

ORDINANCE NO. 686

WHEREAS, Mississippi Code Annotated Sections 21-19-1, and 21-19-15, as amended, empower municipalities to adopt and enforce ordinances and amendments thereof for the preservation of the general health, good order and peace of the City; for the regulation of the use of buildings or structures for business and residential purposes; and to enforce said ordinances and take appropriate action including, but not limited to, imposing fines; and

WHEREAS, the governing authorities of the City of Pass Christian, Mississippi, have previously adopted Ordinance No.675 on June 18, 2019, regulating the business of owners providing their residences as short-term rental units and the need for regulation of these activities and the governing authorities now find it is necessary to amend such ordinance; and

WHEREAS, the governing authorities find that it is in the best interests of the public welfare, economic stability and prosperity of its citizens and the protection of their property to adopt this amendment to its ordinance to license and regulate short term rental units; and

WHEREAS, both the Short Term Rental Advisory Committee and Mayor and Board of Aldermen have conducted advertised public hearings in the time and manner required by law to receive input concerning the adoption this amendment to the ordinance and the City has also received advice from its City Planner, and others to study the matter and make recommendations regarding these issues.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN, AS FOLLOWS:

SECTION 1. Definitions

(A) "Licensed premises" means the premises specified in an approved application for a license under this chapter which are owned or in the possession of the licensee and within which such licensee is permitted to provide a short-term rental in accordance with the provisions of this ordinance.

(B) "Local contact person" means the person designated by the owner or the owner's authorized agent or representative who is responsible for the day-to-day operations of the short-term rental unit living within twenty-five miles of the Unit and who may be contacted and will be available twenty-four hours per day, seven days per week for the purpose of: (1) responding within sixty minutes in person to complaints regarding the condition, operation, or conduct of occupants of the short-term lodging unit; and (2) taking remedial action to resolve any such complaints within a reasonable period of time after notification by a City representative. The Local Contact Person may be the owner

or agent of the owner. As shall be appropriate under the circumstances the Local Contact Person (in addition to the Owner) shall be subject to any enforcement action as shall be commenced by the City. The Local Contact Person shall be required to adhere to all laws and regulations of the State of Mississippi as shall be applicable to their activities in this regard. Upon request, the Code Enforcement Office designee shall distribute the names and contact information of the Local Contact Person to the property owners of adjacent properties as listed on the Harrison County Tax Rolls and also separately post such information on the City's website.

(D) "Premises" means the same as "dwelling", which is a room or suite of rooms with a single kitchen used for the residential use and occupancy of one family, including a single-family residence or residential condominium unit or any other residential real estate improvement that is located in a zoning district within which short-term rental is allowed pursuant to the Ordinances of the City of Pass Christian, Mississippi, and which is rented to person(s) other than the owner.

(D) "Owner" means the person(s) or entity(ies) that hold(s) legal and/or equitable title to the licensed premises.

(E) "Short-term rental unit" (hereinafter "STR") means any dwelling or portion thereof that is available for use or is used for accommodations or lodging of guests, paying a fee or compensation for a period of less than thirty (30) consecutive days. The term "Short-term rental" does not include any hospital, convalescent or nursing home, shell houses, group homes, or sanitarium or any similar facility associated with a hospital providing rooms for medical patients and their families. The term "Short-term rental unit" shall also not include mobile homes, manufactured homes, travel trailers, tents, recreational vehicles, campers or other similar vehicles or similar type of structures and does not include a bed and breakfast facility that is permitted separately by City Ordinance. Proof of ownership of the premises shall be provided via warranty deed, quitclaim deed, or property tax statement. Short-term rental units are not to be used to distribute retail products or personal services to invitees for marketing or similar purposes. The outdoor display of goods and merchandise for sale is prohibited. Short Term Rental Units will not be allowed to be used as an outdoor venue for weddings, receptions, parties, or similar activities or functions, except in such zones where otherwise allowed in the City's Development Code zoning ordinance.

SECTION 2. Permit Required

It is unlawful to conduct or operate a Short-Term Rental without having obtained a permit pursuant to the provisions of this Ordinance. Therefore,

(1) A short-term lodging permit is required for each short term lodging rental unit.

(2) Applications may be made for short term lodging and permits granted, where appropriate, in all T2, T3R, T4L, T4+, T4C, T5C, and T5H Transect zones; Mixed-Use Commercial, Auto Centric, and High-Hazard Commercial Special Use Districts; and all "O" and "G" Sectors, as identified in the City's SmartCode zoning maps and ordinances implementing same.

(a) There is now a cap of 150 STR permits to be issued in the T3R residential zones and T4L mixed use zones. This cap will not apply to all other commercial zoning districts.

(b) There are now maximum density restrictions imposed upon STR rentals in the following zones:

1. T3R zone – 20%
2. T4L zone – 20%
3. T4+ zone – 80%
4. T5 zones – No Density Limit

Maximum density restrictions shall be determined based upon the number of homes fronting on streets within a street block between major cross streets as determined by the Code Enforcement Office. (Percentages of STR units within a block shall be rounded up for 0.5 or above.)

The permit process requires the application for the STR unit be completed in accordance with the following which may be obtained at the City Community Development Department.

(a) The Application shall contain such information as the Planning and Zoning Department and Code Enforcement Officer shall from time to time reasonably require, including, but not limited to, the location/address of the short term rental unit, number of rooms therein contained, the number of persons the short term rental proposes to accommodate, the name of the property owner, the name of the Local Contact Person, sales tax collection registration (if sales taxes are to be collected by the owner or their local agent and not a STR platform), and the name, address and telephone number of the Local Contact Person who is available for contact, copy of the rental agreement, proposed parking plan (reviewed and determined upon signing and inspection by the Code Enforcement Officer), rules applicable to

renters, a plan for waste management, and a copy of the proposed rental agreement.

(b) It shall be the duty of the applicant to notify the City Community Development Department of any Homeowners Association which may have ~~jurisdiction over the applicant's property.~~ As a part of the review of the application process, the City will notify any Homeowners Association identified by the applicant at least ten (10) calendar days prior to issuance of any permit. Notwithstanding the foregoing, the City does not enforce private restrictive covenants. Nevertheless, based solely upon the information provided by the applicant the City will endeavor to provide notice of the pending application to any identified Homeowners Association before any permit is issued. Approval of any short-term rental unit shall not legalize any use of a structure otherwise prohibited by any restrictive covenant or applicable law as shall be determined by a court of competent jurisdiction.

(c) The application shall include a statement from the Code Enforcement Official or his/her designee affirming that the structure to be rented has been inspected in compliance with all applicable zoning requirements, building and fire codes, including but not limited to, smoke and carbon monoxide detectors, emergency means of egress, fire extinguishers, GFCI outlets in wet locations, and that all applicable property taxes, fees and other charges have been paid.

(d) A non-refundable application fee of Four Hundred dollars (\$400.00) or such fee as shall be established by Order of the City hereafter shall be paid by the applicant at the time of filing the application with the application fee concerning the costs of inspection, enforcement, and administrative expenses and time affiliated with the processing of the application. The permit or renewal thereof shall expire within one year from the date of issuance.

(e) If the Community Development Department shall determine that any applicant is not entitled to a permit, the Applicant upon receipt of written notification may appeal such decision within ten days thereof and seek Planning Commission Approval upon an advertised hearing. The Planning and Zoning Department shall schedule an advertised hearing of such matter with not less than fifteen (15) days' notice by publication and shall notify affected adjacent owners as shall be required by the City's ordinances for Use Variances.

(f) At the conclusion of the public hearing, the Planning Commission shall approve or disapprove the application and send its decision, along with the reason for its recommendation, to the Mayor Board of Aldermen. The review of the recommendation before the Mayor and Board of Aldermen will be confined to the record made before the Planning Commission, unless the Mayor and Board of Aldermen decide in their sole discretion to receive additional evidence. The Mayor and Board of Aldermen shall consider the matter and render its decision with respect to the issuance or denial of the permit, setting forth its reasons for such. Any aggrieved person may appeal such decision to the Circuit Court in the time and manner provided by law for zoning appeals.

(4) The Short-Term Rental Unit will be considered a Residential R-3 Occupancy under the City's International Residential (IRC) and Building (IBC) Codes.

(5) Each short term rental permit shall expire one (1) year from the date of issuance of the permit. Except in a T3R or T4L zone where the 150 density cap has been exceeded throughout the City, the STR permit is transferable upon sale or other change of ownership upon the payment of a transfer fee in the sum of \$400.00. STR permits in T4+, T3R and T4L zones are transferrable, except where the applicable maximum density restrictions has been exceeded. STR permits for condominiums in all commercial zones are transferrable without restriction.

(6) A renewal permit may be obtained by the payment of One Hundred Dollars \$400.00, or such fee as shall be established by Order of the Mayor and Board of Aldermen hereafter and filing an application for renewal with the City Community Development Department. Permit renewal process will include staff review of City records and other documentation pertaining to complaints, if any, that have been received about the specific Short Term Rental unit under consideration. Filed complaints that are in violation of the zoning codes, building codes, property maintenance codes and/or applicable laws or regulations will be considered as part of the renewal process. Applicable local, State and Federal laws or regulations may serve as a basis for denying a permit renewal. If permit renewal is denied, the City Community Development Department shall provide notice as to the reason for denial and if applicable, the applicant shall be allowed ten (10) days to correct any deficiencies itemized. At the expiration of ten (10) days, an applicant may appeal the denial of permit renewal directly to the Mayor

and Board of Aldermen. The appeal must be in writing and must be filed within ten (10) days of receipt of final denial of a renewal permit.

(7) Pre-existing Short Term Rental. A Short Term Rental, as defined herein, which existed on or before the date of the adoption of Ordinance 675 and which is located in a zoning classification where a Short Term Rental is not allowed or is allowed only upon Planning Commission approval, may be permitted without regard to the Zoning Ordinance only so long as the owner thereof provided acceptable documentary proof of existence of the Short Term Rental and applies for the Short Term Rental Permit within ninety (90) days following the adoption of Ordinance 675 and otherwise complies with applicable ordinances governing Short Term Rentals. The Short-Term Rental Unit, which shall be a non-conforming use, may remain permitted so long as the permit is renewed, as required, and does not lapse or is not revoked for any reason. Should the Short-Term Rental Permit issued pursuant to this paragraph lapse or be revoked, for any reason, the legal non-conforming use status applicable to the Short Term Rental shall be irretrievably lost. Thereafter, the Short-Term Rental Unit shall comply with any and all applicable zoning ordinances. Acceptable proofs of existence of the Short-Term Rental Units are: 1) documentation demonstrating advertising or offering of the Short Term Rental to the public for paid rental or 2) documentation demonstrating actual paid rental of the Short Term Rental Unit.

Section 3. Rules and Regulations for Short Term Rental Units

(a) Occupancy

The maximum occupancy of each short term rental shall be as determined by the Building Official and City Fire Marshall based on the inspection of the premises and applicable codes, laws, and regulations. Each permit shall specify the maximum number of occupants, which may be limited due to building codes and/or parking constraints. A Short Term Rental Unit shall be considered as a Residential R-3 Occupancy for Lodging House (Transient) with five or fewer guest rooms AND ten or fewer occupants. (See 2018 IBC- Section 310.4 Commentary.)

(b) Number of Vehicles

The maximum number of vehicles will be determined upon site inspection by the Building Official. This determination will take into consideration

availability of off-street and on-street parking conditions and other relevant considerations unique to the site. It is preferred that the applicant/owner provide off-street parking. In certain circumstances where no off-street parking exists and on-street constraints exist, the City may require off-street parking spaces to be constructed or secured. ~~Recreational vehicles and campers parked at Short Term Rental Unit must~~ not be used for habitation during the rental period and must be parked in the rear of the residence if such space is reasonably available.

(c) Noise

Property owners and Local Contact Persons shall insure that the occupants of the short term rental are aware of City's noise ordinances and State laws regarding disturbing the peace. No radio receiver, musical instrument, phonograph, compact disk player, loudspeaker, karaoke machine, sound amplifier or any machine, device or equipment that produces or reproduces any sound that shall disturb the public peace of the neighborhood shall be played outside of any short-term lodging unit or be audible from the usable area of any adjacent residences between the hours of 10:00 p.m. and 10:00 a.m.

(d) Premises and Garbage Management

It shall be the duty of every Local Contact Person and/or owner to keep all of the rooms in connection with the short term rental provided for the use of guests in clean and sanitary condition and to provide each guest with affective protection against flies, mosquitoes and other vermin. Garbage shall be disposed of in covered containers and placed in the rear of the residence until scheduled pick-up locations. No onsite outdoor advertising signs will be permitted on the premises.

(e) Posting of Permit and Rules

Short term rental unit permits and rules shall be posted inside the rental unit in a conspicuous location, i.e. the rear of the main entry door, readily visible to all tenants. The rules shall include: occupancy; parking limits; noise, rules and garbage management. A written copy of this Ordinance shall be available for inspection within the Unit at all times. The current name, address, and telephone number of the Local Contact Person shall also be posted within the Unit. No Unit shall be rented to an individual that is less than twenty-five years of age and all renters must be present during the rental period.

(f) Complaints and Dispute Resolutions.

The Community Development Department will distribute the names of the local contact and owner of the STR to all surrounding residences/ The information will also be available on the City's website.

Public safety complaints regarding a violation of the Ordinance should be directed to the Police Department. This includes disturbing the peace and obstructing traffic.

Non-public safety complaints regarding a violation of this Ordinance should first be directed to the local contact person. If the local contact is not able to resolve the issue within one hour, the complaint should be directed during normal business hours to the Community Development Department who can determine the appropriate enforcement action.

Notice of verified complaints by the Code Enforcement Officer or his designee concerning non-compliance with the terms of this Ordinance will be issued to the Local Contact Person and the owner of the STR property and notice of such violations may be considered in determining whether or not a permit should be revoked or not renewed.

Section 4. Denial, Suspension or Revocation of a License

Conditions for denial of permit or revocation of permit to operate a Short Term Rental Unit shall include but in no way be limited to the following:

- (1) The applicant failed to conform to the conditions set forth herein for the current or previous year.
- (2) The applicant shall fail or neglect to pay to pay its fee to the City to renew its STR permit within thirty (30) days after the fee is due, so long as the Code enforcement Office staff have first issued a demand for payment to the owner at the address on file at least 90 days and 30 days before such fee is due.
- (3) Guests and/or users of the property were issued three or more noise ordinance and/or disturbing the peace citations in Municipal Court and received convictions on same during the previous or current year and the owner/Local Contact Person subsequently

failed to take appropriate corrective action to prevent such disturbances after being notified by the City Code Enforcement Officer or law enforcement to do so.

(4) Any other reasonable or rational factors or combination of factors, including, but not limited to inadequate lot size, inadequate street parking, lack of response from Owner or Local Contact Person to resolve complaints, filed complaints of violation of the zoning code, building or fire code, property maintenance code and/or applicable laws or regulations (may be a basis for suspending or denying a permit) where the Owner or Local Contact Person failed to take reasonable steps to prevent such violations.

The Community Development Department is authorized to revoke or not renew permits under the following circumstances. A permitted owner shall be provided with written notice of the reason(s) the permit is subject to revocation or non-renewal. The applicant shall be allowed ten (10) days from the date written notice is issued and transmitted to the Applicant to correct defective conditions. If the condition is not corrected within Ten (10) days to the reasonable satisfaction of the Code Enforcement Officer, the permit for the Short-Term Rental Unit may be revoked or not renewed by issuing such Order. Upon receipt of such Order by the Owner or Local Contact Person, the unit shall immediately cease operation. The owner may appeal the Order revoking or not renewing the permit. The owner's appeal must be in writing and filed with the Community Development Department within ten (10) days of entry of the Order. The revocation or non-renewal Order shall remain in full force and effect during the pendency of the appeal. The appeal should be presented to the Mayor and Board of Aldermen at the next available scheduled meeting following the filing of the appeal. The owner must be afforded notice and the opportunity to be heard.

No STR permit will be issued for any location for a period of one year after a permit has been revoked or not renewed.

Section 5. Violations

Any persons or users who allow such use of a residential property in violation of this Ordinance shall be guilty of a misdemeanor. For purposes

of prosecution of violations of this chapter, each day that any violation occurs (rental without a permit) is deemed to constitute a separate violation. Those found guilty of a first violation of this ordinance shall be fined for the first offense not less than \$300.00 and for second and subsequent offenses with any twelve-month period not less than \$500.00 ~~and not to exceed \$1,000.00, plus court costs and assessments, if any.~~

Section 6. Constitutionality

Should any portion, provision or section of this Ordinance be held void, unconstitutional or invalid, the remaining portion of the ordinance shall remain in full force and effect.

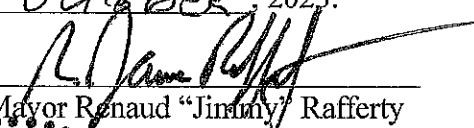
Section 7. Conflicts

It is hereby provided that the provisions of these regulations shall not be construed as being in conflict with the provisions of any of the regulations of the City of Pass Christian, Mississippi. In any case where the provisions in these regulations and the provisions of other regulations both apply, the provisions of this Ordinance shall govern for the purpose of short term rentals of residential dwellings, condominiums, or other applicable structures.


Section 8. Effective Date

This ordinance shall become effective thirty days after its passage and a summary of this ordinance shall be published in the time and manner required by law.

SO ORDAINED this the 4th day of October, 2023.


Mayor Renaud "Jimmy" Rafferty

ATTEST:


Deputy City Clerk

