

ORDINANCE NO. 193

AN ORDINANCE REGARDING THE ESTABLISHMENT OF SHORT-TERM RENTALS OF DWELLINGS WITHIN THE CITY OF GARFIELD, ARKANSAS DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, The City Council of Garfield desires to create standards to safeguard the health and safety of its citizens and residents, preserve property values and community aesthetics by regulating rules and procedures for Short-term rentals within the City Limits of Garfield, Arkansas.

WHEREAS, the City Council of Garfield wishes to protect the safety and wellbeing of its citizens and residents by establishing certain procedures to be followed prior to and during the operations of the Short-term rentals while being consistent with local, State or Federal laws, statutes, rules and regulations, within the City limits of Garfield

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GARFIELD, ARKANSAS, THAT THE FOLLOWING PROCEDURES FOR THE OPERATIONS OF SHORT-TERM RENTALS WITHIN THE GARFIELD CITY LIMITS SHALL BE PROVIDED FOR BY ORDINANCE:

Short-Term rentals will be required to meet all requirements in City Zoning Ordinance No. 153, as well as follow any restricted area guidelines herein regarding locations and zones. Also, before starting and/or constructing a Short-Term rental in a subdivision with POA covenants, those restrictions and guidelines will need to be acquired and followed along with all herein.

Section 1: General Definitions

Accessory Dwelling Unit- has the same meaning as in the zoning ordinance No. 153

Advertisement- any method used to solicit interest in the rental including, but not limited to, internet-based listing or hosting services.

Conditional Use- has the same meaning as in the zoning ordinance No. 153

Lodger- anyone that is provided lodging for compensation.

Parcel- property assigned a separate parcel number by the Benton County Assessor.

Permittee- the property owner to whom a short-term rental permit is issued.

Person- any individual, partnership, co-partnership, firm, association, joint stock company, or combination of the above in whatever form or character.

Primary Residence- the single-family dwelling in which the permittee resides for at least one hundred eighty-three (183) days during the calendar year.

Property Owner- the owner of the property on which the short-term rental exists, or their agent authorized to rent the short-term rental.

Short-term Rental- any single-family dwelling, accessory dwelling unit, or conditional use unit that is rented in whole or in part on a short-term basis. A short-term is thirty (30) calendar days or less to the same person.

Single Family Dwelling- has the same meaning as in the zoning ordinance No. 153.

Section 2: Permits

1. **Permit Required** – It is unlawful for any person to advertise, maintain, or operate a short-term rental of a dwelling in the City of Garfield without a permit required by this ordinance and a business permit required by ordinance No. 187. If a conditional use permit is required, the permittee must get approval for the conditional use first. A short-term rental permit may not be issued for both a single-family dwelling and accessory dwelling unit on the same parcel.
2. **Term and scope of permit** – A short-term rental permit issued under this ordinance shall expire at midnight on December 31st, unless revoked or suspended earlier. The permit authorizes the permittee to conduct only such services as described in the permit and in accordance with the terms and conditions of the permit. It is unlawful for a permittee or other responsible person to violate the terms and conditions of the short-term rental permit.
3. **Application and renewal of short-term rental permits** – A property owner may apply for a short-term rental permit by filing an application with the City Recorder/Treasurer. The application must be on a form approved by the Garfield City Council and may require any information or documentation consistent with the provisions of this ordinance. The permit application shall be on a form furnished by the City and signed by the permittee. Such application shall include, but not limited to, the following information:
 - a) Name, address, and 24-hour telephone number(s) of permittee and secondary point of contact, if permittee is not located onsite;
 - b) Floor plan, parking location(s), copy of business license, and proof of insurance;
 - c) Any supplemental information which the Garfield City Council finds reasonably necessary to determine whether to approve a short-term rental permit.
 - d) To renew a short-term rental permit, the permittee shall file an application with the City Recorder/Treasurer that complies with section (a) above. The application must be submitted no later January 31st each year. Untimely applications to renew short-term rental permits are subject to a late penalty of Twenty-five dollars (\$25.00) per month that the fee is late. The penalty shall accrue on the first day of the month and become due and payable on that date.
 - e) Knowingly making a false statement of fact or knowingly omitting any information that is required in an application for a short-term rental permit shall be grounds for denial of a permit.
 - f) Copies of State and/or County Safety inspections.
4. **Permit fee** – Every permit application shall be accompanied by a nonrefundable short-term rental permit application fee as established by the Garfield City Council, as may be amended from time to time, which as of the date of passing is one hundred fifty dollars (\$150.00) for the initial application, twenty-five dollars (\$25.00) for renewal each year due on January 1st. This application fee shall be in addition to the City's business license, transient occupancy tax, and any other license, permit fee, or penalty fee imposed by local, State or Federal laws, statutes, rules, or regulations.

Section 3: Requirements

1. **Registry required** – Every permittee within the City of Garfield shall keep a register containing the following information for each person who stays at the short-term rental, and shall maintain such register for a period of eighteen (18) months and provide for the City if requested:
 - a. Name
 - b. Address
 - c. Vehicle year, make, model, color
 - d. License plate
 - e. State in which the vehicle is registered
 - f. Date of arrival
 - g. Date of Departure
 - h. Number of Guests
 - i. The amount of rent paid by lodgers for each night of lodging

2. **Performance standards** – A short-term rental shall be subject to the following conditions and criteria:
 - a. Lodging occupancy will be determined after the Business has turned in all of their State, Air BNB, and Fire Permits to the City of Garfield. Once the City application process is complete, all safety capacity laws will be followed. Then, the number of guests will be approved by the City Council, which is a part of the application process.
 - b. No permittee may rent both a single-family dwelling unit and an accessory dwelling unit on the same parcel. It is the intent of this section that only one dwelling be rented on a short-term basis per parcel. This Item b. was completely removed at the March Council Meeting.
 - c. All eligible short-term rentals located within the permittee's primary residence shall not be rented for more than one-hundred and eighty-two (182) days per year as a short-term rental.
 - d. Prior to issuance of a short-term rental permit, the permittee shall apply for and be approved for a Conditional Use Permit.
 - e. Prior to issuance of a short-term rental permit, the permittee shall show proof of insurance on the rental property.
 - f. Prior to issuance of a short-term rental permit, the permittee shall show proof of working smoke and carbon monoxide detectors in all rooms and placement of fire extinguisher(s).
 - g. The Permittee or designated secondary contact must be able to respond to any complaints within thirty (30) minutes of notification, regardless of time of day.
 - h. All parking associated with the operation of the short-term rental shall be onsite.
 - i. A permittee shall post a copy of the short-term rental permit in a conspicuous place inside the rental property.
 - j. All persons operating a short-term rental shall identify the short-term rental permit number in any advertisement for that rental.
 - k. No permittee shall allow any special event that would otherwise require a city permit.
 - l. No permittee shall post on the exterior of the short-term rental or the parcel where the short-term rental exists, any sign or writing visible from the exterior of the short-term rental indicating that the dwelling is available for rent.
 - m. All short-term rentals shall comply with any all Federal, State and/or local laws, including without limitation all zoning requirements as adopted by the City of Garfield, Arkansas.

Section 4: Suspending, revoking, or conditioning a short-term permit.

1. The City Council may suspend, revoke, or condition any short-term rental permit if the permittee has violated any provisions of this ordinance.
2. Additionally, upon issuance of any permit, the City Council may limit the permit by any condition reasonably necessary to preserve the intent and purpose of this ordinance.
3. The conditions the City Council may impose on the short-term rental permit include, but are not limited to:
 - a. Requiring the permittee to remain at the short-term rental during certain hours while guests are present;
 - b. Reducing the number of guests that are allowed to lodge at the short-term rental;
 - c. Reducing the number of days in a year that the permittee is allowed to provide lodging;
 - d. Reducing the number of vehicles that may park at the short-term rental.

Section 5: Grounds for denying a short-term rental

The City Council may deny an application for a short-term rental permit for any of the following reason:

- a. The application is incomplete;
- b. The application contains a false or misleading statement or omission of a material fact;
- c. The short-term rental or permittee is currently in violation of, or under investigation for violation of any local, State or Federal laws, statutes, rules or regulations;
- d. The short-term rental or permittee has been found to be in violation of any provision of any applicable local, State or Federal laws, statutes, rules or regulations;
- e. The property owner or occupants of the short-term rental have been found to be in violation of any applicable local, State or Federal laws, statutes, rules or regulations;
- f. The permittee or the property owner is delinquent on any payment to the city of any fees, penalties, taxes, or any other monies related to short-term rental property including, but not limited to, transient occupancy taxes;
- g. If a short-term rental permit for the dwelling was ever revoked or suspended;
- h. The operation of a short-term rental is a threat to the public health, safety, or welfare;
- i. Any required application fee or renewal fee has not been paid.

Section 6: Violations

1. Violation of any provision of this chapter may be charged as an administrative citation, misdemeanor, or infraction, at the discretion of the City attorney. It is unlawful for any person to operate a short-term rental without complying with the provisions of this ordinance.
2. Violations of this ordinance are hereby declared to be a public nuisance. Additionally, a public nuisance may be deemed to exist of operation if the short-term rental results in:
 - a. More than one response to the parcel, property, and/or short-term rental, from law enforcement officers during the term of the permit;
 - b. Disruption to the free passage of persons or vehicles in the immediate neighborhood;
 - c. Excessive noise, which is disturbing to people of normal sensitivity on adjacent or nearby property or areas open to the public;
 - d. Any other impacts on the neighborhood or public which are disruptive or normal activity in the area.

Section 7: Severability

The provisions of this Ordinance are hereby declared to be severable. If any section, sentence, clause, phrase, word, portion or provision of the ordinance codified in this ordinance is held invalid, or unconstitutional, or unenforceable, by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion or provision of said ordinance which can be given effect without the invalid portion. In adopting said ordinance, the City Council affirmatively declares that it would have approved and adopted said ordinance even without any portion which may be held invalid or unenforceable.

Section 8: Posting Section

Upon its passage, this ordinance shall be published pursuant to the ordinance setting out the guidelines for publication of Garfield ordinances.

Section 9: Repeal of Conflicting Language

Any ordinance or parts of ordinance in conflict herewith are hereby repealed to the extent of that conflict with this ordinance.

Section 10: Emergency Clause:

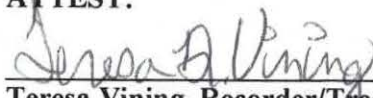
It being deemed necessary to protect the health, safety and welfare of the City of Garfield, its citizens, residents and property owners, an emergency is declared and this ordinance shall be in full force and effect immediately upon the passage of this ordinance.

PASSED AND APPROVED THIS 13th DAY OF April, 2021



Gary Blackburn, Mayor

ATTEST:



Teresa Vining, Recorder/Treasurer

