

ORDINANCE NO.

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF
THE CITY OF AMES, IOWA, BY REPEALING AND
REPLACING CHAPTER 35 THEREOF, FOR THE PURPOSE
OF HARMONIZING CHAPTER 35 WITH THE NEW STATE
LAWS REGARDING SHORT-TERM RENTALS; REPEALING
ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES
IN CONFLICT TO THE EXTENT OF SUCH CONFLICT;
PROVIDING A PENALTY; AND ESTABLISHING AN
EFFECTIVE DATE.**

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing and replacing Chapter 35 as follows:

“Sec. 35.100. TITLE, PURPOSE AND SCOPE.

These regulations shall be known as the Short-Term Rental Code of the City of Ames, hereinafter referred to as “this code.”

This code provides regulations for the voluntary registration and operation of Short-Term Rentals in order to provide a voluntary alternative from full compliance with *Chapter 13, Rental Housing Code* for owner-occupied dwelling units wishing to offer Short-Term Rental, while ensuring the safety and welfare of guests, owners and neighboring property owners.

Sec. 35.200. DEFINITIONS.

For the purposes of this code, the following words, terms and phrases have the meanings set forth herein. Where terms are not defined herein but are defined elsewhere, such as in *Ames Municipal Code Chapter 13, Rental Housing Code* or *Chapter 29, Zoning Ordinance*, such terms have the meanings ascribed therein.

Applicant means a property owner who registers their Short-Term Rental unit with the City.

Bedroom, Approved means any room or space used or intended to be used for sleeping purposes that is found to be in compliance with the standards of *Ames Municipal Code Chapter 13, Rental Housing Code*.

Enforcement Officer means the person or persons designated by the City Manager who is responsible for the administration and enforcement of this code.

Dwelling Unit means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Guest Contract means one or more persons who act as a single group and as a single reservation and payment for a Short-Term Rental.

Short-Term Rental Registration is the administrative process whereby an applicant memorializes their intent to voluntarily comply with *Chapter 35*. Voluntary compliance with the requirements of Chapter 35, Short-Term Rental, allows a dwelling unit that is used for Home Share or Hosted Home Share an exemption from having to fully comply with *Chapter 13, Rental Housing Code* and obtain a Letter of Compliance under *Chapter 13*.

Home Share means the limited Short-Term Rental of the entire dwelling unit that is the primary residence of the property owner, while the property owner is not present.

Hosted Home Share means the limited Short-Term Rental of a portion of a dwelling unit that is the primary residence of the property owner, while the property owner is present. For the purposes of this definition, “present” means the property owner is staying in the dwelling overnight during the Short-Term Rental.

Letter of Compliance means a document issued by the Inspection Division, stating the premises have been inspected and found to be in compliance with *Ames Municipal Code Chapter 13, Rental Housing Code*, on the date of inspection.

Owner means any person, agent, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Primary Residence means a dwelling unit that is the only place where a person has a true, fixed, and permanent home, and to where, whenever the person is briefly and temporarily absent, the person intends to return. A person may have only one primary residence.

Short-Term Rental means the advertising, offering, or otherwise making available use of a dwelling unit for overnight lodging for a period of thirty (30) consecutive days or less in exchange for money, goods, labor or service. Short-Term Rental does not include any hotel or motel facility or Bed & Breakfast Establishment.

Sec. 35.300. OPERATION OF USE.

No person or entity may advertise, offer, let, operate, or otherwise make available a Short-Term Rental without either full compliance with *Chapter 13, Rental Housing Code* OR registration as a Short-Term Rental unit under this code.

35.400 SHORT-TERM RENTAL STANDARDS

- (1) **Registrant is the Property Owner.** Registration for use of a property for Home Share or Hosted Home Share must be submitted by the property owner.
- (2) **Primary Residence.** The dwelling unit must be the primary residence of the property owner.
- (3) **Zoning.** The dwelling unit is located in a zoning district permitting the unit’s use as either a Hosted Home Share or Home Share, as identified in the zoning use tables found in *Chapter 29, Zoning Ordinance*.
- (4) **Occupancy.**
 - (a) Hosted Home Shares are limited to a maximum of two approved bedrooms and two adults as guests per dwelling unit. The applicant must specify which portions of the dwelling unit will constitute the registered premises available for use for the Short-Term Rental.
 - (b) Home Shares are limited to a maximum of two adults per approved bedroom, not to exceed a total of five adults per dwelling unit.
- (5) **Off-Street Parking.** Parking is provided according to the requirements of the *Zoning Ordinance Section 29.406* and the following:
 - (a) Hosted Home Shares - No additional parking required.
 - (b) Home Shares - 1 space per bedroom (maximum required - 5 spaces).
- (6) **Tax Compliance.** At time of each registration renewal, documentation must be provided indicating that required taxes for the previous year have been paid pursuant to *Ames Municipal Code Section 24.3*.

- (7) **Fire Safety Requirements.** All units registered as Short-Term Rentals under this code must be in compliance with the fire safety regulations included in *Ames Municipal Code Chapter 13, Division VIII*.

Prior to the registration of a unit as a Short-Term Rental, a Special Request Inspection must be conducted on the unit and documentation obtained from the inspector verifying compliance. Special Request Inspections shall be required every other year for continued renewal of registration. Special Request Inspections, when required, may be conducted up to 90 days prior to the initial registration or the renewal registration of a unit as a Short-Term Rental. The Special Request Inspection fee shall be set by resolution and may be found in Appendix L of the Ames Municipal Code.

- (8) **Additional Operational Requirements.** In addition to registration, the following also apply:
- (a) **Concurrent Guest Contracts Not Allowed Within a Dwelling Unit.** Accommodations must be offered as one guest contract only.
 - (b) **Maximum Number of Days per Annual Renewal Period (for Home Shares only).** Home Shares are limited to a total of 90 days of use as a Home Share per annual registration period, with each guest contract including a period of 30 days or less.
 - (c) **Registry of Guests.** Each owner or host must keep a registry of guests accommodated during the year. The guest registry must be available for inspection by the City upon request.
 - (d) **Responsiveness to Complaints.** The owner must respond to complaints in a reasonably timely manner and shall maintain a record of the actions taken in response. This record must be available for inspection by the City upon request.

Sec. 35.500. ADMINISTRATIVE PROCEDURES.

- (1) **Administrative Rules.** The Enforcement Officer shall have the authority to establish administrative rules and regulations consistent with this code, for the purpose of interpreting, carrying out, and enforcing it.
- (2) **Registration.**
 - (a) **Registration Form.** Short-Term Rental Registration must be on forms provided by the City.
 - (b) **No Fee.** Registration as a Short-Term Rental unit is voluntary and requires no fee.
 - (c) **Registration Review.** Complete and accurate information must be provided to the City.
 - (i) **Staff review.** The registration will be reviewed by staff within five working days for completeness.
 - (ii) **Incomplete Registration.** Registration that does not include all required information will be considered incomplete. In such cases, the City will notify the applicant in writing, explaining the information required. If the applicant does not provide the required information within 31 days of the notice, the registration will be deemed withdrawn for lack of responsiveness.
 - (iii) **Approval.** Registration in compliance with this code will be approved.
 - (iv) **Conditional Approval.** A conditional approval may be granted to allow an applicant to operate while coming into full compliance with the registration requirements. A conditional approval is time limited for no more than three months and is not renewable.
 - (v) **Denial including Non-Renewal.** Any violation of the provisions of this code may be considered during the registration review and may result in denial or non-renewal. Verified complaints with notice of corrective action involving

violations of the zoning code, building code, and/or applicable laws or regulations may be a basis for denying registration. If denied, the property is no longer exempt from full compliance with *Chapter 13, Rental Housing Code*.

- (3) **Inspection.** All premises registered as Short-Term Rental units must be subject to inspection by the City for the purpose of investigating and determining compliance with the requirements of this code.

(4) **Term**

- (a) All registrations shall terminate after one year. Registration renewals must be submitted by the property owner annually, prior to expiration of the current registration.
- (b) If a Short-Term Rental registration expires, the dwelling unit may not be used or occupied as Short-Term Rental until such time as a subsequent registration has been approved or a Letter of Compliance under *Chapter 13, Rental Housing Code* has been obtained.
- (5) **Transferability.** The registration will be issued in the name of the property owner and is not transferable to a subsequent owner or to another property.

(6) **Revocation.**

- (a) The Enforcement Officer may immediately revoke or temporarily suspend a Short-Term Rental registration based upon any of the following, if it is found that:
- (i) The registrant, designated operator, or guest has violated any of the provisions of this code or conditions of the registration;
 - (ii) The applicant has made a false statement of material fact on the registration;
 - (iii) The registrant, designated operator, or guest has violated any federal, state, or city law or regulation pertaining to the use of the property as a Short-Term Rental; or
 - (iv) The Chief of Police or Fire Chief and/or their designees have determined that the Short-Term Rental would pose a serious threat to public health, safety, or welfare.
- (b) The Enforcement Officer shall send or deliver written notice to the property owner stating the basis for the decision of revocation or suspension, the effective date of the revocation or suspension, the right to appeal the decision, and the procedure for filing an appeal. Any notice of suspension must include information about possible corrective action and time for compliance, as applicable.
- (c) Upon revocation of the registration, the dwelling unit or parcel described in the registration is ineligible to receive another registration pursuant to this code for one year from the date of revocation.
- (d) If the Registration is revoked, the use of the dwelling unit as a Short-Term Rental is no longer exempted from full compliance with *Chapter 13, Rental Housing Code*. The use must cease until a Letter of Compliance under Chapter 13 is obtained.

Sec. 35.600. APPEALS.

Any party aggrieved by the Enforcement Officer's decision to deny, suspend, revoke, or issue a registration may appeal the determination to the Zoning Board of Adjustment within thirty (30) days, under the procedures set forth in the *Zoning Ordinance Section 29.1403(8)*."

Section Two. Violation of the provisions of this ordinance shall constitute a municipal infraction punishable as set out by law.

Section Three. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Four. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

John A. Haila, Mayor