

ORDINANCE 19-02

AN ORDINANCE PROVIDING FOR HOME SHARING REQUIREMENTS IN CAMMACK VILLAGE, ARKANSAS; PROVIDING FOR A BUSINESS LICENSE AS TO ANY HOME SHARING ARRANGEMENT; AND PROVIDING FOR AN EMERGENCY AND OTHER PURPOSES.

Whereas, ordinance 13-03 provides for certain requirements that must be observed by Landlords for rental housing units in Cammack village, Arkansas; and

Whereas, each landlord in accordance with ordinance 13-03 must obtain a business license in order to maintain one or more rental housing units; and

Whereas, within ordinance 13-03, there are no guidelines set forth to address the renting of a dwelling housing unit for 30 days or less; and

Whereas, ordinance 19-02 is hereby implemented to address the renting of a dwelling housing unit for 30 days or less.

Now, therefore, it is hereby ordained by the city council of the City of Cammack village, Arkansas:

Section 1: Definitions. For the purpose of this ordinance certain abbreviations, words, phrases, terms and their derivatives shall be construed as specified herein. Where not defined in this ordinance or in the housing code, such abbreviations, words, phrases and terms shall have the meaning generally prescribed by dictionary definition.

- (a) **Building Official.** The “Building Official” is defined as the officer or other person (or persons) charged with the administration and enforcement of ordinance 19-02 or his duly authorized representative as appointed by the City of Cammack Village.
- (b) **Code Compliance.** The standards enumerated in the Standard Building Code, the National Electric Code, the Arkansas State Plumbing Code, Cammack Village ordinance 95-06, Cammack Village Ordinance 95-07; and any further editions, supplements and/or amendments to said codes and/or ordinances are the minimum housing code requirements of the City of Cammack Village. For purposes of this ordinance in the event such standards apply, reference to the term “Code Compliance” shall mean compliance with all provisions of the respective codes and ordinances referenced within section 1(b) of Cammack village ordinance 19-02.
- (c) **Dwelling Housing Unit.** A “Dwelling Housing Unit” is defined the same way as the term “dwelling” within section 13(f) of Ordinance 95-7 except that a dwelling housing unit is intended to be leased or rented to the occupant for a period of 30 days or less.

(d) **Guest or Visitor.** A guest or visitor means a person who rents a home-share.

(e) **Home-Share.** The term “home-share” means an activity whereby the resident or residents host visitors in their homes, for compensation, for periods of 30 consecutive days or less, while the dwelling housing unit’s primary residents and/or residents continue to maintain the dwelling housing unit as their primary residence and at least one of the dwelling housing unit’s primary residents lives on-site, in the dwelling unit throughout the visitor’s stay. Living on-site, includes but is not limited to sleeping overnight, preparing and eating meals, entertaining and engaging in other activities in the dwelling unit that are typically engaged in by a person in their home.

(f) **Host.** The term “host” means a person engaged in providing a home-sharing arrangement and/or the rental of a dwelling housing unit to one or more guests or visitors.

(g) **Hosting Platform.** The term “hosting platform” means a marketplace in whatever form or format that facilitates the home-sharing or rental, through advertising, match-making or any other means, using any medium of facilitation, and from which the operator of the hosting platform derives revenues, including booking fees or advertising revenues, from providing or maintaining the marketplace.

(h) **Life Safety Violation.** A “life safety violation” is defined as a housing code violation that is deemed by the building official to constitute an unsafe condition presenting an immediate danger to human health, safety or welfare.

(i) **Life Threatening Violation.** A “life threatening violation” means a life safety violation that is deemed by the building official or his or her designee to pose an imminent danger of death or serious injury or serious disease.

(j) **Owner.** The term owner is defined as the holder of the title to his or her primary dwelling housing unit in fee simple and any person, group of persons, company, association or corporation in whose name tax bills on the property are submitted. This shall include any person having charge, care or control of any dwelling or dwelling unit, as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or vendee in possession, assignee of rents, lessee, or other person, firm or corporation, in control of a building, or their duly authorized agent. Any such person thus representing the

actual owner shall be bound to comply with the provisions of this ordinance 19-02, and of the rules and regulations adopted pursuant thereto, to the same extent as if he were the owner and said individual shall notify the actual owner of reported infractions as they pertain to the property owned by the owner.

(k) **Resident.** The term “resident” means the primary resident of a dwelling housing unit, in which a person occupies the dwelling housing unit that serves as the individual’s primary residence, though they may share the residence with other people.

(l) **Short-Term Rental.** The term “short-term rental” means any rental of a dwelling housing unit within the City of Cammack Village that is 30 consecutive days or less.

Section 2: Home-Sharing requirements that must be observed by the host and business license conditions. A host must comply with the following conditions:

1. A home-share may only be offered in a space intended for human habitation. For example, a host may not rent a space in an accessory structure that is a storage shed or garage as a home-share.
2. A host may not advertise their home-sharing business in any area that is exterior to the dwelling unit where the home-sharing is occurring. This includes common interior areas.
3. In any advertisement of the home-share a host must include the business license number issued by the City of Cammack Village.
4. A home-share host must provide the uniform resource locator (url), (i.e. The web site address) for any and all advertisements of the rental on the business application.
5. A business license fee of one hundred dollars (\$100.00) shall be collected on all home-sharing rentals.
6. No person or entity may operate more than one home-share in the city of cammack village.
7. A home-sharing applicant must provide the following as part of his/her application:
 - (i) Address where the home-sharing will take place.
 - (ii) Type of dwelling unit (i.e. Single family home).

- (iii) Whether the applicant is a tenant or owner of the dwelling unit.
- (iv) The total number of all full time occupants of the dwelling unit.
- (v) A list of all persons that will be hosting and a list of all guests and their contact information (addresses and phone numbers).
- (vi) Contact information for each person that will be hosting (e.g. Email, cell phone).
- (vii) A list of each bedroom, office, den, living room, etc. In the dwelling unit which shall include whether or not the room will be rented and the maximum number of overnight guests that will be allowed.
- (viii) A link to the advertisement of the rental.
- (ix) An affidavit certifying that the host will comply with all of the provisions of the home-sharing ordinance, business license conditions for operating a home-share as outlined in these rules, and all relevant laws or be subject to revocation of their business license.

Section 3. Home-Sharing hosts application procedures. Any person who intends on operating a home-share from their primary residence shall complete the home-sharing registration package (HSRP). The HSRP shall include all instructions, check-lists, applications, and other educational materials related to the home-sharing ordinance and relevant local laws that the host is required to observe. The application must submit all of the following to the business license unit to register:

- (1) Business license home-sharing application.
- (2) Proof of residency. Acceptable forms of proof include: copy of current utility bill, cable bill, phone bill, credit card bill or bank statement showing your name and current Cammack Village residential address. Leases, rental agreements, or ids may not be accepted as proof.
- (3) Payment of a \$100.00 license fee on an annual basis that is due on or before January 31st of each year.

Section 4: Hosting Platform Requirements. The city may request that the operator of a hosting platform submit, in an electronic comma-delimited format or similar format such as MS excel, the following information:

1. The address of each residential unit that was offered on the operator's hosting platform for occupancy for use and was occupied for that use during that quarterly reporting period.
2. The total number of nights that the residential unit was occupied for use.
3. The amounts paid for the occupancy of the residential unit listed.
4. The name(s) of the person(s) responsible for each unit listed.

A hosting platform must provide its cammack village host clients or potential host clients the following disclosure:

“On _____, the Cammack Village City Council adopted the Home-Sharing Ordinance whereby it legalized the short term rental of a person's home for a period of 30 days or less when: (i) the host lives and stays on the site throughout the visitor's stay; (ii) The host obtains a business license; and (iii) The host pays the appropriate annual license fee.”

SECTION: 5 Penalty.

- (1) Each violation of this Ordinance shall be punishable as provided herein in addition to any remedial action set forth above or which shall be deemed necessary pursuant to the inherent power of the court, or which is otherwise authorized by state law.
- (2) Each day a violation continues after a compliance date specified in this Ordinance or in any notice served by the city shall be deemed a separate offense.
- (3) Except as otherwise provided, a person convicted of a violation of ordinance 19-02 shall be punished by a fine not to exceed one thousand dollars (\$1,000.00). For each repetition of the same offense said fine amount shall double. Furthermore, if any such violation is continuous in nature, the penalty for allowing the continuance nature of such violation to continue thereof shall be a fine not to exceed two-hundred and fifty dollars (\$250.00) for each day that the same is unlawfully continued.

- (4) Any imposition of a penalty herein does not prevent the revocation or suspension of any applicable license or permit.
- (5) Violations of this ordinance that are continuous in nature with respect to time shall be deemed to be a public nuisance and may be abated by injunction or other equitable relief. The imposition of a “penalty” herein shall not prevent the simultaneous granting of equitable relief in appropriate cases.

Section 6: Emergency Clause. Due to the desire by the City of Cammack Village, Arkansas to safeguard home sharing arrangements within the city of Cammack village and to protect the citizens of Cammack Village; it is necessary to implement ordinance 19-02 of which the City of Cammack Village, Arkansas hereby determines that said procedures herein are essential for the orderly administration and operation of the City of Cammack Village, Arkansas and an emergency is declared to exist, and this ordinance being necessary for the preservation of the public peace, health and safety shall be in full force and effect on and after February 12, 2019.

Adopted: approved:

Date: _____

David m. Graf, mayor

Attest:

Date: _____

Ron Crane, Recorder