

Short-Term rentals are permitted in all zoning districts other than Industrial provided the following:

1. Short-term rental must adhere to all zoning regulations regarding the property's current zoning classification;
2. Short-term rentals must meet all off-street parking requirements found in Chapter 6 of this code;
3. Maximum overnight occupancy shall be two (2) persons per bedroom, plus two (2) additional persons.
4. All short-term rentals and vacation rentals, including those classified as bed and breakfast facilities shall collect and pay all appropriate federal, state, and local taxes.

5-11-3 License:

All short-term rentals shall obtain and maintain a business license to operate within the city limits. To obtain a business license for a short-term rental, application shall be made to the City of Searcy Code Enforcement office and the following information is required:

1. Applicant Information: The applicant shall be the property owner or provide written authorization to act on the behalf of the property owner. The applicant shall provide their name, address, applicable business entity information, and authorization of agency.
2. Inspection: The potential short-term rental shall be inspected by the Fire Marshall and Building Inspection Official or his/her designee for compliance with all applicable building codes, including, without limitation, the Arkansas Fire Prevention Code, International Building Code, and National Swimming Pool Code. This inspection will be conducted yearly and will be required prior to renewal of the business license for the unit.
3. Local Property Representative: The applicant shall designate a local property representative who shall be available twenty-four (24) hours per day, seven (7) days per week, for the purpose of:
4. Responding within one (1) hour to complaints regarding the condition, operation, or conduct of occupants of the short-term rental;
5. Taking remedial action to resolve such complaints.
6. Contact Information: The name, address, and telephone contact number of the property owner and the local property representative shall be kept on file with the City of Searcy's Code Enforcement office and City of Searcy Police Department. The failure to provide the contact information or failure to keep the contact information current may result in the suspension or revocation of the business license.
7. Fee: An annual fee of \$25.00 per short-term rental shall be submitted at the time of application/renewal for the short-term rental business license.
8. A&P Tax Permit: The applicant shall be required to provide proof of a current Searcy A&P Tax Permit prior to issuance of a business license for short-term rentals.

5-11-4: Information to be Displayed

Information shall be provided to renters and posted noticeably in the common area of the short-term rental, summarizing guidelines and restrictions applicable to the short-term rental use, including:

1. Address of the property;
2. The name and contact information of the owner to whom the license is issued, and the name and contact information for the local property representative;
3. The date of expiration of business license;
4. Information on maximum overnight occupancy;
5. Applicable noise and use restrictions;
6. Location and quantity of off-street parking;

7. Direction that trash shall not be stored within public view, except within proper containers for the purposes of collection, and provision of the trash collection schedule;
8. Evacuation routes;
9. The renter's responsibility not to trespass on private property or to create disturbances; and;
10. Notification that the renter is responsible for complying with these regulations and that the renter may be cited or fined by the city for violating any provisions of this or any other applicable code.

5-11-5: Revocation

Any business license for short-term rentals may be suspended or revoked upon written notice by Certificate of Mailing by the City of Searcy Code Enforcement Department for any of the following:

1. A false material statement or misrepresentation has been made in, or support of, the application;
2. A change occurs in any fact upon which short-term rental business license was issued that has not been reported to the City of Searcy Code Enforcement office as a change to the required applicant materials within thirty (30) days of the change;
3. The short-term rental has been the site of a violation of any provision of law, or otherwise fails to meet sanitation standards, Arkansas Fire Prevention Code requirements regarding all applicable provisions including those for transient accommodation, or other applicable standards established by local, state, or federal law.
4. The local property representative failed to respond within one (1) hour to two (2) or more complaints within any twelve (12) month period.
5. Failure to pay any and all applicable federal, state, and local taxes.

5-11-6: Revocation Appeal

Any holder of a business license operating a short-term rental which has been revoked by the City of Searcy Code Enforcement Department may appeal such decision to the Searcy City Council within thirty (30) days of issuance by Certificate of Mailing of revocation by the City of Searcy Code Enforcement Department. Appeal review by the Searcy City Council shall be on the basis of determining factual compliance by the applicant with the provisions of this Code and in determining if the severity of noncompliance warrants revocation due to consistent lack of effort by the applicant to correct known issues.

Add the following to Article 11-3: Definitions

Hotel/Motel. A facility offering multiple transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, and recreational facilities with full-time on-site management.

Primary Residence: A dwelling unit in which an owner or lessee resides.

Short-Term Rental. A lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit, or portion thereof, that is offered or provided to a transient guest for a fee for less than 30 days each duration.

Short-Term Rental Local Property Representative. An administrative representative of a short-term rental host who will be available to respond to any problems, issues, or questions that arise during the short term rental of a unit.

Short-Term Rental Host. Any person, relative, or business entity, including a tenant whose lease extends beyond any short-term rental period, who receives payment for owning or operating a dwelling unit, or portion thereof, as a short-term rental unit.

Transient Guests. Those who rent accommodations other than their regular place of abode.

Vacation Rentals. An entire residential unit that is not a primary residence and is consistently rented to various guest for various periods of time.

SECTION 2. The effective date of the adoption of this Ordinance shall be 12:01 am, January 1, 2023.

PASSED AND ADOPTED THIS 9th DAY OF AUGUST, 2022

**/s/ Kyle Osborne
Mayor of Searcy**

ATTEST:

**/s/ Jerry Morris
City Clerk**