

ORDINANCE NO. 2020- 04

AN ORDINANCE TO ESTABLISH CONTROLS RELATED TO SHORT-TERM RESIDENTIAL RENTALS IN THE CITY OF CHEROKEE VILLAGE, ARKANSAS; IMPOSING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND FOR OTHER PURPOSES

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF CHEROKEE VILLAGE ARKANSAS:

Section I. Definitions

The following words, terms, and phrases, when used in this article, shall have meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. Short-term residential rental is defined as the renting of residential property for a period of twenty-nine (29) days or less per rental.
- B. Privilege License is normally called a Cherokee Village business license. All businesses doing business within Cherokee Village city limits are required to obtain a Cherokee Village privilege (business) license.

Section II. Privilege License Required

It shall be illegal to operate any type of short-term residential rental business in the City of Cherokee Village without a privilege license. The owner of a short-term residential rental property shall obtain a privilege license from the City. The application for the privilege license shall contain, but not be limited to, the following:

- A. The name, address, and phone number of the owner of the property or properties to be licensed.
- B. A list of all short-term residential rental addresses of any kind owned by said owner in the City of Cherokee Village.
- C. If the owner is not a resident of Cherokee Village, Arkansas, the application must include the name, address, and phone number of a local contact person responsible for the property, and who may serve as a local agent for service of any lawsuits, citations, warnings, or other correspondence regarding the property.
- D. A completed application with all requirements on the application met and with any required documents attached.
- E. Violations of this section shall be subject to a fine of not less than one hundred dollars (\$100.00), nor more than five-hundred dollars (\$500.00). Each day an owner continues to operate the business in violation of this section constitutes a separate offense.

F. The owner is required to show proof that the solid waste collection services fees for the property have been paid for each rental unit owned.

Section III. Advertising and Promotion Taxes

All short-term residential rental property owners are required to comply with the Advertising and Promotion (A&P) ordinance and pay the required taxes when due.

Section IV. Fees

The privilege license fee shall be set by the city council by separate resolution.

Section V. Posting of permit

The current privilege license number must be posted on all advertising of the rental unit.

Section VI. Revocation of privilege license

Operating a short-term rental property in the City of Cherokee Village, Arkansas, is a privilege. The Mayor or his/her designee may revoke the license, and/or place the owner on probation to the owner in the event the property is deemed a nuisance. The factors which may lead to a revocation of a privilege license include, but are not limited to, the following:

A. The designated local contact agent is unresponsive or unable to be contacted and the owner does not immediately remedy the issue.

B. The property has been deemed a nuisance by the Mayor or his/her designee. Factors which may be considered in determining whether or not the property a nuisance include, but are not limited to, the following:

1. Criminal activity on the premises.

2. Repeated complaints of loud noise on the premises.

3. Trash or debris on the premises.

4. Parking of cars in areas not designated for parking (such as on yard or grass) or in such a way as to impede traffic on the street.

C. Failure to post current privilege license number on all online or other rental advertising.

Section VII. Right of Appeal

A. The owner of a short-term residential rental property may appeal the revocation of the privilege license to the city council by filing a notice of appeal with the city clerk's office within ten (10) days of the notice of the revocation of the license. The appeal shall be heard by the City Council.

B. The owner shall have the right to represent him/herself or be represented by counsel, may cross-examine all witnesses offered by the City, and may present evidence in his/her own behalf. Evidence, including testimony, may be tendered by affidavit. Formal rules of evidence shall not apply to a hearing under this section, although the fact finder shall have the right to exclude

evidence which carries no indicia of reliability. All testimony shall be offered under oath or affirmation. Both the city and the owner shall have the right to present witnesses.

C. The city council shall render a decision by majority vote at the hearing, and present a written decision to the owner or the owner's counsel within then ten (10) working days of the completion of the hearing.

D. The city council shall have the authority to uphold the revocation, overturn the revocation, or place the owner on probation for a designated period of time.

(e) Any appeal from the decision of the city council shall be heard in the Circuit Court of Sharp County, Arkansas.

(f) If any further offenses occur during an active probationary period, the privilege license shall be revoked.

(g) In the event a license is revoked pursuant hereto, no short-term residential rental license shall be issued to the same owner for a period of three years.

Section VIII. Repealer

All ordinances or resolutions or any parts thereof in conflict with the hereinabove are repealed to the extent of the conflict.

Section IX. Severability

If any provision of this ordinance or the application thereof or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Passed and approved this the 19th day of November, 2020.

APPROVED:

Russell Stokes, Jr.

Russell Stokes, Jr., Mayor

ATTEST:

Deborah Weichinger

Deb Weichinger, Clerk