

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.

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 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:

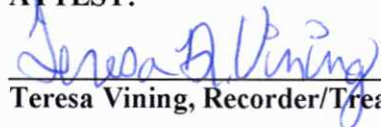
It being deemed necessary to protect the health, safety and welfare of the City of Garfield, its citizens, residents and property owners, an emergency is declared and this ordinance shall be in full force and effect immediately upon the passage of this ordinance.

PASSED AND APPROVED THIS 13th DAY OF April, 2021



Gary Blackburn, Mayor

ATTEST:



Teresa Vining, Recorder/Treasurer