

Title XV Land Usage
Chapter 154 Short Term Rentals

Chapter 154.00 INTENT The purpose of this section is to establish a set of regulations applicable to the short-term rental of private residences. Special regulation of short-term rentals (STR) is necessary to ensure that they will be compatible with surrounding residential uses and will not act to harm or alter the neighborhoods they are located within while also recognizing the diversity of the short-term rental market.

Chapter 154.00 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BEDROOM. A room that is fully enclosed conditioned space within a dwelling unit or accessory structure; and meets the following criteria:

- a. is located along at least one exterior wall;
- b. is at least 70 square feet in size and not less than 7 feet in any horizontal dimension; and
- c. has a minimum ceiling height of 7 feet (if the ceiling is sloped, 50% of it can be less than 7 feet, but no part of it should be less than 5 feet);
- d. has a built-in closet or storage area; and
- e. has at least one window or door exiting directly to the outside for ingress/egress that meets the building code requirements for light, ventilation, and fire escape.

HOST. Any person who is the owner of record of residential real property, or any person who is a lessee of residential real property pursuant to a written agreement for the lease of such real property, who offers a dwelling unit, or portion thereof, for short term rental.

HOSTING PLATFORM. An internet-based platform that generally allows an owner or tenant to advertise the dwelling unit through a website and provides a means for potential transient users to arrange short term rental and payment through the hosting platform.

SHORT TERM RENTAL. A dwelling unit that is rented, leased or otherwise assigned for a tenancy of less than 30 consecutive days duration, where no meals are served. This term does not include hotel or motel rooms, extended stay lodging facilities, bed and breakfast inns or boarding and lodging house rooms.

TRANSIENT USER. A person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of less than 30 consecutive days duration.

§ 154.01 ANNUAL REGISTRATION REQUIRED.

No person, firm, or corporation shall own or operate a STR on any premises within the City of West Point unless the STR has been registered annually with the City of West Point.

§ 154.02 ANNUAL REGISTRATION; FEE.

(A) Each annual registration for a STR shall be per the procedure prescribed by the City Council or its agent. It may be available in hard copy or paperless, online registration upon the effective date of this subchapter. The registration form, at a minimum, shall include the following:

(1) The name, address, phone number, and email address of the host and of a person residing or located within the City Limits of the STR that shall be responsible for addressing any maintenance or safety concerns.

(2) The location of the STR.

(3) A site plan identifying at least the location of structures, on-site parking, trash receptacles, and access to the parcel.

(4) A floor plan of the structure attesting to the number of bedrooms. The floor plan does not have to be professionally drawn but must be reasonably accurate, especially concerning the bedrooms

(B) A nonrefundable fee of \$50 shall accompany the registration of a STR.

§ 154.03 LIMITATION TO THE NUMBER OF REGISTRATIONS

In order to maintain the culture and aesthetics of the City of West Point, the number of accepted and applicable STR registrants is hereby limited to twenty-five (25). Applicants beyond twenty-five (25) may appeal to the City Council for an increase in the limitation. No registrations will be approved beyond twenty-five (25) without the amendment of this ordinance by City Council.

§ 154.04 COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS.

Each separate STR shall be in compliance with any currently applicable laws and regulations of the federal, state, or local governments, as may be amended from time to time including but not limited to, laws or regulations on nondiscrimination, zoning, building, safety, property maintenance, health and sanitation, fire, electrical, plumbing, mechanical, and other applicable laws.

§ 154.05 GENERAL REQUIREMENTS.

(A) Every STR will be subject to the Gross Receipts Tax as defined in 154.50.

(B) Advertising. All advertising for any STR shall include the STR permit number assigned to the host by the City, the number of approved bedrooms, the maximum occupancy, and all associated fees.

- (C) Building Type. STR's shall be allowed only in legally established residential structures, or a portion thereof, except that no accessory dwelling unit shall be used as a STR at any time. Short-term rentals shall not be permitted in any non-habitable structure, tent, yurt, RV, or any other provision intended for temporary occupancy
- (D) Occupancy. Occupancy shall be limited to a maximum of two adults per approved bedroom plus two additional people. Allowed occupancy may be adjusted for dwellings with unusual features by application for a conditional Use Permit approved by City Council.
- (E) Parking. A minimum of one off-street parking space shall be provided for each approved bedroom offered for rent. All required parking spaces shall be located on-site. Parking on any neighboring property or in front of any other house, or in such a manner as to block access to the short-term rental unit or any other house or property is prohibited.
- (F) Safety. The rental unit shall meet all applicable building, health, fire and related safety codes at all times, including provisions of a working smoke detector in compliance with current building code and at least one carbon monoxide detectors. Emergency evacuation routes and instructions, including emergency ingress/egress routes to and from the property, shall be posted in a conspicuous place in the rental unit and within each guest bedroom.
- (G) House policies. House policies shall be included in each rental agreement. It shall be the responsibility of the host to enforce all of the criteria of the zoning permit and house policies. At minimum, the house policies shall:
 - a. Establish noise limits of 55 dB maximum during Daytime hours (7 a.m. to 10 p.m.) and 50 dB maximum during Nighttime hours (10 p.m. to 7 a.m.) by establishing outdoor "quiet hours" to minimize disturbance to neighboring residences.
 - b. Establish on-site parking policies and identify designated parking areas.
 - c. Establish policies and provide information regarding the location of trash receptacles and the trash pick-up schedule.
 - d. Policies regarding no open burning and all other burn restrictions.
 - e. Provide the name, address, telephone number, and e-mail address of the local contact person who shall be responsible for responding to questions or concerns regarding the operation of the STR. This information shall be updated as necessary to remain current, included in every rental agreement and posted in a conspicuous location within the STR. The local contact person shall be available twenty-four hours a day to accept telephone calls and respond physically to the STR within sixty (60) minutes of a call.
- (H) Signs. On-site short-term rental advertising signs or other displays are prohibited.

- (I) Special Events. No STR property shall be used to conduct non-owner related weddings, parties, or other similar events.
- (J) Short Term rental "neighbor notification."
 - a. Each Host shall complete a Neighbor Notification form prescribed by the City and shall provide the completed form to properties within a 200-foot radius of the proposed STR measured as a straight-line distance from the nearest exterior property lines.
 - b. The Neighbor Notification form shall include notice that the property has been approved as a STR and shall include the name, address, telephone number, and e-mail address of the local contact person who shall be responsible for responding to questions or concerns regarding the operation of the STR. This information shall be updated as necessary to remain current, included in every rental agreement and posted in a conspicuous location within the vacation rental dwelling. The local contact person shall be available twenty-four hours a day to accept telephone calls and respond physically to the vacation rental within sixty (60) minutes of a call.
 - c. A copy of the notice and a list of the property owners notified shall be supplied to the City within 21 days of the STR approval and prior to occupancy by any renter.

§ 154.06 DUTIES OF A HOST.

It shall be the duty of a host under this subchapter to ensure that:

- (A) The STR meets the smoke detector requirements set forth in current building code and that a clearly marked evacuation plan is posted on the premises;
- (B) There shall be no more than one contract per short term rental at a time;
- (C) At no time shall more persons reside in the STR than two times the number of bedrooms plus two individuals; and
- (D) There is no signage on the premises of the STR advertising or identifying the short-term rental.

§ 154.07 ENFORCEMENT.

In addition to the penalties provided in § 154.99 the Council is authorized to enforce the provisions of this subchapter through declaratory, injunctive and other civil actions filed in any court of competent jurisdiction.

§ 154.99 PENALTIES

Any person who violates any provision of §154.00 through 154.99 shall receive a notice of violation as a warning for a first offense. A second offense will be subject to a civil penalty of not less than \$100 and no more than \$500 as imposed by the Code enforcement Board. A third offense within three (3) years of the first offense will be subject to a civil penalty of not less than \$500 and no more than \$1,000 as imposed by the Code Enforcement Board and the revocation of

the STR permit. Any person who receives a citation for violating § 154.00 through 154.99 may appeal the violation to the Code Enforcement Board.

§ 154.50 LEVY OF GROSS RECEIPTS TAX.

(A) Short Term Rental Gross Receipts Tax. There is hereby imposed and levied a Gross Receipts tax of 5% of the total rent collected for every occupancy of a suite, room or rooms, or home earned in the activity of a Short-Term Rental.

§ 154.51 PAYMENT OF TAX.

(A) The Short Term Rental Gross Receipts tax imposed by § [154.50](#) shall apply to the rent for every occupancy by transient guests who occupy one or more suites, rooms, home or portion thereof.

(B) All persons, companies, corporations or other like or similar persons, groups or organizations doing business as a Short Term Rental business shall pay the tax imposed by § [154.50](#) to The City of West Point or such other agent as may be designated by the Mayor. The City council is authorized to adopt appropriate regulations pertaining to the implementation and enforcement of the taxes imposed by § [154.50](#) and to take all appropriate actions to collect and enforce payment of the taxes.

(C) The payment of taxes imposed by § [154.50](#) shall be reported and paid on a quarterly basis on a form prescribed by the Ordinance and shall be submitted, for the quarterly periods, ending on the final day of each quarter of the calendar year.

(D) The quarterly reporting form and all monies due shall be submitted and paid to the City Clerk no later than 15 days after the end of each quarter.

§ 154.52 LATE PAYMENT PENALTY.

Any person who is required hereby to pay the STR Gross Receipts tax imposed by § [154.50](#) on rents charged for occupancies who fails to pay the taxes on or before the date due shall be assessed a penalty of 5% of the unpaid amount of the tax whether or not the required return for the applicable period has been timely filed and, in addition, shall pay simple interest at the rate of 12% per annum calculated on a daily basis from the date the payment was due until the date of payment. In addition, any person who fails to file the quarterly return required hereby shall be charged a penalty of 5% per month or fraction of a month of the amount of the unpaid tax which said return, if properly completed and filed, would have shown to be due, provided, however, that the penalty shall not exceed 25% of the amount of the unpaid taxes.

§ 154.53 INCOMPLETE, FALSE OR FRAUDULENT RETURN; FAILURE TO MAKE RETURN; PENALTY.

Any person who shall knowingly make any incomplete, false or fraudulent return or who shall willfully fail to timely make any return required by § [154.50](#) (C), shall be guilty of a misdemeanor punishable by a fine not to exceed \$100.00. The City council, acting through its designee is authorized to initiate criminal action, when appropriate, against any person, corporation, or entity that withholds Gross Receipt taxes and fails to remit such withheld tax to the City. The penalty imposed by this section shall be in addition to any penalties imposed by § [154.50](#).

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