**ORDINANCE NO. 2024/13**

**AN ORDINANCE TO AMEND TITLE XV, CHAPTER 155**

 WHEREAS, the Common Council for the City of Greenfield, Indiana (“Council”) desires that all short term rental units within the City or Greenfield (“City”) are maintained in a safe and habitable manner; and\

 **WHEREAS,** based on information from the Greenfield Police Department currently many short-term rental facilities within the City of Greenfield, Indiana are being used for criminal and other nefarious activities; and

 **WHEREAS,** it is a suggestion of members of the Greenfield Police Department and the staff of the Greenfield Engineering and Planning Department that in an effort to address the use of short-term rental facilities for criminal or other illegal purposes, a registry should be created of the owners of such facilities along with other rules and regulations associated with their usage to track, inspect, and enforce applicable standards in the City; and

 **WHEREAS,** the Council believes that the implementation of a registry system along with enforcement measures and penalties to encourage compliance with this ordinance for short-term rentals to be in the best interest of the health, welfare, and safety of the citizens of Greenfield, Indiana.

 **THEREFORE, BE IT ORDAINED** by the Common Council of the City of Greenfield, Indiana that:

**SECTION I**

 Title XV, Chapter 155, shall be amended by the addition of § 155.055 entitled SHORT-TERM RENTAL REGISTRY AND RULES/REGULATIONS as follows:

**§ 155.055 SHORT-TERM RENTAL REGISTRY AND RULES/REGULATIONS.**

(A) **Definitions.** For the purposes of the provisions of § 155.055, the following definitions shall apply:

 (1) “Applicant” means the owner who submits an application for a new permit or a renewal permit to the Plan Commission Staff with information as required by Indiana law, as authorized in 155.004 of the Unified Zoning ordinance (UDO).

 (2) “Authorized Agent” please see “Permanent Occupant”

 (3) “Calls for Service” means any and all calls, including, but not limited to, those to law enforcement and/or the fire department, when those calls:

 (a) Result in a representative being dispatched or directed to the short-term rental; or

 (b) Allege evidence of criminal activity; or

 (c) Result in an arrest, charge or citation; or

 (d) Find an imminent threat to safety of person(s) or property; or

 (e) Allege a sanitation/refuse or noise issue at a short-term rental property in violation of the City of Greenfield, Indiana Codes.

 (4) “Calls for Service Ratio” means the number of calls for service divided by the number of rooms in service at the short-term rental.

 (5) “Dwelling” means any building, structure, or unit, on the same tax parcel, sharing the same mailing address, which is occupied or intended for occupancy in whole or in part as a home, residence or sleeping place for one (1) or more persons.

 (6) “Entity” means a corporation for profit, partnership, limited partnership, joint venture, unincorporated association, estate, trust, or any other commercial organization. Entity does not include an organization created by a governmental agency for execution of a governmental program.

 (7) “Hosting Platform” means a person or entity that participates in the short-term rental business/industry by providing for or facilitating and collecting or receiving a fee(s) for a booking service through a website whereby which a short-term rental host may offer, list, advertise, or market a short-term rental to a potential short-term rental guest. Hosting platforms usually, though not necessary, provide booking services through an online platform that allows a short-term rental host to advertise the short-term rental through a website provided by the hosting platform and the hosting platform conducts a transaction by which a potential short-term rental guest reserves a guestroom(s) and arrange payment, whether the short-term rental guest pays rent directly to the short-term rental host or to the hosting platform.

(8) “Property Manager” means the general manager, shift manager, or any person employed by the Owner in any supervisory position at the short-term rental.

 (9) “Owner (short-term rental)” means a person that has an interest in title or a present possessory interest in property that is offered to the public as a short-term rental.

 (10) “Owner occupied short-term rental property” means property that is the owner’s primary residence and is offered to the public as a short-term rental.

 (11) “Permanent Occupant” means an agent of the owner authorized to act as a short-term rental host.

 (12) “Permit” means a short-term rental permit issued by a unit.

 (13) "Permitted property" means a property that is subject to a valid, unexpired, unrevoked permit under this chapter. A permitted property may contain one (1) or more dwelling units offered as short term rentals

 (14) “Primary Residence” means a dwelling(s) which is the usual place of residence for housing as documented by at least two (2) 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.

 (15) “Short-Term Rental” means the rental of:

 (a) a single family home;

 (b) a dwelling unit in a single family home;

 (c) a dwelling unit in a two-family or multifamily dwelling; or

 (d) a dwelling unit in a condominium, cooperative, or time share;

 for terms of less than thirty (30) days at a time and may be through a short-term rental platform. The term includes a detached accessory structure, including a guest house, or other living quarters that are intended for human habitation, if the entire property is designated for a single-family residential use. The term does not include property that is used for any nonresidential use.

 Rentals for thirty (30) or more consecutive days by the same person(s) guest(s) are not subject to short-term rental regulations.

 (16) “Short-Term Rental Guests” means a person(s) who reserves a guestroom, wholly or partly, renting temporary lodging from a short-term rental host for a compensatory fee, or through a hosting platform on behalf of the short-term rental host, for less than thirty (30) consecutive days.

 (17) Short-Term Rental Host” means the owner, permanent occupant or property manager of a short-term rental who offers, lists, markets, or advertises a short-term rental on a hosting platform and receives a fee as compensation for temporary lodging.

 (18) Short-Term Rental Operation” means the occupancy of any room or dwelling of any short-term rental.

 (19) “Short-Term Rental Platform” means an entity that:

 (a) provides a platform through which unaffiliated parties offer to rent a short-term rental to an occupant; and

 (b) may collect consideration for the rental from the occupant.

(B) **Owner occupied short term rental property**

 A short term rental of owner occupied property is a permitted residential use in a zoning

 district or classification that permits residential use, provided a **permit** is submitted and

 approved by the Plan Commission Staff.

(C) **Conditional Use Required**

 Any short term rental property that is **not** an owner occupied property within a district

 which permits residential use, shall apply to the Board of Zoning Appeals (BZA) and be

 subject to the approval of a Conditional Use Approval (as provided in 155.094), and obtain

 a permit for said property prior to commencing any short-term leasing.

(D) **Permit Required.**

 (1) No property shall be utilized for a short term rental prior to obtaining a permit in

 accordance with this Chapter.

 (2) No permit issued under this chapter shall be transferable or assignable to another person or entity, corporation, firm, partnership, association, organization or other group acting as a unit.

 (3) Any person or entity found to have transferred, assigned, or attempted to transfer or assign, a valid permit to another person or entity shall be subject to the penalty of $500.00. Such transfer or assignment shall cause the associated permit to be automatically revoked.

 (4) A separate permit is required for each property (parcel) utilized as a short-term

 Rental. It may include multiple short-term rentals within a single parcel.

 (5) An application for a new permit may be submitted at any time to the Plan Commission Staff. If the application is approved and a valid permit is issued, the permit shall take effect on the day of issuance, shall expire one (1) calendar year from the day of issuance and shall be submitted for renewal annually.

 (6) In the event of a change of ownership or any changes to permit information, the application must be updated by the current owner, not later than thirty (30) days after any said changes, pay the permit fee as provided in Section (E), (1) and provide updated permit information to the department.

 (7) No subletting by a short-term rental guest shall be permitted

(E) **Application for Short-Term Rental Permit, New and Renewal.**

 (1) An application for a short-term rental permit, and/or for renewal of a permit, shall be made to the Plan Commission Staff, upon approved forms, executed provided by the Plan Commission. The Council shall establish associated permit fees and costs in the amount of $150.00 for initial permit and no renewal fee shall be required, providing ownership and no information on the application has changed.

 (2) The application for a permit to operate a short-term rental shall contain the following information:

 (a) Name of the owner, including mailing address, telephone number, and email address.

 i. If the owner is an entity, a corporation, firm, partnership, association, organization or other group acting as a unit, the owner shall provide:

 a. a copy of the Articles of Incorporation documents or other formulation documents as apply.

 b. the name of the entity set forth exactly as shown on is its articles of incorporation or other formulation documents as apply, mailing address, telephone number, and email address of an individual who is the statutory agent, president, or managing individual, the state in which the company is incorporated or registered, and the entity or corporation number.

 ii. The short-term rental owner shall provide to the Plan Commission Staff one (1) acceptable form of proof of identity, and shall indicate if the short-term rental is the owner’s primary residence as defined herein.

 iii. A copy of the deed for the subject property

 iv. Proof of Board of Zoning Appeals Conditional Use Approval, if not owner-occupied.

 v. If an owner of the property or dwelling has executed a land contract, lease agreement, management agreement, or any other agreement separating the owner from control over the property and/or the dwelling short-term rental, the owner shall provide consent to submission of the application.

 (b) If a property manager is used, the property manager’s name, address, electronic mail address (if applicable) and telephone number at which someone is available at all times shall be provided. ;

 (c) Description of how each of the owner's short term rentals on the property are marketed or advertised, including the following:

 i. The advertised occupancy limits of each short term rental

 ii. Whether the short term rental is: a single family home; a dwelling unit in a single family home; a dwelling unit in a two-family or multifamily dwelling; or a dwelling unit in a condominium, cooperative, or time share.

 (d) The names and address and/or names of any other short-term rental(s) located in the City of Greenfield that the owner has any interest in, including, but not limited to, ownership, licensure, or management. If applicable, the duly authorized agent shall list the owner aforementioned interest(s).

 (e) The names of all hosting platforms on which the owner has successfully been registered to offer, list, advertise, or market a short-term rental, and documentation confirming hosting platform registration(s).

 (f) In the instance where no hosting platform is used or the hosting platform does not complete a background check, then the results of a fingerprint based, National Full Criminal History (<https://www.in.gov/isp/criminal-history-services/get-national-criminal-history/>) through the Indiana State Police shall be provided. Such background check will be at the owner’s personal expense. A new background check will be required to renew any short-term rental permit. At the time of application for a new permit or renewal of a short-term rental permit, all of the following persons are required to provide the results of a fingerprint-based background check performed by a provider approved by the Indiana State Police:

 1. The owner.

 2. The permanent occupant, or short-term rental host, if different than the owner.

 3. The 24-hour local emergency contact person for the property.

 4. The short-term rental property manager, if applicable.

 5. If the owner is a domestic business entity other than a general partnership, then the owner must provide a copy of the entity’s articles of incorporation, articles of organization, statement of partnership authority, certificate of limited partnership, or statement of domestic qualification filed with the Indiana Secretary of State.

 6. If the owner is a foreign business entity other than a foreign general partnership, then the owner must provide a copy of the foreign business entity’s license, registration, or qualification filed with the Indiana Secretary of State authorizing it to do business in Indiana.

 7. For all business entity owners, an individual who is either the statutory agent, a partner, the president, or in the case of an LLC, a managing individual who is also a member, must submit to and provide the results of a BCI background check.

 (3) If approved as a short-term rental by the Plan Commission Staff, a dwelling shall be assigned an individual permit number that the owner shall list with the dwelling short-term rental on any hosting platform. Only a valid permit which has been assigned to the dwelling being offered, listed, advertised, or marketed as a short-term rental shall be listed on a hosting platform.

 (4) Upon a valid permit’s expiration, no person or entity shall offer, list, advertise or market a dwelling subject to this Ordinance. An owner, permanent occupant, short-term rental host, or property manager shall immediately remove the short-term rental listing from any hosting platform and shall not engage in any short-term rental operations.

 (5) Any person or entity found engaging in or have engaged in conduct in violation of Chapter 155.055 or operating with an expired permit is subject to the penalties as provided for in Section 155.999 of the UDO. .

 (6) The Plan Commission shall have the authority to deny a new or a renewal permit if any of the information required under this Section is reasonably determined to be insufficient.

 (7) Prior to issuing a permit for short term rental, the Building Official shall perform an inspection to verify compliance with public health, public safety and building code requirements.

 (8) Once an application has been submitted, meeting all requirements, the Plan Commission shall issue a permit to the owner within thirty (30) days of receipt of the application.

(F) **Short-Term Rental Hosts and Hosting Platforms – Requirements.**

 (1) A short-term rental host shall provide written notice to a short-term rental guest(s) of any known, non-obvious, or concealed condition, whether man-made or artificial, which may present a danger to the short-term rental guest(s) and shall designate a local 24-hour emergency contact person for the short-term rental property.

 (2) A short-term rental host shall provide written notice to a short-term rental guest(s) of any of the following equipment/devices that exist on the premises, such as non-obvious or concealed surveillance equipment, including, but not limited to, digital video cameras/recorders/monitors, streaming video security cameras, audio recorders/monitors, or any other electronic means of secretly watching, listening, or recording. In the event a short-term rental host utilizes an indoor and/or outdoor interception device(s), or any specific or similar aforementioned device, the short-term rental host shall notify the short-term rental guest. In the event the short-term rental guest does not consent to the short-term rental host utilizing an indoor interception device(s), or any specific or similar aforementioned device, for the duration of the short-term rental period, the short-term rental host shall immediately deactivate the indoor interception device(s) and shall not intercept, listen, monitor, record, or like thereof, any activity inside the short-term rental dwelling.

 (3) No subletting by a short-term rental guest shall be permitted.

(4) Rental Records required.

 (a) An owner, permanent occupant, property manager or short-term rental host, who engages in, conducts, or carries on short-term rentals, and hosting platforms that engage, provides for or facilitates a booking service, shall maintain and provide, when requested, records documenting the following information:

 1. The short-term rental physical address;

 2. The name of the person or entity who registered the short-term rental on the hosting platform or who listed the short-term rental using any medium on the hosting platform; and

 3. For each short-term rental guest, the dates and duration of stay in a short-term rental, the number of persons who were scheduled to stay each night, and the daily rate charged for each short-term rental guest.

 (b) A hosting platform and an owner, permanent occupant, property manager, or short-term rental host shall retain records for a period of at least four (4) years.

 (c) In order to determine whether an owner, permanent occupant, property manager or short-term rental host or hosting platform is in compliance with the requirements of this chapter, the Plan Commission Staff may request that copies of any records relevant to or of assistance in a compliance investigation, be provided. If such request is denied, the Plan Commission Staff may seek an administrative search warrant from a court of competent jurisdiction authorizing said inspection.

 (5) Nothing in this section shall be construed as permitting any person or entity to obtain a permit or offer, list, advertise, or market a short-term rental, where prohibited by any other provision of law.

(G) **Grounds for Denial, Revocation, or Suspension.**

 (1) The Plan Commission Staff may issue a new permit, or grant the renewal of an existing permit, except as provided in division (2) of this section.

 (2) The Plan Commission Staff shall deny any application for a new permit or renewal of permit, or revoke or suspend a permit, if any of the following are shown to have occurred before or during the time of application or at the short-term rental property, or the owner’s dwelling:

 (a) The owner, permanent occupant, property manager or short-term rental host makes a material misrepresentation of fact on the application or submits fraudulent, counterfeit, or false documentation.

 (b) The owner, permanent occupant, property manager or short-term rental host of the short-term rental has been found to be in violation of this chapter.

 (c) Any, owner, permanent occupant, or short-term rental host or property manager is shown to have been convicted of the act of prostitution or soliciting for prostitution, or an act that would constitute a violation of the Indiana Code, on the premises of the short-term rental in question.

 (d) Owner’s dwelling or the property on which the short-term rental is located is not in good standing with the Hancock County Treasurer.

 (e) The owner, permanent occupant, property manager, or short-term rental host has been convicted of violating any provision of the Indiana Criminal Code.

 (f) The short-term rental property has outstanding orders from the Greenfield Fire Territory or Building Official that have not been corrected.

 (g) The owner, permanent occupant, property manager, or short-term rental host has not made a good faith effort to correct violations of the Greenfield Code of Ordinances or has obstructed or interfered with correction of the violations.

 (h) An owner, permanent occupant, property manager, or short-term rental host has hindered or prevented any inspection of the short-term rental as authorized by this Chapter.

 (i) An owner, permanent occupant, property manager, or the short-term rental host has not abated any public nuisances cited or complied with a notice of violations under Greenfield Code of Ordinances.

 (j) The occurrence of felony drug related activity.

 (k) The occurrence of prostitution related activity or evidence of human trafficking.

 (l) The occurrence of gang-related activity as defined by Indiana Code.

 (m) The occurrence at the short-term rental, or owner’s dwelling of repeated offenses of violence as defined by Indiana Code.

 (n) The owner’s dwelling or the short-term rental property has three (3) or more calls for service during a consecutive twelve (12) months.

 (o) The short-term rental or owner’s dwelling has a documented history of conduct that endangers neighborhood safety or diminishes resident’s quality of life.

 (p) Owner’s dwelling or the short-term rental has more than one (1) call for service in relation to an allegation of a criminal violation of the Indiana Code within a twelve (12) month period.

 (3) Evidence of conduct under the above need only be that of de facto violation of law,

 evidence of conviction is not a prerequisite for denial unless specifically indicated.

(H) **Denial of** **New or Renewal Application, Revocation and Suspension of Short-Term Rental Permit.**

 (1) The Plan Commission Staff may deny, revoke and/or suspend a short-term rental permit if it is determined that any ground activities set forth herein is found or shown to have occurred.

 (2) Prior to any action of suspension or revocation the Plan Commission Staff shall submit a Notice of Suspension or Notice of Revocation to the owner, permanent occupant, property manager, or short term rental host r of a short-term rental in accordance with 155.999 for Civil Zoning Violations.

 (3) A short-term rental that is the subject of a suspension or revocation may incur penalties if a unit is listed on a hosting platform without the valid required permit account number as required herein.

(I) **Notice of Denial, Revocation, or Suspension of Short-Term Rental Permit.**

 (1) If the Plan Commission Staff denies a new or renewal permit under the Greenfield Code of Ordinances, the Plan Commission Staff shall provide a Notice of Denial to the owner which shall list any and all grounds for such denial. Such Notice of Denial shall be provided no later than seven (7) calendar days from the date of denial.

 (2 ) The Director of Planning / Police Chief / Fire Chief shall make every reasonable effort to serve the owner, permanent occupant, property manager, or short-term rental host with any Notice of Revocation or Notice of Suspension by first class mail, certified or registered mail or email with read receipt or personally.

(J) **Emergency Revocation or Suspension of Short-Term Rental Permit.**

 (1) Whenever the Director of Planning / Police Chief / Fire Chief determines that an emergency exists which requires immediate action of a revocation or suspension of a short-term rental permit to protect the public health and safety, the Director of Planning / Police Chief / Fire Chief shall issue a written order to the short-term rental owner, permanent occupant, property manager, or short-term rental host t, reciting the existence of such an emergency and requiring such action as the Director of Planning / Police Chief / Fire Chief deems necessary to be taken to meet the emergency.

 (2) Notwithstanding other provisions of this chapter, such an order shall be effective immediately and shall be complied with immediately.

 (3) Additionally, the Director of Planning / Police Chief / Fire Chief shall make every reasonable effort to serve the short-term rental host with the written order by first class mail, certified or registered mail or email with read receipt or personally.

(K) **Hearing, Appeals and Remedy Process.**

 (1) Any person who has been denied, suspended, or refused a permit or renewal of a permit under this chapter may appeal such decision to the Greenfield Board of Zoning Appeals.

 (2) Action to issue, revoke, suspend or renew a permit may be stayed by the BZA should the property take specific steps to remediate problems outlined in the notice of revocation and suspension that include, but are not limited to some of the following actions:

 (a) Completion of approval safety and security training, and/or training to identify criminal activity such as human trafficking.

 (b) 24-hour presence of special duty uniformed police or qualified security.

 (c) Installation of safety and security measures such as fencing, lighting, public space surveillance, etc.

 (d) Voluntary sharing of guest information with law enforcement.

 (e) And/or additional remediation actions as recommended by the Director of Planning / Police Chief / Fire Chief.

 (3) All potential remedies outlined herein must be approved by the BZA.

 (4) All persons aggrieved by an order of the Director of Planning, Police Chief / Fire Chief denying the issuance or renewal of a permit or revoking or suspending a permit who wish to appeal such order, may do so to the Greenfield Board of Zoning Appeals and shall follow the provisions of Chapter 155, § 155.095 of the UDO.

(L) **Judicial Review.**

 The appellant and/or the Director of Planning / Police Chief / Fire Chief may request judicial review of a decision of the Board of Zoning Appeals pursuant to Indiana Code.

(M) **Authority to Conduct Inspections.**

 (1) Upon display of the proper credentials, sworn officers excluded, any employee of the Greenfield Police Department, Greenfield Fire Territory, Greenfield Planning Staff, or Hancock County Board of Health may be permitted to inspect the short-term rental, or owner’s dwelling unit to ensure compliance with this chapter.

 (2) If the request for inspection described in division (1) of this section is denied, any employee of the Greenfield Police Department, Greenfield Fire Territory, Greenfield Planning Staff or Hancock County Board of Health may seek an administrative search warrant from a court of competent jurisdiction authorizing said inspection.

(N) **Display of Short-Term Rental Permit.**

 The short-term rental host or property manager shall maintain and display the valid permit at the short-term rental, visible from the public right-of-way.

(O) **Severability.**

 In the event any section or provision of this chapter shall be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of this chapter as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

(S) **Short-Term Rental Penalty, as per provisions of § 155.999.**

 Any person or entity who violates the provisions herein shall be deemed to have committed a civil zoning violation and may be issued a citation by the designated enforcement entity pursuant to § 155.999.

**SECTION II**

 This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and publication as prescribed by law.

**SECTION III**

 Introduced and filed on the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, 2024. A motion to consider on first reading on the day of introduction was offered and sustained by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed pursuant to I.C. 36-5-2-9.8. On the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2024, a motion to approve the above on second reading was offered and sustained by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed pursuant to I.C. 36-5-2-9.8. Upon a motion to approve the above on third reading was offered and sustained by a vote of \_\_\_\_ in favor and \_\_\_\_\_ opposed pursuant to I.C. 36-5-2-9.8.

 Duly ordained and passed this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, 2024 by the Common Council of the City of Greenfield, Indiana, having been passed by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_\_\_\_\_ opposed.

**COMMON COUNCIL OF THE CITY OF GREENFIELD, INDIANA**

Voting Affirmative: Voting Opposed:

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Lori Elmore, Clerk-Treasurer

Presented by me to the Mayor this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2024.

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Lori Elmore, Clerk-Treasurer

Approved by me this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2024.

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 Guy Titus, Mayor

 City of Greenfield, Indiana

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