



ORDINANCE: 48 – 22

PASSED: October 11, 2022

AN ORDINANCE TO MODIFY THE CODIFIED ORDINANCES TO INCLUDE CHAPTER 735 RELATED TO SHORT TERM RENTAL FACILITIES WITHIN THE CITY OF OBETZ AND DECLARING AN EMERGENCY

WHEREAS, Council desires to preserve the use and enjoyment of residential neighborhoods within the City; and,

WHEREAS, Council has determined that short term rental facilities can negatively impact the health, safety, and welfare of neighborhoods; and,

WHEREAS, Council desires to prohibit short term rentals.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OBETZ, OHIO, THAT:

Section 1. Chapter 735 shall be created and read as follows:

CHAPTER 735
Short Term Rental Operations

- 735.01 Definitions.
- 735.02 Prohibition.
- 735.99 Penalty.

735.01 DEFINITIONS.

For the purposes of this Chapter, the following terms, phrases, and words shall have the meanings given to them herein.

- (a) "Dwelling" means any building or structure which is occupied or intended for occupancy in whole or in part as a home, residence, or sleeping place for one or more persons.
- (b) "Guestroom" means a room offered to the public for a fee that contains, at a minimum, provisions for sleeping.
- (c) "Hosting Platform" means a person or entity that participates in the transient rental business by providing, and collecting or receiving a fee for, booking service through an online platform that allows an operator to advertise the transient rental unit through a website hosted by the hosting platform. Examples include, but are not limited to, Airbnb, VRBO, and HomeAway.
- (d) "Permanent Occupant" means persons who reside in a dwelling more than 51% of the time during a calendar year; the dwelling in which the persons reside shall be referred to as their primary residence.

- (e) "Primary Residence" means a residence that is the usual place of return for housing as documented by at least two of the following: motor vehicle registration, driver's license, tax documents, lease copy or a utility bill. An owner or permanent occupant can only have one primary residence.
- (f) "Short-Term Rental" means any room or dwelling that is rented wholly or partly for a fee for less than thirty (30) consecutive days by persons other than the permanent occupant or owner from which the permanent occupant or owner receive monetary compensation, whether such compensation is paid directly by the short-term rental guest or is collected and remitted to the permanent occupant or owner by a hosting platform. "Short-Term Rental" does not include a room in any Hotel or Motel, as defined elsewhere in the Codified Ordinances.
- (g) "Short-Term Rental Guests" means persons renting temporary lodging from a short-term rental host, or through a hosting platform on behalf of the short-term rental host, for less than thirty (30) consecutive days.
- (h) "Short-Term Rental Operation" or "operation of a short-term rental" means the occupancy for a fee of any room or dwelling in a short-term rental by a transient guest.
- (i) "Transient Guests" means persons occupying a room or rooms for sleeping accommodations for less than thirty (30) consecutive days.

735.02 PROHIBITION

Short term rentals are prohibited within the City of Obetz.

735.99 PENALTY.

Whoever violates any provision of this Chapter shall be guilty of an unclassified misdemeanor and shall be fined not more than \$250.00. Upon subsequent convictions, the penalty shall be a misdemeanor of the third degree and a fine of not more than \$500 or imprisonment for not more than 60 days or both in addition to any other penalties as imposed by this Chapter. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

Section 2. This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, welfare and safety such emergency arising from the need to protect the residential neighborhoods within the City; WHEREFORE, this Ordinance shall take effect and be in force from and after its passage.

Passed this 11th day of October, 2022.

ATTESTS:

Stacey Baumis
Stacey Baumis, Clerk of Council

Angela M. Kirk
Angela M. Kirk, Mayor

Michael R Flaherty
Michael Flaherty, Council President Pro-Tem

APPROVED AS TO FORM

Eugene L. Hollins, Esq., Law Director

CERTIFICATION OF PUBLICATION

Pursuant to the City Charter, I, Stacey E. Boumis, Clerk of Council of the City of Obetz, Ohio, do hereby certify that Ordinance 48-22 was duly posted at 2:00 PM (time) on the 12 day of October, 2022, at the Obetz Government Center, Obetz Community Center, and Obetz Athletic Club, as well as on the Obetz website.

Stacey Boumis
Stacey Boumis, Clerk

10/12/22
Date

