

ORDINANCE NO. 2055

AN ORDINANCE ADDING SECTION 158.045 TO THE BETHANY CODE OF ORDINANCES PROVIDING FOR THE REGULATION OF SHORT-TERM RENTAL PROPERTIES IN THE CITY OF BETHANY PROVIDING FOR DEFINITIONS, PERMITTING PROCESS, AND OPERATIONAL REQUIREMENTS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BETHANY, OKLAHOMA:

SECTION 1. Chapter 15, Section 158.045 is added as follows:

- (A) The purpose of this article is to establish regulations for the use of privately-owned dwellings as Short-Term Rentals, to minimize negative ancillary impact on surrounding properties, and to ensure the collection and payment of the CITY's Hotel Occupancy Tax.
- (B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY. The City of Bethany, Oklahoma.

GUEST. The overnight occupants renting a Short-Term Rental Unit for a specified period and the daytime visitors of the overnight occupants.

CONTACT PERSON. The Owner, Operator, or person designated by the Owner or the Operator, who shall be available by telephone or in-person for the purpose of responding to concerns or requests for assistance related to the Owner's Short-Term Rental.

OPERATOR. The Owner or the Owner's authorized representative who is responsible for compliance with this Article while advertising and/or operating a Short-Term Rental.

OWNER. The person or entity that holds legal or equitable title to the Short-Term Rental property.

SHORT-TERM RENTAL. A privately owned dwelling, including but not limited to, a single-family dwelling, multiple family attached dwelling, apartment house, condominium, duplex, mobile home, or any portion of such dwellings, rented by the public for consideration and used for dwelling, lodging, or sleeping purposes for any period less than thirty (30) consecutive days.

The following are exempt from the regulations under this article: hotel, motel, dormitory, recreational vehicle park, hospital and medical clinic, nursing home or convalescent home, foster home, halfway house, transitional housing facility, any housing operated or used exclusively for religious, charitable, or educational purposes, and any housing owned by a governmental agency and used to house its employees for governmental purposes.

SHORT-TERM RENTAL PERMIT. A permit issued by the City authorizing the use of a privately-owned dwelling as a Short-Term Rental.

SHORT-TERM RENTAL UNIT. One or more habitable rooms forming a single habitable division within a Short-Term Rental, or an entire undivided Short-Term Rental, which is advertised to be occupied, is occupied, or is intended to be occupied by a single party of Guests under a single reservation and /or single rental payment.

- (C) SHORT-TERM RENTAL PERMIT REQUIRED. It shall be unlawful for any person or

entity to rent, or offer to rent, any Short-Term Rental without a valid Short-Term Rental Permit issued under this Article.

1. Any violation of the Short-Term Rental Ordinance may result in the revocation of the permit by the Community Development Director:
 - a) after notice of the violation and the failure to remedy the violation within a period of (30) days; or
 - b) after three or more violations in a permit year regardless of remediation.
 - c) the holder of a permit may appeal any revocation to the Board of Adjustment [§158.088].
 - d) a permit that has been revoked after any appeal may not be reinstated during the same year.

(D) SHORT-TERM RENTAL PERMIT APPLICATION REQUIREMENTS. An applicant shall submit an application for a Short-Term Rental Permit using a format and method promulgated by the City Manager or his/her designee.

1. An application packet for a Short-Term Rental Permit shall be completed and submitted to the City of Bethany Community Development Department by the owner of the Short-Term rental on forms provided by the City of Bethany Community Development Department and shall include the following information:

- a) A list of all property owners of the Short-Term Rental including names, addresses and telephone numbers. Property ownership for the purpose of this Ordinance shall consist of those persons listed on the Oklahoma County tax records.
 - b) A certification by a City of Bethany Building Inspector.
 - c) The name, address and telephone numbers of the Contact Person who shall be responsible for authorized to respond to complaints concerning the use of the short-term rental.
 - d) Proof of liability insurance coverage on the Short-Term Rental.
 - e) Completed Hotel Occupancy Tax Form [§38.67]
2. An applicant for a Short-Term Rental Permit shall pay to the City a permit fee of one hundred fifty dollars (\$150).
 3. A separate Short-Term Rental Permit application and permit fee must be submitted for each individual Short-Term Rental Unit. Each individual Short-Term Rental Unit shall be assigned a unique permit number upon permit issuance of the City.
 4. The Operator shall allow an on-site inspection of the Short-Term Rental Unit by a City Building Inspector, to ensure the absence of any nuisances. [§93.35]
 5. A Short-Term Rental Permit issued under this Article shall be valid for a period of one calendar year from the date of issuance. The Short-Term Rental Permit shall expire

immediately upon any change in Owner of the Short-Term Rental Unit. The Short-Term Rental Permit is non-transferrable.

6. The Owner has a duty to notify the City within twenty (20) calendar days, in writing, of any changes to information submitted as part of a Short-Term Rental Permit application under this article.
7. An applicant for Short-Term Rental Permit may be denied if the Owner has had a Short-Term Rental Permit suspended or revoked during the previous 365 calendar days.

(E) SHORT-TERM RENTAL OPERATIONAL REQUIREMENTS.

1. The Operator shall post the following information in a prominent location within the Short-Term Rental Unit, using a form promulgated by the City:

- a) The unique Short-Term Rental Permit number assigned to the Short-Term Rental Unit;
- b) Operator name and number;
- c) Contact Person name and number;
- d) The location of any on-site and off-site parking spaces available for Guests;
- e) The overnight and daytime occupancy limits;
- f) Instructions to Guests concerning disposal of garbage and handling of garbage containers;
- g) Notification that the Guests are responsible for compliance with all applicable laws, rules and regulations pertaining to the use and occupancy of the Short-Term Rental, and that Guests may be fined by the City for violations of this Article; and
- h) Notification that all functions such as weddings, parties or other gatherings are prohibited in the Short-Term Rental, except for the Central Business District.

2. The Operator shall operate a Short-Term Rental in compliance with the following:

- a) Zoning regulations prescribed for the zoning district in which such Short-Term Rental is located, set forth in [§158, Appendix A]
- b) City of Bethany Sign Ordinance, as applicable, set forth in [§§153.01-153.22]
- c) Maximum occupancy limits prescribed by the City Fire Chief, pursuant to the International Fire Code as adopted in [§150.001]
- d) City of Bethany Hotel Occupancy Tax Ordinance, set forth in [§§38.61-38.84]
- e) City of Bethany Noise and Sound Level Regulation Ordinance, set forth [§93.20]
- f) City of Bethany Garbage Collection Ordinance, set forth [§§51.01-51.12]
- g) During any period when a Short-Term Rental is occupied or intended to be occupied by Guests, the Contact Person shall be available by telephone or in-person for the purpose of responding to concerns or requests for assistance related to the condition, operation, or conduct of Guests of the Short-Term Rental. The Contact Person shall respond within sixty (60) minutes of being notified of concerns or requests for assistance regarding the condition, operation, or conduct of Guests of the Short-Term Rental, and shall take immediate remedial action as needed to resolve such concerns or requests for assistance

- h) The hours of 10:00 pm until 7:00 a.m. the next day are required quiet time. Renters who violate this standard may be issued a citation and be subject to a fine pursuant to this Ordinance.
3. An advertisement that promotes the availability of a Short-Term Rental, listed in any medium, including but not limited to newspaper, magazine, brochure, website, or mobile application, shall include the current Short-Term Rental Permit number assigned by the City.
- (F) NOTIFICATIONS OF COMPLAINTS. Complaints related to the operation of a Short-Term Rental, including but not limited to complaints concerning noise, garbage, parking, and disorderly conduct by Guests, shall be reported to the City Code Enforcement Office.

SECTION 2. If any part, article, section, or subsection of this ordinance shall be held invalid or unconstitutional for any reason, such holding shall not be construed to impair or invalidate the remainder of said ordinance, notwithstanding such holding.

END


The foregoing ordinance was introduced before the Bethany City Council on the 20 day of February, 2024, and was duly adopted and approved by the Mayor and City Council on the 20 day of February, 2024, and after compliance with notice requirements of the Open Meeting Law (25 OSA, Sections 301, et seq.)

ATTEST:



CITY CLERK

MAYOR



Approved as to form and legality on February 20, 2024.

CITY ATTORNEY

