
Part Seven – Business Regulations

Chapter 758 Short-Term Rentals

- 758.01. Purpose: It is the intent of this section to establish regulations regarding Short-Term Rental Units for temporary lodging intended for travel and tourism. These regulations have been established to allow property owners to use their properties as Short-Term Rentals while mitigating any potential disruption that Short-Term Rentals have on a neighborhood.
- 758.02. Definitions:
- a. Short-Term Rental: Rental of all or any portion of a residential dwelling unit for dwelling, lodging, or sleeping purposes intended for travel and tourism. Occupancy of the property by a renter typically last for less than seven (7) days but shall not exceed more than thirty (30) consecutive days. This term does not include hotel or motel rooms, extended stay lodging facilities, bed and breakfast inns, and boarding house rooms.
 - b. Short-Term Rental Unit: A residential dwelling which maintains a valid Short-Term Rental License. Short-Term Rental Units contain one or more bedrooms and must abide by the Hamilton Zoning Ordinance Regulation that prohibits more than four (4) unrelated persons to occupy a single dwelling unit. A single-family residential dwelling shall be considered one Short-Term Rental Unit. Each dwelling unit in a duplex may serve as a separate Short-Term Rental Unit, for a maximum of two (2) Short-Term Rental Units on the property. In the case of an apartment or condominium complex, each apartment or condominium offered for Short-Term Rental use shall be considered a Short-Term Rental Unit.
 - c. Host: Any person who is the owner of record of residential real property on which the owner operates a Short-Term Rental Unit.
 - d. Owner-Occupied: A Short-Term Rental Unit is Owner-Occupied when the property owner uses the dwelling as his/her primary

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residence and offers certain bedrooms in the dwelling for Short-Term Rental use. A dwelling is considered the owner's primary residence when the owner resides in the dwelling more than six (6) months out of the year. An Owner-Occupied Short-Term Rental Unit shall be considered an accessory use on the property, secondary to the property's primary use as an Owner-Occupied residence.

- e. Accessory Short-Term Rental: (i) An Owner-Occupied Short-Term Rental Unit which offers no more than two (2) bedrooms for Short-Term Rental use; or (ii) an Owner-Occupied duplex in which at least one of the two dwelling units is Owner-Occupied and the second dwelling unit is offered for Short-Term Rental use.
- f. Large & Commercial Short-Term Rental: The following shall be considered Large & Commercial Short-Term Rental Units: (i) a Short-Term Rental Unit which is not Owner-Occupied; (ii) a Short-Term Rental Unit which offers more than two (2) bedrooms for Short-Term Rental Use, regardless of whether the residence is Owner-Occupied; and (iii) each individual apartment or condominium unit offered for use as a Short-Term Rental.
- g. Short-Term Rental User: Any individual who rents all or a portion of a Short-Term Rental Unit for a period of less than thirty (30) consecutive days. Short-Term Rental User shall also include any overnight guests of the individual renting all or a portion of a Short-Term Rental Unit.
- h. Emergency Contact: A person that shall serve as an immediate point of contact to remedy any issues with the Short-Term Rental Unit. The Emergency Contact shall be available as required to address potential issues with the Short-Term Rental Unit within twenty-four (24) hours of being notified of issues. Issues include, but are not limited to, damage to persons or property, potential violations of the Short-Term Rental License, health code violations, zoning code violations, and public safety violations.

758.03. Short-Term Rental License Required: Any person desiring to rent a property for Short-Term Rental use or advertise a property as a

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Short-Term Rental Unit shall comply with all applicable regulations within the City of Hamilton and obtain a license prior to operating or advertising a Short-Term Rental Unit (a "Short-Term Rental License").

- a. Short-Term Rental License Requirements: Applications for Short-Term Rental Licenses shall be filed with the City of Hamilton Director of Planning in a form to be furnished by the Director or his/her designee, which shall require at least the following information:
 - i. Location of the Short-Term Rental Unit.
 - ii. Provide information identifying the location and number of bedrooms to be offered for Short-Term Rental use.
 - iii. Information about off-street parking location, number and size of spaces, and surface of parking areas.
 - iv. Contact information for:
 1. The Applicant and record owner of the property (if different from the Applicant); and
 2. Emergency Contact.

The above-named individual(s) listed in the application shall receive legal notices from the City pertaining to the operation and maintenance of the Short-Term Rental Unit. All contact information shall be complete, current, and legible. The Applicant shall immediately notify the City in writing of any change in contact information for the above-named individual(s).
 - v. Certification through separate declaratory statements from the Property Owner, Applicant and Host (to the extent they are different individuals) that, to the best of their knowledge, the Short-Term Rental Unit is in conformance with all applicable:
 1. Building Codes;
 2. Health Codes;
 3. Zoning Codes; and

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4. Fire Codes.

- vi. Certification through separate declaratory statements from the Property Owner, Applicant and Host (to the extent they are different individuals) that they have registered with the City of Hamilton Tax Department, will pay any applicable local taxes, and will submit any relevant 1099-MISC forms to the City of Hamilton Tax Department.
 - vii. Confirmation that the Short-Term Rental Unit has active utilities and the property owner is current on all utility payments.
 - viii. Applications for a License to operate a Large & Commercial Short-Term Rental Unit shall be accompanied by an Application fee of \$50.
- (b) License Term: Each Short-Term Rental License shall be valid for a period of two (2) years from the date of issuance.

758.04. Renewal of Short-Term Rental License:

- a. All Short-Term Rental Unit owners shall apply to renew their Short-Term Rental License no later than thirty (30) days before the expiration date of the current License.
- b. Renewal of Short-Term Rental License shall require the submission of an updated Application to operate the Short-Term Rental Unit, per the requirements of Section 758.03.
- c. A renewed Short-Term Rental License shall be valid for a period of two (2) years from the date of issuance.

758.05. General Limitations:

All Short-Term Rental Units shall comply with all regulations and directives from the City Building, Health, Fire, Police and Zoning departments, and any other applicable departments of the City of Hamilton, and shall be in compliance with all applicable federal, state and local laws and regulations.

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- a. Occupancy: The Short-Term Rental Unit may only be occupied by one (1) party of Short-Term Rental Users at a time. The property owner and Host shall be responsible for ensuring that the Short-Term Rental Unit is in compliance with: (i) all of the requirements set forth in this Chapter 758; (ii) all Short-Term Rental criteria established through the Short-Term Rental licensing process; and (iii) the Ohio Building Code and the Hamilton Zoning Ordinance, including regulations set forth therein prohibiting more than four unrelated (4) persons to occupy a single dwelling unit.
- b. Display: The Short-Term Rental License shall be posted within the Short-Term Rental Unit in a location clearly visible within the unit during all periods of occupancy and contain: (i) the License number given by the City; (ii) the contact information for the property owner, Host, and Emergency Contact including a phone number; (iii) the License type (Accessory or Commercial); (iv) the number of bedrooms; and (v) the occupancy limit.
- c. Advertising. No outdoor advertising signs related to the Short-Term Rental Unit shall be allowed on the property.
- d. Parking: Short-Term Rental Units shall provide adequate parking for guests on the property, compliant with the Hamilton Zoning Ordinance, and will not obstruct traffic with street parking. Parking of vehicles must be on a paved surface. The number of off-street parking spaces required can be reviewed in Section 1137 "Off-Street Parking and Loading Regulations" of the Hamilton Zoning Ordinance.
- e. Information Packet: A packet of information shall be provided to each party of Short-Term Rental Users and shall be posted conspicuously in the common area of the Short-Term Rental Unit. The packet shall summarize guidelines and restrictions applicable to the Short-Term Rental use including:
 - i. Information on maximum occupancy of the Short-Term Rental Unit;
 - ii. Applicable noise and use restrictions;

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- iii. Location of off-street parking spaces;
 - iv. Directions pertaining to the disposal of trash on the property, including the following: (i) trash shall not be stored within public view, except within proper containers for the purpose of collection; (ii) there shall be no trash or junk on the property; and (iii) information about the trash collection schedule;
 - v. Contact information for the Short-Term Rental Emergency Contact;
 - vi. Evacuation routes;
 - vii. The Short-Term Rental User's responsibility not to trespass on private property and not to create disturbances; and
 - viii. Notification that the Short-Term Rental User is responsible for complying with this Chapter 758 and may be cited or fined by the City for violating any provisions of this Chapter.
- f. Uses: A Short-Term Rental User may use a Short-Term Rental Unit for a purpose incidental to lodging or sleeping purposes, provided that the incidental use complies with rules of the property owner and does not violate applicable federal, state and local laws and regulations.
- g. Outdoor Facilities: Short-Term Rental Units may be permitted to operate in an approved existing accessory structure, as long as the structure is compliant with applicable Building, Health, and Zoning codes. The Hamilton Zoning Ordinance does not permit the construction of new accessory dwelling units. Short Term Rental Units shall not be operated in a tent or a recreational vehicle.
- h. Parties: A Short-Term Rental Unit may only be occupied by one (1) party of Short-Term Rental Users at a time. A party shall be considered one or more individuals who booked, and/or intended to rent, the Short-Term Rental Unit together at the same time.

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- i. Emergency Contact: For All Short-Term Rental Units, there shall be an Emergency Contact. The Emergency Contact shall be an easily accessible contact person who shall respond to the property within twenty-four (24) hours after receiving notice of an issue on the property. The Emergency Contact shall be available as required and shall be responsible for immediately addressing any potential issues with the Short-Term Rental Unit, such as, but not limited to, damage to persons or property, potential violations of the Short-Term Rental License, and any alleged violations of applicable health, zoning, and public safety laws and regulations.
- j. The Short-Term Rental Unit shall not adversely affect the residential character of the neighborhood or adversely affect the general public health, safety, and welfare.
- k. The Short-Term Rental Unit shall not generate noise, trash, traffic, glare, obstructions, odors, vibration, or other effects that unreasonably interfere with any individual's use and enjoyment of his/her property.
- l. It is unlawful for the Property Owner, Applicant and Host (to the extent they are different individuals) to withhold, deny, curtail, limit, or discriminate concerning the full use of the Short Term Rental Unit by any individual because of the individual's race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, disability, or age.
- m. All information associated with the Short-Term Rental License and registration must be updated and shared with the City of Hamilton within seven (7) days of a change in status, including any changes in contact information for the Applicant, Host, property owner, or Emergency Contact.

758.06 Accessory Short-Term Rental Standards: The following standards apply specifically to Accessory Short-Term Rental Units.

- a. Owner-Occupied: Accessory Short-Term Rental Units must be Owner-Occupied and must be primarily utilized as a permanent residence for the owner-occupant.

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- b. License: A Short-Term Rental License shall be secured prior to operation and advertisement of the Short-Term Rental Unit. Short-Term Rental Unit owners and Hosts shall comply with all applicable License requirements and with the regulations and requirements of all City Departments.
- c. Maximum size: A maximum of two (2) bedrooms in an Accessory Short-Term Rental Unit may be rented to Short-Term Rental Users. The total number of residents and Short-Term Rental Users occupying an Accessory Short-Term Rental Unit may not exceed four (4) unrelated persons per dwelling unit.
- d. Inspections: Accessory Short-Term Rental Units are subject to inspection by the City on an as-needed basis to determine compliance with the regulations set forth in this Chapter 758.

758.07 Large & Commercial Short-Term Rental Unit Standards: The following standards apply specifically to Large & Commercial Short-Term Rental Units.

- a. License: A Short-Term Rental License shall be secured prior to operation and advertisement of the Short-Term Rental Unit. Short-Term Rental Unit owners and Hosts shall comply with all applicable License requirements and with the regulations and requirements of all City Departments.
- b. Multi-Unit Apartment or Condominium Building: With respect to apartment and condominium complexes with more than four (4) units, the number of units within a complex that may be devoted to Short-Term Rental use shall be the lesser of: (i) sixty percent (60%) of the units; or (ii) nineteen (19) units.
- c. Inspections: Large & Commercial Short-Term Rental Units are subject to inspection by the City on an as-needed basis to determine compliance with the regulations set forth in this Chapter 758.

758.08 Short-Term Rental Area:

758.09 Denial of Short-Term Rental Application or Renewal Registration

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- a. The City Planning Director or his/her designee may deny any Application for a new or renewed Short-Term Rental License upon a finding that any of the following conditions are true:
 - i. The Applicant failed to provide Application information or supporting materials for the Application.
 - ii. The Applicant, Host, property owner, and/or Emergency Contact has had a Short-Term Rental License suspended or revoked in the past.
 - iii. The Applicant, Host, and/or property owner has falsified or misrepresented a fact on the Application.
 - iv. The Applicant continued to operate or advertise a Short-Term Rental Unit without a Short-Term Rental License after being notified by the City of Hamilton to submit a License Application.
 - v. The Emergency Contact has been notified by the City of Hamilton about an issue with the Short-Term Rental Unit property and did not address the issue in question within twenty-four (24) hours of contact.
 - vi. The Applicant, Host, property owner, and/or Emergency Contact has obstructed, interfered with, or failed to make good faith efforts towards correcting violations of this Ordinance for any Short-Term Rental Unit in the City of Hamilton with which they are associated.
 - vii. The Short-Term Rental Unit property is the subject of an outstanding order and/or violation from a City department that has not been corrected.
 - viii. The Short-Term Rental Unit property has been: (i) declared a public nuisance by the City of Hamilton Health Commissioner; or (ii) constitutes a nuisance, as defined in Codified Ordinance 521.07 “Nuisances”.
 - ix. The Short-Term Rental Unit property has a documented history or pattern of criminal or drug related Emergency Service Calls and/or incidents.

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- x. The Short-Term Rental Unit is not current on its utility payments.

758.10 Conflicts: Where a provision of this Chapter 758 conflicts with a provision of a lawful and recorded restrictive covenant, the more restrictive provision shall apply. This provision does not place any duty on the City to enforce restrictive covenants.

758.11 Fees: The following fees are required prior to the issuance of a Short-Term Rental License:

- a. Accessory Short-Term Rental license: \$0.
- b. Large & Commercial Short-Term Rental license: \$50.

758.12 Enforcement: The City may pursue any available legal or equitable remedy for any violation of this Chapter 758 or any other City of Hamilton Ordinance. Violations include, but are not limited to: (i) operation of a Short-Term Rental Unit without a Short-Term Rental License; (ii) violations of any applicable health, zoning, noise or public safety laws or regulations; (iii) advertisement or rental of a Short-Term Rental Unit without obtaining proper permits or licenses; (iv) failure to include the Short-Term Rental License number or property address of a Short-Term Rental Unit in any advertisement; and (v) advertisement of a Short-Term Rental Unit outside the scope of permission associated with the Short-Term Rental License. Available remedies may include, but are not limited to, the following:

- a. First Violation: The City shall mail a violation letter to the property owner or post the letter on the Short-Term Rental Unit property. The property owner shall have fifteen (15) days from the date of receipt of the letter to remedy the violation(s) on the property.
- b. Second Violation/Second Notice of Unresolved Violation: The property owner shall be required to pay a one-hundred dollar (\$100) fine to the City.
- c. Third Violation/Third Notice of Unresolved Violation: The City shall suspend the Short-Term Rental License for a six (6) month period and the property owner shall be required to pay a five hundred dollar (\$500) fine to the City.

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- d. Fourth Violation/Fourth Notice of Unresolved Violation: The City shall suspend the Short-Term Rental License indefinitely and the property owner shall be required to pay a one thousand (\$1,000) fine to the City.

- e. Fifth Violation/Fifth Notice of Unresolved Violation: The property owner shall be deemed guilty of a third-degree misdemeanor and, upon conviction thereof, shall be fined an amount not to exceed the sum of one thousand dollars (\$1,000.00). Each day the violation continues shall be considered a separate offense for which an additional \$1,000 fine may be assessed without the need for the City to issue any additional notices to the property owner.

758.13 Suspension of Short-Term Rental License.

- a. Suspension:
 - i. The City Planning Director or his/her designee may suspend a Short-Term Rental License if the property owner fails to bring the Short-Term Rental Unit into compliance with this Chapter 758 by the third violation, as indicated in Section 758.12 "Enforcement".
 - 1. A Host, Applicant, or property owner may not operate or advertise the Short-Term Rental Unit associated with the suspended License during the suspension period.
 - 2. A Host, Applicant, or property owner associated with a suspended Short-Term Rental License may not apply for a new License or a License renewal for the Short-Term Rental Unit property or any other property during the suspension period.

758.14 Reinstatement of a Suspended Short-Term Rental License.

- a. Reinstatement:
 - i. The City Planning Director or his/her designee shall reinstate a suspended Short-Term Rental License once the property owner brings the Short-Term Rental Unit into compliance with the provisions of this Chapter 758

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and applies for a new Short-Term Rental License. The Planning Director may use his/her discretion when determining whether a Short-Term Rental License should be reinstated. In making such determination, the Planning Director may consider the severity of prior issues at the Short-Term Rental Unit and issues related to other Short-Term Rental Units owned or operated by the Host, Applicant, property owner, or Emergency Contact.

- ii. Prior to or following a suspension, a Host, Applicant, or property owner may provide proof to the Planning Director or his/her designee that the Planning Director incorrectly determined the Short-Term Rental Unit was operating in violation of the provisions of this Chapter cited. If the Planning Director or his/her designee deems the proof satisfactory, the Short-Term Rental License shall be reinstated.
- iii. Inspections: Short-Term Rental Units with reinstated Short-Term Rental Licenses are subject to inspection by the City on an as-needed basis to determine compliance with the regulations set forth in this Chapter 758.

758.15 Appeals:

An Applicant for a Short-Term Rental License or owner of a Short-Term Rental Unit shall have the right to submit an appeal to the City Manager, in such manner and upon such forms as the City Manager prescribes, in the event: (i) any Applicant is denied a Short-Term Rental License; (ii) an Application is disapproved by any City representative whose approval is requisite for issuance of the License; or (iii) a Short-Term Rental License is suspended or revoked.

- a. Time to Appeal. An Applicant or property owner may appeal from the denial, disapproval, suspension or revocation of a Short-Term Rental License within three (3) days of receipt of notice from the City of such denial, disapproval, suspension or revocation.
- b. Hearing on Appeal.

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- i. Whenever an application for appeal is made in accordance with the provisions of this Section 758.15, the City Manager shall, within one (1) week after submission of the appeal, set a time and place for a hearing on the matter.
- ii. The Appellant shall be heard in person or by counsel at the hearing and shall be afforded the right to prove that his/her Application should be granted or his/her Short-Term Rental License restored. Evidence may be presented in opposition to the Appellant's case.
- iii. The City Manager shall render his/her decision within three (3) days after the close of the hearing. The City Manager shall: (i) confirm the denial, disapproval, report, suspension, or revocation of the Short-Term Rental License; or (ii) Order a Short-Term Rental License be issued or restored. Any order for the issuance or restoration of a License may stipulate as a condition thereof that conditions in violation of this Chapter 758 be corrected prior to the issuance or restoration of the License.
- iv. In the event a Short-Term Rental License is revoked, the License shall be immediately cancelled, and a record thereof made by the City Director of Finance. A License which has been revoked shall not be renewed, nor shall another License be issued to the same person for the same business or occupation for a period of one (1) year following revocation, unless the City Manager finds circumstances justify issuance or renewal of a Short-Term Rental License. (1931 Code §50.6410)