



CITY COUNCIL REGULAR MEETING AGENDA
Monday, September 08, 2025 at 7:00 PM

15 East Franklin Street Bellbrook, Ohio 45305
T (937) 848-4666 | www.cityofbellbrook.org

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. APPROVAL OF THE MINUTES**
 - A. Approval of the August 25, 2025 Regular Meeting minutes
- 5. MAYOR'S ANNOUNCEMENTS AND SPECIAL GUEST**
- 6. CITIZEN COMMENTS**
- 7. CITIZENS REGISTERED TO SPEAK ON AGENDA ITEMS**
- 8. PUBLIC HEARING OF PROPOSED ORDINANCES**
 - A. Ordinance 2024-O-14 ESTABLISHING CHAPTER 441 OF PART FOUR, TITLE SIX OF THE BELLBROOK MUNICIPAL CODE TO SET FORTH OPERATION OF UNDER-SPEED, LOW SPEED OR UTILITY VEHICLES OR MINI TRUCKS ON CERTAIN CITY STREETS (Hoke)
- 9. INTRODUCTIONS OF ORDINANCES**
- 10. ADOPTION OF RESOLUTIONS**
- 11. OLD BUSINESS**
 - A. Continued discussion on amendments to Chapter 618 - Animals
 - B. Continued discussion on short term rental ordinance
- 12. NEW BUSINESS**
- 13. CITY MANAGER'S REPORT**
- 14. COMMITTEE REPORTS**
 - A. Safety Committee
 - B. Service Committee
 - C. Finance/Audit Committee
 - D. Community Affairs Committee
- 15. CITY OFFICIAL COMMENTS**
- 16. EXECUTIVE SESSION**
- 17. ADJOURNMENT**

File Attachments for Item:

A. Approval of the August 25, 2025 Regular Meeting minutes

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting
August 25, 2025

Item A. Section 4, Item

1. CALL TO ORDER:

Mayor Schweller called the Regular Meeting of the Bellbrook City Council to order at 7:00pm

2. PLEDGE OF ALLEGIANCE:

Mayor Schweller led the Council in the Pledge of Allegiance.

3. ROLL CALL

PRESENT

Mr. Logan Ashley

Mrs. Katherine Cyphers

Mr. Forrest Greenwood

Mr. Brady Harding

Deputy Mayor Ernie Havens

Mr. T.J. Hoke

Mayor Mike Schweller

4. APPROVAL OF THE MINUTES

A. Approval of the August 11, 2025, Regular meeting minutes.

5. MAYOR'S ANNOUNCEMENTS AND SPECIAL GUEST

A. 2025 Bellbrook Beautification Awards

B. Mayoral Proclamation for dedication of Veterans Memorial

6. CITIZEN COMMENTS

Heather Shannon 3832 Weed Place thanked the Council for all they do to make Bellbrook a beautiful place. She also spoke about being a magistrate for the Probate Court and explained the functions of the court.

Brad Leonard 1765 Sugar Maple Place spoke about speeding on Little Sugarcreek Road.

7. CITIZENS REGISTERED TO SPEAK ON AGENDA ITEMS

8. PUBLIC HEARING OF PROPOSED ORDINANCES

A. Ordinance 2025-O-12 AMENDING ARTICLE 18 - GENERAL PROVISIONS OF THE BELLBROOK ZONING CODE (Ashley)

Mr. Ashley read the Ordinance.

Mayor Schweller opened the public hearing at 7:30pm.

Mr. Schommer explained the Ordinance. This is the zoning portion that creates a zoning allowance in a residential district for the newly defined small livestock.

Mrs. Cyphers had a question emailed to her asking about section K regarding a sheltering structure must be in a fully enclosed fenced yard. Concern is whether the entire yard needs to be enclosed with a fence or just the area where the shelter structure is.

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting
August 25, 2025

Item A. Section 4, Item

Mr. Hoke asked the schedule for updating section 6.18. The answer was in the not so distant future.

Mayor Schweller asked if anyone present wished to speak in favor of or against the proposed Ordinance.

Aline Voxa 229 Creekview Place spoke in favor of the Ordinance and noted concerns about streamlining the variance process.

Mayor Schweller asked again if anyone present wished to speak in favor of or opposed to Ordinance 2025-O-12. Hearing none, he closed the public hearing at 7:35pm.

Motion to adopt Ordinance 2025-O-12.

Motion made by Mr. Ashley, Seconded by Deputy Mayor Havens.

Voting Yea: Mr. Ashley, Mrs. Cyphers, Mr. Greenwood, Mr. Harding, Deputy Mayor Havens, Mr. Hoke, Mayor Schweller

9. INTRODUCTIONS OF ORDINANCES

- A. Ordinance No. 2025-O-14 ESTABLISHING CHAPTER 441 OF PART FOUR, TITLE SIX OF THE BELLBROOK MUNICIPAL CODE TO SET FORTH OPERATION OF UNDER-SPEED, LOW SPEED OR UTILITY VEHICLES OR MINI TRUCKS ON CERTAIN CITY STREETS (Hoke)

Mr. Schommer explained that we have been allowing some of these vehicles to operate after registration and inspection and if this continues then the City must pass an ordinance or resolution that allows the operation of under or slow speed utility vehicles and mini trucks. It would require an inspection process, define on which roadways the vehicles can travel, etc.

Mr. Hoke asked if these vehicles would be allowed anywhere in the City. Mr. Schommer said yes because all of our streets are 35 MPH or under, with the exception perhaps being south of Leicester on Wilmington due to speed and that area being outside of the City.

Mrs. Cyphers asked about the inspection process, specifically regarding the requirement of seatbelts. Mr. Schommer explained that each municipality can address that in their own rules. After further discussion, Mr. Schommer recommended adding the seat belt amendment now if Council wants to add the seat belt requirement.

Motion to Introduce Ordinance 2025-O-14 as is.

Motion made by Mr. Hoke, Seconded by Mr. Harding.

Voting Yea: Mr. Ashley, Mr. Greenwood, Mr. Harding, Deputy Mayor Havens, Mr. Hoke, Mayor Schweller

Voting Nay: Mrs. Cyphers

10. ADOPTION OF RESOLUTIONS

11. OLD BUSINESS

- A. Continued Discussion on amendments to Short Term Rentals.

Mr. Schommer said someone from AirBnB reached out to give some insight into their policies. The meeting is upcoming and the information will be discussed once received.

12. NEW BUSINESS

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting
August 25, 2025

Item A. Section 4, Item

13. CITY MANAGER'S REPORT

Mr. Schommer spoke in depth about Bellbrook's upcoming 2.2 mills Public Safety Levy. He explained what property taxes provide within a municipality versus schools and counties. He also explained that Bellbrook only operates from millage as the City has no earnings, business, sales or specialty taxes. He encouraged residents to visit bellbrook.gov and view the levy information. Mr. Schommer explained multiple other ways how the City remains financially conservative and transparent.

Mayor Schweller pointed out that this levy is specifically for police and fire operations and other City services will not be funded from this levy.

14. COMMITTEE REPORTS

- A. Safety Committee – Mr. Hoke had no update.
- B. Service Committee – Mr. Greenwood said drain boxes are being repaired.
- C. Finance/Audit Committee – Mrs. Cyphers had no update.
- D. Community Affairs Committee – Deputy Mayor Havens said he's happy to report that there are board vacancies.

15. CITY OFFICIAL COMMENTS

Mr. Ashley – Lyons Club festival was a success. He said anyone running for office should be running for the people, not themselves. There is handicap parking at the stadium now. Gave kudos to Mr. Brady on his contributions to the City.

Mrs. Cyphers – The Lyons festival was a success and she had a good time.

Mr. Greenwood – Said there seemed to be a larger turnout for the Lyons festival than in past years and thanked those involved. Chamber golf outing was a success.

Mr. Harding – Thanked the residents who came up and spoke at the meeting tonight.

Mr. Hoke – Congratulated all the award recipients and those who spoke.

Mr. Havens – Echoed Mr. Harding and Mr. Hoke. Thanks to Rob and Michelle for the beautification awards. Encouraged people to come downtown on a Friday evening.

Mayor Schweller – Congratulations to beautification award winners and

16. EXECUTIVE SESSION

17. ADJOURNMENT

Michael Schweller, Mayor

Robert Schommer, Clerk of Council

File Attachments for Item:

A. Ordinance 2024-O-14 ESTABLISHING CHAPTER 441 OF PART FOUR, TITLE SIX OF THE BELLBROOK MUNICIPAL CODE TO SET FORTH OPERATION OF UNDER-SPEED, LOW SPEED OR UTILITY VEHICLES OR MINI TRUCKS ON CERTAIN CITY STREETS (Hoke)

**NOTICE
OF
PUBLIC HEARING**


Bellbrook

**City Council
Public Hearing**

Monday September 08, 2025 7:00 pm
City Council Chambers 15 E. Franklin Street

**There will be an open Public Hearing by the Bellbrook
City Council regarding Ordinance No.2025-O-14**

A Public Hearing will be held by Bellbrook City Council, regarding Ordinance No2025-O-14

Ordinance 2025-O-14 ESTABLISHING CHAPTER 441 OF PART FOUR, TITLE SIX OF THE BELLBROOK MUNICIPAL CODE TO SET FORTH OPERATION OF UNDER-SPEED, LOW SPEED OR UTILITY VEHICLES OR MINI TRUCKS ON CERTAIN CITY STREETS

Monday September 08, 2025 7:00 pm in the Council Chambers 15 E. Franklin Street.
The public is welcome to attend or send comments to the Clerk of Council at clerk@bellbrook.gov. A copy of the Ordinance is attached.

Agenda and additional meeting information available at www.bellbrook.gov

Posted 7/29/2025

RECORD OF ORDINANCES

Item A. Section 8, Item

Ordinance No. 2025-O-14

September 8, 2025

City of Bellbrook State of Ohio

Ordinance No. 2025-O-14

ESTABLISHING CHAPTER 441 OF PART FOUR, TITLE SIX OF THE BELLBROOK MUNICIPAL CODE TO SET FORTH OPERATION OF UNDER-SPEED, LOW SPEED OR UTILITY VEHICLES OR MINI TRUCKS ON CERTAIN CITY STREETS

WHEREAS, the State of Ohio has statutes allowing municipalities to establish under-speed, low-speed or utility vehicle, or a mini truck operation and inspection procedures in the interest of protecting public health, safety and welfare for under-speed (most commonly known as “golf carts”), low-speed, or utility vehicles, or mini trucks upon certain roadways; and

WHEREAS, it has been determined by City Council that residents of the City have interest in the ability to operate under-speed, low speed or utility vehicles, or mini trucks on City streets where permitted by law upon inspection of such vehicles.

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY ORDAINS:

Section 1. Chapter 441 of Title Six of Part Four, Traffic Code of the Bellbrook Code of Ordinances shall be titled “Operation of low-speed, under-speed, or utility vehicle, or a mini truck” and shall read as set forth in Exhibit A which is attached hereto and incorporated herein by reference.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

PASSED BY City Council this ____ day of ____ 2025.

____ Yeas; ____ Nays.

AUTHENTICATION:

Michael W. Schweller, Mayor

Robert Schommer, Clerk of Council

APPROVED AS TO FORM:

Stephen McHugh, Municipal Attorney

2025-O-14 Exhibit A

PART FOUR – TRAFFIC CODE, TITLE SIX – VEHICLES AND OPERATION TO CREATE A NEW SECTION 441 – OPERATION OF UNDER-SPEED, LOW-SPEED OR UTILITY VEHICLE, OR A MINI TRUCK

Chapter 441 – Operation of under-speed, low-speed or utility vehicle, or a mini-truck

441.01 Definitions: As used in this chapter, “low-speed vehicle”, "under-speed vehicle", “utility vehicle”, and “mini truck” have the same meaning as in section 4501.01 of the Ohio Revised Code, as amended from time to time.

441.02 Local Authorization: Subject to the provisions of this chapter, the operation of low-speed, under-speed or utility vehicles, or mini trucks is authorized in the City.

441.03 Vehicle Inspection:

- (a) The owner of a low-speed, under-speed or utility vehicle, or mini truck who wishes to operate the vehicle on any street or highway right of way, or public area is required to submit the vehicle to an inspection by the Chief of Police or designee that complies with inspection requirements established by the Ohio department of public safety under section 4513.02 of the Ohio Revised Code and with the requirements of this chapter
- (b) No person shall operate a low-speed, under-speed or utility vehicle, or mini truck on any street or highway , right of way, or public area unless the vehicle has successfully passed the required vehicle inspection. The Chief of Police or designee may waive such inspection upon proof the vehicle successfully passed a substantially equivalent vehicle inspection conducted by another local law enforcement agency.
- (c) The Chief of Police or designee may conduct the aforementioned vehicle inspection for any low-speed, under-speed or utility vehicle, or mini truck which is reasonably expected to be operated in the City.

441.04 Vehicle Insurance:

- (a) Every owner of a low-speed, under-speed or utility vehicle, or mini truck to be operated on any street or highway , right of way, or public area shall maintain automobile insurance which provides automobile bodily injury or property damage liability, or related coverage, or any combination thereof. Proof of such insurance shall be required at the time of inspection required by this chapter.
- (b) No person shall operate, or permit the operation of, a low-speed, under-speed or utility vehicle, or mini truck on any street or highway , right of way, or public area unless proof of financial responsibility is maintained continuously throughout the registration period with respect to that vehicle, or, in the case of a driver who is not the owner, with respect to that driver's operation of that vehicle

441.05 Equipment

- (a) Every low-speed, under-speed or utility vehicle, or mini truck to be operated on any street or highway right of way, or public area is required to be equipped with at least the following:
- (1) Headlights - Two working headlights, with at least one near each side of the front of the vehicle.
 - (2) Taillight - At least one working taillight, mounted on the rear.
 - (3) Red Reflectors - Two red reflectors mounted on the rear, either as a part of the tail lamps or separately.
 - (4) Stop Light – One or more working stop lights mounted on the rear. either as a part of the other rear lights or separately, actuated upon application of the service brake.
 - (5) Turn Signals - Signal lights that clearly indicate to both approaching and following traffic intention to turn or move right or left.
 - (6) Rearview Mirror - An intact rearview mirror.
 - (7) Horn - A horn in good working order.
 - (8) Windshield - An intact windshield made of clear safety-rated material.
 - (9) License Plate - A license plate displayed as required by O.R.C. 4503.21.
 - (10) Occupant restraining devices - One occupant restraining devices per seating position.

441.06 Licensing Requirements:

- (a) No person shall operate a low-speed, under-speed or utility vehicle, or mini truck on any street or highway, right of way, or public area unless the person has a valid driver's license issued under Chapter 4506. or Chapter 4507. of the Ohio Revised Code.
- (b) Only those vehicles registered in accordance with Chapter 4503. of the Ohio Revised Code and titled in accordance with Chapter 4505. of the Ohio Revised Code are permitted under this chapter.
- (c) No person who is the owner or operator of a low-speed, under-speed or utility vehicle, or mini truck shall fail to display, in plain view on the rear of the vehicle, a license plate that displays the distinctive number and registration mark assigned by the director of public safety, including any county identification sticker and any validation sticker.

441.07 Usage and Restrictions; Waiver:

- (a) No person shall operate a low-speed, under-speed or utility vehicle, or mini truck on any street or highway where the speed limit is greater than 35 mph. Low-speed, under-speed or utility vehicles, or mini trucks will be permitted to cross intersections of roadways which have higher speed limits, so long as they remain on a street that has a posted speed limit of 35 mph or less.
- (b) No person shall operate a low-speed, under-speed or utility vehicle, or mini truck on Wilmington-Dayton Road south of Liecester Road in the City.

RECORD OF ORDINANCES

Item A. Section 8, Item

Ordinance No. 2025-O-14

September 8, 2025

- (c) No person shall operate a low-speed, under-speed or utility vehicle, or mini truck on any street or highway, right of way, or public area unless that person and each passenger is wearing a properly adjusted occupant restraining device when the vehicle is on and in motion. No person shall stand on any portion of the vehicle while it is in motion.
- (d) No person shall operate a low-speed, under-speed or utility vehicle, or mini truck on any street or highway, right of way, or public area with any passenger required by O.R.C. 4511.81 to be secured in a child restraint system or a booster seat.
- (e) No person shall operate a low-speed, under-speed or utility vehicle, or mini truck on any sidewalk or shared-use path.
- (f) No person shall fail to operate a low-speed, under-speed or utility vehicle, or mini truck in accordance with all State of Ohio traffic laws in addition to all applicable City of Bellbrook Codified Ordinances.
- (g) The provisions of this chapter, in whole or in part, may be waived during a limited period of special events for which the operators of low-speed, under-speed or utility vehicles, or mini trucks have received prior approval from the Chief of Police or designee.
- (h) The requirements and restrictions of this chapter are waived for an employee or volunteer of the City, or other local government, operating a low-speed, under-speed or utility vehicle, or mini truck within the scope of their employment or volunteer function.

441.99 Penalty: Whoever violates the provisions of this Chapter is guilty of a minor misdemeanor on a first offense. On a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; and for subsequent offenses within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

File Attachments for Item:

A. Continued discussion on amendments to Chapter 618 - Animals

CHAPTER 618. ANIMALS¹

Sec. 618.01. Definitions.

For the purpose of this chapter, the following definitions shall apply:

Agricultural animal. The definition of agricultural animal is the same as set forth in Ohio Revised Code Section 903.01 (A), including but not limited to the following text: “any animal generally used for food or in the production of food, including cattle, sheep, goats, rabbits, poultry, and swine; horses; alpacas; llamas; and any other animal included by the director of agriculture by rule. “Agricultural animal” does not include fish or other aquatic animals regardless of whether they are raised at fish hatcheries, fish farms, or other facilities that raise aquatic animals.”

Animal. The definition of animal is the same as set forth in Ohio Revised Code Section 941.01 (D), including but not limited to the following text: “any animal that is a bird, reptile, amphibian, fish, or mammal, other than humans.”

Companion animal. The definition of companion animal is the same as set forth in Ohio Revised Code Section 959.131 (A)(1), including but not limited to the following text: “any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept, including a pet store as defined in section 956.01 of the Revised Code. “Companion animal” does not include livestock or any wild animal.”

Domestic animal. The definition of domestic animal is the same as set forth in Ohio Revised Code Section 941.01 (E), including but not limited to the following text: “livestock; other animals that through long association with humans have been bred to a degree resulting in genetic changes affecting the temperament, color, conformation, or other attributes of the species to an extent that makes them different from nondomestic animals of their kind; and other animals as defined by rule by the director.”

Livestock. The definition of livestock is the same as set forth in Ohio Revised Code Section 5739.01 (MM), including but not limited to the following text: “farm animals commonly raised for food, food production, or other agricultural purposes, including, but not limited to, cattle, sheep, goats, swine, poultry, and captive deer. “Livestock” does not include invertebrates, amphibians, reptiles, domestic pets, animals for use in laboratories or for exhibition, or other animals not commonly raised for food or food production.”

Nondomestic animal. The definition of nondomestic animal is the same as set forth in Ohio Revised Code Section 941.01 (G), including but not limited to the following text: “any animal that is not domestic, including at least nonindigenous animals and animals usually not in captivity.”

Pet. The definition of pet is the same as set forth in Ohio Revised Code Section 961.01 (D), including but not limited to the following text: “an animal that has been adapted or tamed to live in intimate association with or for the pleasure or advantage of people and includes but is not limited to dogs, cats, birds, rabbits, and hamsters.” Pets are not considered to be animals used for livestock or agricultural purposes.

¹Cross reference(s)—Driving animals upon roadway, see Secs. 404.05; Animals in parks, see Secs. 1062.08, 1062.09.

Poultry. The definition of poultry is the same as set forth in Ohio Revised Code Section 941.01 (H), including but not limited to the following text: “any domesticated fowl kept in confinement, except for doves and pigeons, that are bred for the primary purpose of producing eggs or meat for human consumption. “Poultry” includes chickens, turkeys, waterfowl, and game birds.”

Service animal. The definition of service animal is the same as set forth in Ohio Revised Code Chapter 3344-79 Rule 3344-79-02 (A) (2), including but not limited to the following text: “any dog individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability and meets the definition of “service animal” under the Americans with Disabilities Act (“ADA”) regulations at 28 CFR 35.104. The work or tasks performed must be directly related to the individual’s disability.”

Small livestock. Small livestock is defined as rabbits and poultry species, excluding roosters, geese, peafowl, turkeys, ostriches, and emu.

Secs. 618.01, 618.02. Reserved.

Editor’s note(s)—Ord. No. 2016-6 , § 3, adopted July 11, 2016, repealed §§ 618.01, 618.02 which pertained to: dogs and other animals running at large; nuisance, dangerous and vicious dogs; hearings; abandoning animals; respectively; and derived from the 1985 Codified Ordinances.

Sec. 618.03—618.06. Reserved.

Sec. 618.07. Barking or howling dogs Nuisance animal noises.

- (a) No person shall keep or harbor any **dog animal** within the Municipality which, by frequent and habitual barking, howling or yelping, creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order of the Municipality. Any person who allows any **dog animal** habitually to remain or be lodged or fed within any dwelling, building, yard or enclosure, which he or she occupies or owns, shall be considered to be harboring such **dog animal**.
- (b) No person shall be convicted under division (a) of this section unless the noises created by such **dog animal** are **is** heard or detected by at least one or more residents in the vicinity or a City police officer.
- (c) Whoever violates this section is guilty of a minor misdemeanor.

Secs. 618.08—618.11. Reserved.

Editor’s note(s)—Ord. No. 2016-6 , § 3, adopted July 11, 2016, repealed §§ 618.08, 618.09, 618.095, 618.10, 618.11 which pertained to: registration of dogs required; hindering capture of unregistered dog; dogs required to wear tags; unlawful tags; rabies quarantine; respectively; and derived from the 1985 Codified Ordinances and Ord. Ord. 80-15, passed 10-13-80.

Sec. 618.12. Hunting prohibited.

- (a) The hunting of animals or fowl within the Municipality is prohibited. No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms or any other means, **except as provided in the Bellbrook Zoning Code**. However, nothing in this section shall be deemed to prohibit the killing of rats and other undesirable rodents authorized to be killed by the Chief of Police using means for such killing which are also authorized by the Chief.

- (b) Whoever violates this section is guilty of a minor misdemeanor.

Sec. 618.13. Nuisance conditions prohibited.

- (a) No person shall harbor, keep or maintain an animal in such a manner as to be injurious to the health, comfort or property of individuals or the public.
- (b) No owner, keeper or harbinger of any dog or animal approved and/or licensed by the Ohio Department of Natural Resources shall fail at any time to do either of the following:
- (1) Keep the animal physically confined or restrained upon the premises of the owner, keeper or harbinger by a leash, tether, adequate fence, supervision or secure enclosure to prevent escape.
 - (2) Keep the animal under the reasonable control of some person.
- (c) Subject to division (a) of this section, and without in any way limiting the applicability thereof, any of the following acts committed in connection with the harboring, keeping or maintaining of an animal shall constitute maintenance of a public nuisance and is hereby prohibited:
- (1) Permitting offensive or obnoxious odors to be released and carried to the property of another; or
 - (2) Permitting **loud, offensive and regularly repeated barking, or howling or unreasonably loud and disturbing noises** by an **dog animal**.
- (d) Any violation of ORC Chapter 955 within six months of a previous violation thereof shall be a prima-facie violation of this section.
- (e) The Municipal Attorney may proceed by civil action in any court of record to obtain an abatement order under this section.
- (f) Whoever violates any of the provisions of this section is guilty of maintaining a public nuisance, a misdemeanor of the fourth degree. The penalty shall be as provided in ORC Chapter 2929. In addition to imposing the appropriate punishment the court shall order such nuisance to be abated.

(Ord. 78-16, passed 4-24-78; Ord. 99-10, passed 8-9-99; Ord. No. 2014-6 , § 1, 9-8-2014; Ord. No. 2017-3 , § 1, 3-27-2017)

Sec. 618.14. Impounding and redemption.

A police officer or Animal Warden contracted with or hired by the Municipality, or any other person appointed by the Manager, may pick up and impound any dog, licensed or unlicensed, or any other animal found running at large on any street or on any public or private property within the Municipality. Such officer, Animal Warden or other person shall have the right to go onto private property to capture the dog or other animal. ~~The dog or other animal shall be released to the owner or to the person entitled to the possession of the same upon payment by the owner or such other person to the Municipality of a pick-up fee of ten dollars (\$10.00) for the first offense and twenty-five dollars (\$25.00) for each offense thereafter.~~ If the dog has been placed in the County Dog Pound, the owner shall **also** be required to pay charges assessed by the County.

(Ord. 78-17, passed 4-24-78)

Sec. 618.15. Certain animals prohibited.

- (a) No person shall keep within the Municipality any **horse, cow, pig, goat, or chicken** **agricultural animal or livestock, nor any animal used for agricultural or livestock purposes**, on any parcel

of property, except in agricultural zoning districts on parcels **with a minimum** of five acres **or as provided in the Bellbrook Zoning Code.**

(b) Whoever violates this section is guilty of a minor misdemeanor.

(Ord. 2007-4, passed 8-27-07; Ord. 2010-7, passed 9-13-10)

Sec. 618.16. Dead animals.

(a) When any animal dies in the possession of any person in the Municipality, no such person shall fail to remove such animal or cause the same to be removed outside the limits of the Municipality or to be buried, so that the same does not corrupt the air or cause any injury to the health of any other person in the Municipality.

(b) Whoever violates this section is guilty of a minor misdemeanor.

(Ord. 118, passed 2-19-36; Ord. 74-38, passed 11-11-74)

Secs. 618.17, 618.18. Reserved.

Editor's note(s)—Ord. No. 2016-6 , § 3, adopted July 11, 2016, repealed §§ 618.17, 618.18 which pertained to: dogs with blind, deaf or hearing impaired, or mobility impaired person, or trainer with assistance dog; animal fights; respectively; and derived from the 1985 Codified Ordinances.

Sec. 618.19. Dangerous, wild and undomesticated animals or pets prohibited.

(a) For the purposes of this section, a household pet is a dog, cat or other species of animal, fish, fowl, amphibian or reptile which is normally deemed to be tame and domesticated or which is commonly kept as a pet inside a residence.

(b) A wild, dangerous or undomesticated animal is an animal that is not defined as a household pet and that would be ordinarily confined to a zoo, farm or the wilderness, or that otherwise causes fear to the general public.

(c) No person shall harbor, maintain or control a wild, dangerous or undomesticated animal within the City.

(d) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

(Ord. 2007-4, passed 8-27-07)

Sec. 618.20. Reserved.

Editor's note(s)—Ord. No. 2016-6 , § 3, adopted July 11, 2016, repealed § 618.20, which pertained to dangerous and vicious dogs, and derived from the 1985 Codified Ordinances.

Sec. 618.21. Beekeeping.

The keeping of bees in residential areas is permitted under the following conditions:

(a) Definitions.

(1) *Bee* means any stage of any species of the genus *Apis*.

- (2) *Hive* means any modern frame hive, box hive, box, barrel, log gum, skep or any other natural or artificial receptacle, or any part thereof, that may be used as a domicile for bees.
 - (3) *Colony* means any hive and its equipment, including bees, combs and brood.
 - (4) *Equipment* means any used hives or parts thereof, used frames, used honey houses, used tools, used machines, or used devices employed in the handling or manipulation of bees, honey, or beeswax, or any used container for honey or beeswax.
 - (5) *Swarm* means a population of bees that is not permanently established.
 - (6) *Beekeeper* means the person who takes care of and/or registers the apiary where the honey bee colonies are kept.
- (b) In order to have beekeeping privileges within the City, all beekeepers are required to maintain and register their hives as set forth in ORC Chapter 909 Apiaries.
 - (c) All beekeepers are required to register with the City, setting forth the location of their hives and number of colonies of bees.
 - (d) Any lot used for beekeeping must have a minimum size of 14,000 square feet. There shall be no more than two hives established on any lot used for beekeeping, except two additional temporary hives are allowed for hive separation or new swarm establishment purposes. Such temporary hives shall be removed from the property within two weeks.
 - (e) Hives shall be placed in the rear yard of the property and in no case shall the hives be closer than 30 feet from a public or private street, sidewalk or roadway. In no case shall the hives be closer than 25 feet to an abutting property line.
 - (f) A fresh water source shall be maintained within 15 feet of the hives.
 - (g) The owner of the hive(s) must be a resident in a dwelling located on the same lot on which the hive(s) are registered. Hives are only permitted on lots with single family residential units located on them.
 - (h) The maintenance of each colony shall meet the following conditions:
 - (1) Colonies shall be maintained in readily movable frame hives.
 - (2) Each hive must conspicuously display the Apiary Identification Number assigned pursuant to ORC Chapter 909 on no less than the base and the box. The identification number shall be on a side that is visible without moving or lifting of said hive.
 - (3) Adequate space shall be maintained in the hive to prevent overcrowding and swarming.
 - (4) Colonies shall be re-queened following any swarming or aggressive behavior or seized and destroyed without remuneration.
 - (i) A certificate or permit providing the privilege to keep bees within the City may be provided by the City to a beekeeper once it is established that the necessary requirements outlined in this section are satisfied.
 - (j) (1) Beekeeping privileges may be revoked from any property by written notification to the property owner by the City. Revocation must be done with cause, however, the cause needs not to be the fault of the beekeeper, nor be a factor that is under the control of the beekeeper. The City may revoke beekeeping privileges for any condition or combination of circumstances that jeopardizes, endangers or otherwise constitutes an actual, potential or perceived menace to public health or safety. Once beekeeping privileges have been revoked on a particular property, such privilege may be reestablished only upon written request. Additionally, a permit or certificate may be revoked by the City due to a failure to satisfy any of the requirements of this section.

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- (2) A perceived menace to public health may also include, but is not limited to:
- A. Written documentation over a medical doctor's signature certifying that the medical condition caused by bee stings to a resident of an abutting property would constitute a higher than normal health hazard will constitute sufficient cause to withdraw beekeeping privileges from any specific property.
 - B. Abnormally aggressive behavior by bees defending their hive beyond the property lines may constitute sufficient cause to withdraw beekeeping privileges from any specific property.
- (k) The City may revoke a beekeeper's privilege to maintain hives within the City by revoking the beekeeper's permit or certificate. If such revocation occurs, the permit holder will be given an opportunity for a hearing before the City Council to determine whether cause exists for revoking the beekeeping privileges.

(Ord. 2010-7, passed 9-13-10)

File Attachments for Item:

B. Continued discussion on short term rental ordinance

Short Term Rental Information

Interest in short term rentals (STRs), many of which are advertised on platforms such as VRBO and Airbnb, have increased over the last several years both from residents concerned about such uses operating in their neighborhoods and from individuals wishing to acquire properties for such use or utilizing their property for such use. Short-term rentals are understood to be any rental that is offered for rent for a period of less than thirty (30) consecutive days (you will occasionally see definitions that lower this number to 25 - 28 days). Most STRs operate within residential neighborhoods inside of single, two unit, and multi-unit dwellings.

In recent years, many jurisdictions have adopted standards regulating STRs; some cities prohibit them entirely via zoning or business code regulation, others have licensing requirements but otherwise allow them to operate, and others allow them to operate subject to strict requirements. Other jurisdictions have moratoriums on such use to give them time to study their options.

Below is a breakdown of five local jurisdictions and their policies regarding STRs:

Beavercreek

- STR is defined as all or any portion of a residential dwelling unit for dwelling, lodging, or sleeping purposes intended for travel and tourism occupied for a renter for a period of less than thirty (30) consecutive days.
- Short-term rental license required.
- \$100 fee – valid for two years.
- STR subject to the city’s 3% hotel/motel/STR tax.
- Prohibited in plats where restrictive covenants do not allow such uses (i.e. HOA’s).

Centerville

- STR is defined as any room or dwelling unit that is rented wholly or partially to transients for a fee; for dwelling, lodging or sleeping purposes; for no more than twenty-nine (29) consecutive days by persons other than the permanent occupant or owner; from which the permanent occupant or owner receives monetary compensation whether such compensation is paid directly by the short-term guest or is collected and remitted to the permanent occupant or owner by a hosting platform.
- Short-term rental license required.
- \$100 fee – valid for one year.
- STR subject to the city’s 3% hotel/motel/STR tax.

- STRs only permitted to operate in the City's Architectural Preservation zoning district.

Kettering

- Based on current zoning code language, such uses are not permitted within most zoning districts in the City except in areas where Motels are permitted unless the uses are operated in ways that comply with standards for Bed & Breakfasts or if someone is renting out a bedroom in a dwelling they otherwise occupy. However, due to issues related to how such uses are defined, the current regulations in Kettering's Codified Ordinances are not enforceable, so these uses are permitted by default in Kettering's residential zoning districts.
- In January of 2024 the City Council directed staff to enact regulations similar to Xenia, which allows STRs with minimal regulations.
- The standards have not yet been enacted but are part of a zoning code amendment that is currently going through the review and approval process with the Planning Commission.
- Once approved, Kettering will **not** require a license and fee.
- Their definition of an STR will be a dwelling unit or a room or rooms within a dwelling unit where sleeping accommodations are offered for consideration to Short Term Rental guests for fewer than twenty-eight (28) consecutive days.
- Kettering does not currently have a lodging tax but does collect tax based on STRs being a business operation.
- Based on data collected, they have an estimated 99 STRs in Kettering and have received very few complaints over the past few years. The main complaint was concerns about the conversion of existing rental units into STRs (4), concerns about not knowing who is staying at the STRs (3), loud parties (2) and vehicles parking in the street (1).

Waynesville

- STR is defined as any room or dwelling that is rented wholly or partly for a fee for less than thirty (30) consecutive days by persons other than the owner from which the owner receives monetary compensation, whether such compensation is paid directly by short term rental guest or is collected and remitted to the owner by a hosting platform.
- Short-term rental license required.
- \$100 fee – valid for one year.
- STR subject to the village's 3% Lodging Excise tax.

Xenia

- STR defined as a dwelling unit, a room or rooms within a dwelling unit, or an accessory dwelling unit where sleeping accommodations are offered for consideration to Transient Guests for less than thirty (30) consecutive days.
- Currently Xenia does not require a STR registration or license.
- Currently they do not collect a lodging tax. Law Director is working on it, however; it has been put on the “back burner”.

Yellow Springs

- STR is defined as a dwelling unit, a room or rooms in a dwelling unit, or an accessory dwelling unit where sleeping accommodations are offered for consideration to people occupying a room or rooms for less than thirty (30) consecutive days. Other terms used: Bed & Breakfasts, Transient Guest Lodging.
- Permitted but heavily restricted. Considered conditional uses and spacing requirements (500’ minimum spacing between STRs) limit the number they may operate.
- Approval of a Conditional Use application.
- Transient Occupancy Registration Certificate required.
- \$100 fee – valid for one year.
- STR subject to the village’s 3% Lodging Excise Tax

Short-Term Rentals

Thank you for your interest in operating a short-term rental in the City of Bellbrook. Property owners must obtain a license from the city prior to operating a short-term rental unit. Short-term rentals are defined as all or any portion of a residential dwelling unit for dwelling, lodging or sleeping purposes intended for travel and tourism occupied by a renter for a **minimum of seven (7) and a maximum of 25 consecutive days.**

Obtaining a Short-Term Rental License

Short-term rental owners must obtain a license by filling out an online application through the Community Development department's Online Permit Center or be considered a violation of Ordinance XXXX and Chapter XXXX of the City of Bellbrook Municipal Code. Licenses under this ordinance will be valid for a period of one (1) year and must be renewed to ensure continued compliance with the city's regulations. **Application/permit fee is \$100, and permits will expire on December 31 and must be renewed no later than the first Monday in November. Initial fees will be pro-rated if filed mid-year.**

To obtain a license, short-term rental owners need to provide specific information to the city, including the rental's location, where the rental unit will be advertised, the number of bedrooms and occupants permitted, parking availability and emergency contact information. These details are mandatory and vital for effective management and communication, particularly in cases of emergencies.

Short-Term Rental Tax

Short-term rentals are subject to the city's 3% hotel/motel/short term rental tax. Registering your short-term rental with the city's Community Development Department also acts as registration with the city's Finance Department in compliance with Chapter XXXX (hotel/motel/short-term rental tax) of the City of Bellbrook Municipal Code. Filing and remittance of the tax must be completed before the end of the subsequent month using the city's

Hotel/Motel/Short-Term Rental Tax Remittance Form. Forms must be completed and submitted to the city’s Finance Department, even if there have not been any qualifying rentals.

Responsibility of Short-Term Rental Owners

The city strongly encourages short-term rental owners who live within a homeowner’s association or on a property with covenants, conditions for restrictions to check its rules and regulations prior to applying for a license to ensure short-term rentals are permitted.

Short-term rental owners will also assume responsibility for ensuring that the rental unit is occupied only by renters per unit and that the renters are at least 25 years of age. Furthermore, owners are required to provide important information to renters, including house rules, noise regulations and emergency contact details. By setting these guidelines, the city seeks to promote responsible and respectful behavior among renters.

Violations

The city takes violations of the regulations seriously and has implemented penalties for non-compliance. Violators may face fines, and in severe cases, their license may be suspended or revoked.

Questions

For additional assistance regarding Ordinance XXXX or the registration process, contact the Community Development Department at (937) 848.4666 or cathi@bellbrook.gov.

For additional assistance related to the city’s hotel/motel/short-term rental tax, contact the city’s Finance Department at (937) 848.4666 or Mjones@bellbrook.gov



SHORT-TERM RENTAL INFORMATION SHEET

REQUIREMENTS

- **Short-Term Rental Application** (Attached)
- **Proof of Identity:**
 - (i.e., State Issued Driver's License/I.D. Card, Passport, Military I.D., Government Issued I.D.)
- **Primary Residency Requirement:**
 - A copy of the lease/rental contract that allows Short Term Rentals (if short-term rental is not owned by applicant)
 - Two documents proving primary residence (i.e., Motor Vehicle Registration, Tax Documents, or Utility Bill).
- **Proof of General Liability Insurance:**
 - Minimum of \$500,000 of General Liability and must contain an endorsement providing a 10 day notice of cancellation or change to the **Village of Waynesville, 1400 Lytle Road, Waynesville, Ohio 45068**. Such policy or certificate must be issued by an Insurance Company that is admitted to do business in the State of Ohio.
- **Other Applicant Requirements:**
 - The names of all hosting platforms that the applicant has successfully been registered to list a short-term rental and documentation confirming hosting platform registration(s).
 - The names of all advertising outlets in which short-term rental host intends to advertise such rental if the short-term rentals host is not using a hosting platform.
- **Management Company Requirements:**
 - A Management Company that rents or leases the property cannot apply for a permit in the Management Company's name, because the Management Company is not an owner or permanent occupant of the property. If a Management Company comes in to apply, the Management Company must either own the property or apply on behalf of the Property Owner or Primary Resident as the Property Owner's or Primary Resident's **duly authorized agent**.
To do this the Management Company must produce a signed and notarized document from the Property Owner or Primary Resident authorizing the Management Company to act on the Property Owner's or Primary Resident's behalf regarding Short Term Rental. The document must list the location(s) of the Short Term Rental(s). A lease agreement **would not** be sufficient for this document.

<p>Application fee - \$100.00 Permits will expire on December 31 and must be renewed no later than the first Monday in November. Initial fees will be prorated if filed mid-year.</p>	<p>Village of Waynesville 1400 Lytle Road Waynesville, OH 45068 Monday - Friday 8:00 - 12:00 and 1:00 - 4:00</p>
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TRANSIENT GUEST LODGING - SPECIFIC REQUIREMENTS

Item B, Section 11, Item

(7) Transient guest lodging.

A. Permit. Upon approval of the conditional use, the owner or operator shall submit to the Zoning Administrator, a transient guest lodging application with the applicable fee. This application includes the contact information for the owner or operator and if applicable, the property manager who can be contacted and will respond within a reasonable time period to any complaints, violations, emergencies or other concerns related to the transient guest lodging property or tenants. Upon the Zoning Administrator's review of the permit, the Zoning Administrator shall provide a copy to the Finance Director and the owner or operator shall thereafter comply with all provisions of Chapter 882 of the Village Codified Ordinances with respect to lodging excise tax and registration. For non-operator occupied permits, the Zoning Administrator shall also send a copy to the Greene County Auditor.

B. Location. The Planning Commission shall consider the proposed location relative to its proximity to other such uses in the vicinity in order to avoid an undue concentration that could have a negative effect on the surrounding neighborhood including affordable housing concerns. In no case, can a transient guest lodging be located closer than 500 feet from another transient guest lodging, as measured from closest property line to closest property line. A transient guest lodging unit may be located in a dwelling unit, a room or rooms in a dwelling unit, or an accessory dwelling unit, but no more than one transient guest lodging permit shall be granted per property or per owner.

C. Maximum occupancy. The maximum number of tenants permitted shall be determined by applicable health, safety and welfare requirements. If the transient guest lodging is located in an accessory dwelling unit (ADU) no more than two adults shall occupy the accessory dwelling unit.

D. Utilities. The transient guest lodging unit shall share all public utilities (water/sewer/electric) with the principal dwelling unit. Transient guest lodging units will not be separately metered.

E. Parking. A minimum of one off-street parking space per two adult guests shall be provided on the lot for the transient guest lodging unit in addition to the off-street parking spaces required for the principal dwelling unit.

F. Ingress/egress. No new access points or driveways shall be created or installed for access to the transient guest lodging unit.

G. Transient guest lodging permits are non-transferable. A change in the ownership of the property or if the permit was submitted under a tenant's name and the tenant no longer resides at that address, will void the permit.

H. If the applicant is not the property owner, a letter from the property owner agreeing to the use of their dwelling for transient guest lodging is required.

I. An inspection by the Miami Township Fire and Rescue for the installation of smoke and carbon monoxide detectors must accompany the application for transient guest lodging. The detectors will be inspected by MTRF annually.

J. The applicant must obtain a letter of good standing from the Finance Department with respect to income tax and utility payments to submit with the conditional use permit application and maintain good standing thereafter.

K. If the annual registration under Chapter 882 of the Code is revoked, the Village may also revoke the conditional use permit under Section 1262.06 of this Code; if so, the Planning Commission shall deny any other conditional use applications pertaining to the same owner, operator or property for a three-year period from the date of such revocation.

L. Lodging establishments include hotels, motels, bed & breakfast/inns and boarding houses, which have their own specific requirements in the Zoning Code under other sections of Section 1262.08 for obtaining conditional use permits. Cabins, condominiums, vacation homes, rooms in residences being rented to guests for sleeping accommodations, owner-occupied residences, accessory dwelling units, and non-owner occupied residences are subject to the requirements of this section. An owner may subsequently apply to the Planning Commission to convert an establishment which is subject to this section to become a hotel, motel, bed and breakfast/inn or boarding/rooming/lodging house if the lodging establishment meets the criteria set forth in the Code, subject to the applicable Code sections.

*M. If an owner or occupant does not provide proof to the Zoning Administrator that the property is the owner or occupant's primary residence, the Zoning Administrator shall deny the application for conditional use permit and it shall not be considered by the Planning Commission. The Zoning Administrator shall submit an annual summary of the current number and ratio of operator and non-operator occupied transient guest lodging permits for review by Planning Commission and Village Council to determine if adjustments should be made to permit allowances in line with affordable housing policies and Village Values, taking into consideration new housing, Census and other data.

N. A designated outdoor smoking area to be located at least fifteen feet from all property lines.

O. Proof of commercial insurance is required for non-operator occupied transient guest lodgings.

**Documentation of primary residence must include at least two of the following: motor vehicle registration, driver's license or state identification, tax documents, copy of lease/deed or other title documents, or utility bills. An operator can have only one primary residence.*



Beavercreek

Hotel/Motel/Short-Term Rental Tax Remittance Form

Tax for period: From: _____ To: _____

Hotel/Motel/Short-Term Rental Name: _____

Address: _____

1. GROSS RECEIPTS	\$ _____
2. QUALIFYING EXEMPT RECEIPTS*	\$ (_____)
3. NET TAXABLE RECEIPTS - (line 1 less Line 2)	\$ _____
4. TAX DUE - (Enter 3% of Line 3)	\$ _____
5. CREDIT or DEBIT - (Over or Underpayment prior months)	\$ _____
6. PENALTY - (10% per month for late return)	\$ _____
7. INTEREST - (0.5% per month until paid)	\$ _____
8. TOTAL TAX DUE (Sum of Lines 4, 5, 6, & 7)	\$ _____

***Allowed under ordinance 35.56(C)(1). Must be supported by a certificate specifying the exemption reason. If no documentation is provided, rental is not exempted. Exempt files must be maintained for audit and review.**

I hereby certify that the information and statements contained herein and in any schedules or exhibits attached are true and correct.

Signed: _____ Print Name: _____

Contact Information:

Phone: _____ E-Mail: _____

Make check payable to the City of Beavercreek and remit to: City of Beavercreek, Hotel/Motel/Short-Term Rental Remittance, c/o Finance Director, 1368 Research Park Drive, Beavercreek, Ohio 45432.

To avoid penalty and interest, payment must be received on or before the last day of the month following the close of each month.

Rev: 7-23

Chapter 117: Short-Term Rentals**§ 117.01 PURPOSE.**

It is the intent of this section to establish regulations regarding Short-Term Rental Units for temporary lodging intended for travel and tourism. These regulations have been established to allow property owners to use their properties as Short-Term Rentals while mitigating any potential disruption that Short-Term Rentals have on a neighborhood.

§ 117.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

SHORT-TERM RENTAL. Rental of all or any portion of a residential dwelling unit for dwelling, lodging, or sleeping purposes intended for travel and tourism. Occupancy of the property by a renter shall be for a period of less than thirty (30) consecutive days. This term does not include hotel or motel rooms, extended stay lodging facilities, bed and breakfast inns, and boarding house rooms, as defined by the Beaver Creek Code of Ordinances.

SHORT-TERM RENTAL UNIT. A residential dwelling which maintains a valid Short-Term Rental License. Short-Term Rental Units contain one or more bedrooms with a limit of two (2) adults per bedroom. A single-family residential dwelling offered as a Short-Term Rental shall be considered one Short-Term Rental Unit. Each dwelling unit in a duplex may serve as a separate Short-Term Rental Unit, for a maximum of two (2) Short-Term Rental Units on the property. In the case of an apartment or condominium complex, each apartment or condominium offered for Short-Term Rental use shall be considered a Short-Term Rental Unit.

SHORT-TERM RENTAL HOST or HOST. Any person who is the owner of record of residential real property on which the owner operates a Short-Term Rental Unit, or the operator of a Short-Term Rental Unit regardless if they are the property owner of record or not.

OWNER-OCCUPIED SHORT-TERM RENTAL. A Short-Term Rental Unit is Owner-Occupied when the property owner uses the dwelling as their primary residence and offers certain bedrooms in the dwelling for Short-Term Rental use. A dwelling is considered the owner's primary residence when the owner resides in the dwelling more than six (6) months out of the year. An Owner-Occupied Short-Term Rental Unit shall be considered an accessory use on the property, secondary to the property's primary use as an Owner-Occupied residence.

COMMERCIAL SHORT-TERM RENTAL. The following shall be considered Commercial Short-Term Rental Units:

- (A) a Short-Term Rental Unit which is not Owner-Occupied
- (B) a Short-Term Rental Unit which offers more than two (2) bedrooms for Short-Term Rental Use, regardless of whether the residence is Owner-Occupied.

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- (C) each individual apartment or condominium unit offered for use as a Short-Term Rental. Guest rooms are limited to two (2) adults per room for overnight rental occupancy with duration of occupancy not to exceed thirty (30) consecutive days.

SHORT-TERM RENTAL USER. Any individual who rents all or a portion of a Short-Term Rental Unit for a period of less than thirty (30) consecutive days. Short-Term Rental User shall also include any overnight guests of the individual renting all or a portion of a Short-Term Rental Unit.

EMERGENCY CONTACT. An easily accessible contact person that shall serve as an immediate point of contact to remedy any issues with the Short-Term Rental Unit. The Emergency Contact shall be available as required to address potential issues with the Short-Term Rental. Issues include, but are not limited to, damage to persons or property, potential violations of the Short-Term Rental License, health code violations, zoning code violations, building code violations, and public safety violations.

RENTAL PARTY. A rental party shall be considered one or more individuals who booked, and/or intended to rent, the Short-Term Rental Unit together at the same time

§ 117.03 SHORT-TERM RENTAL LICENSE REQUIRED

Any person desiring to rent a property for Short-Term Rental use or advertise a property as a Short-Term Rental Unit shall comply with all applicable federal, state and local regulations, and shall obtain a Short-Term Rental License prior to operating or advertising a Short-Term Rental Unit. Any Short-Term Rental in use or advertised at the time of passage of this chapter shall obtain a license within 60 days of its passage, or shall be considered in violation of this chapter.

(A) *Short-Term Rental License Requirements:* Applications for Short-Term Rental Licenses shall be filed with the City of Beavercreek Planning and Development Director on a form to be furnished by the Director or their designee, which shall require at least the following information:

- (1) Location of the Short-Term Rental Unit.
- (2) Short-Term Rental Application Type (Commercial or Owner-Occupied).
- (3) All locations (online, newspaper, fliers...etc.) where the Short-Term Rental Unit will be advertised.
- (4) Information identifying the location and number of bedrooms to be offered for Short-Term Rental use, and the maximum number of occupants permitted within the Short-Term Rental Unit.
- (5) Information about off-street parking location, number and size of spaces, and surface of parking areas.
- (6) Contact information including:

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(a) The Applicant

(b) Owner of record of the property (if different from the Applicant)

i. if the property is owned by an LLC or other commercial entity, a list of names and contact information for anyone holding an interest in the operation LLC or corporation

(c) Emergency Contact.

The above-named individual(s) listed in the application may receive legal notices from the City pertaining to the operation and maintenance of the Short-Term Rental Unit. If the property is owned by an LLC or other commercial entity, a primary contact for all legal notices and any other notices shall be designated. All contact information shall be complete, current, and legible. The Applicant shall immediately notify the City in writing of any change in contact information for the above-named individual(s), as required in 117.05 (M).

(7) Certification through separate declaratory statements from the Property Owner, Applicant and Host (to the extent they are different individuals) that, to the best of their knowledge, the Short-Term Rental Unit is in conformance with all applicable:

(a) Building Codes

(b) Health Codes

(c) Zoning and Property Maintenance Codes

(d) Fire Codes

(e) Covenants and restrictions over the property which the Short-Term Rental Unit will be located upon.

(8) Certification through separate declaratory statements from the Property Owner, Applicant and Host (to the extent they are different individuals) that they have registered with the City of Beavercreek Finance Department, will submit any relevant forms to the City of Beavercreek Finance Department, and will pay any applicable hotel/motel and other taxes on a regular basis, the timeframe to which will be determined by the City of Beavercreek Finance Department.

(9) Confirmation that the Short-Term Rental Unit has active utilities and the property owner is current on all utility payments.

(10) Applications for a License to operate a Short-Term Rental Unit shall be accompanied by an application fee as determined by the City Manager.

(B) License Term: Each Short-Term Rental License shall be valid for a period of two (2) years from the date of issuance.

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§ 117.04 RENEWAL OF SHORT-TERM RENTAL LICENSE

(A) All Short-Term Rental Unit owners shall apply to renew their Short-Term Rental License before the expiration date of the current License.

(B) Renewal of Short-Term Rental License shall require the submission of an updated Application to operate the Short-Term Rental Unit, per the requirements of Section 117.03.

(C) A renewed Short-Term Rental License shall be valid for a period of two (2) years from the date of issuance.

§ 117.05 GENERAL LIMITATIONS

All Short-Term Rental Units shall be in compliance with all applicable federal, state and local laws and regulations and directives.

(A) Occupancy: The property owner and Host shall be responsible for ensuring that the Short-Term Rental Unit is in compliance with the following occupancy requirements:

(1) The Short-Term Rental Unit may only be occupied by one (1) party of Short-Term Rental Users at a time;

(2) The maximum renter occupancy of a Short-Term Rental Unit shall be determined by the number of bedrooms in the Short-Term Rental Unit (two adults per bedroom maximum). ;

(3) At least one Short-Term Rental User must be 25 or older at the time of booking. No Short-Term Rental User under the age of 25 may occupy a Short-Term Rental Unit without the Short-Term Rental User 25 years or older present in the unit at all times.

(B) Display of License: The Short-Term Rental License shall be prominently displayed on the front window facade of the Short-Term Rental Unit in a location clearly visible from ordinary public view during all periods of occupancy and contain:

(1) License number given by the City;

(2) Property address;

(3) Name and phone number of the Emergency Contact;

(4) License type (Owner-Occupied or Commercial);

(5) Number of bedrooms within the Short-Term Rental Unit;

(6) Occupancy limit of the Short-Term Rental Unit.

(C) Advertising: No outdoor advertising signs related to the Short-Term Rental Unit shall be allowed on the property.

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(D) **Parking:** Short-Term Rental Units shall provide adequate parking for guests on the property, compliant with the Beavercreek Zoning Code, and will not obstruct traffic with street parking. Parking of vehicles must be on a paved surface. The number of off-street parking spaces required can be reviewed in Section 158.114 of the Beavercreek Zoning Code.

(E) **Information Packet:** A packet of information shall be provided to each party of Short-Term Rental Users and shall be posted conspicuously in the common area of the Short-Term Rental Unit. The packet shall summarize guidelines and restrictions applicable to the Short-Term Rental use including:

- (1) Information on maximum occupancy of the Short-Term Rental Unit;
- (2) Applicable noise regulations (See §132.12 **DISTURBING THE PEACE**);
- (3) Location of off-street parking spaces;
- (4) Directions pertaining to the disposal of trash on the property, including the following:

(a) Trash or junk shall not be stored within public view, except within proper containers for the purpose of collection;

(b) Information about the trash collection schedule;

- (5) Contact information for the Short-Term Rental Emergency Contact;
- (6) Evacuation routes;
- (7) The Short-Term Rental User's responsibility not to trespass on private property and not to create disturbances;

(8) Notification that the Short-Term Rental User is responsible for complying with this Chapter 117 and may be cited or fined by the City for violating any provisions of this Chapter.

(F) **Uses:** A Short-Term Rental User may use a Short-Term Rental Unit for a purpose incidental to lodging or sleeping purposes, provided that the incidental use complies with rules of the property owner, requirements of this Chapter, and does not violate applicable federal, state and local laws and regulations.

(G) **Outdoor Facilities:** Short-Term Rental Units shall not be operated in accessory structures, tents or recreational vehicles.

(H) **Emergency Contact:** For all Short-Term Rental Units, there shall be an Emergency Contact. The Emergency Contact shall respond to the property within twenty-four (24) hours after receiving notice of an issue on the property.

(J) The Short-Term Rental Unit shall not adversely affect the residential character of the neighborhood or adversely affect the general public health, safety, and welfare. Short-Term Rental Units shall not be permitted on properties where private covenants and restrictions

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prohibit such activities. It shall be the responsibility of the applicant, Host, and/or property owner to ensure no such prohibitive covenants and restrictions exist prior to application.

(K) The Short-Term Rental Unit shall not generate excessive noise, trash, traffic, glare, obstructions, odors, vibration, or any other effects that unreasonably interfere with any individual's use and enjoyment of their property.

(L) All information associated with the Short-Term Rental License and registration must be updated and shared with the City of Beavercreek within seven (7) days of a change in status, including any changes in contact information for the Applicant, Host, property owner, or Emergency Contact.

(M) The premises of all Short-Term Rental Units are subject to inspection by the City on an as-needed basis to determine compliance with the regulations set forth in this Chapter 117.

§ 117.06 OWNER-OCCUPIED SHORT-TERM RENTAL STANDARDS

The additional following standards apply specifically to Owner-Occupied Short-Term Rental Units.

(A) Owner-Occupied: Owner-Occupied Short-Term Rental Units must be Owner-Occupied and must be primarily utilized as a permanent residence for the owner-occupant.

(B) Maximum size: A maximum of two (2) bedrooms in an Owner-Occupied Short-Term Rental Unit may be rented to Short-Term Rental Users. The total number of residents and Short-Term Rental Users occupying an Owner-Occupied Short-Term Rental Unit may not exceed four guests at any time.

§ 117.07 DENIAL OF SHORT-TERM RENTAL APPLICATION OR RENEWAL

A new or renewed Short-Term Rental License may be denied upon a finding that any of the following conditions are true:

(A) The Applicant failed to provide Application information or supporting materials for the Application.

(B) The Applicant, Host, or property owner has had a Short-Term Rental License suspended or revoked in the past.

(C) The Applicant, Host, and/or property owner has falsified or misrepresented a fact on the Application.

(D) The Applicant, Host, and/or property owner continued to operate or advertise a Short-Term Rental Unit without a Short-Term Rental License after being notified by the City of Beavercreek to submit a new or renewal License Application.

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(E) The Applicant, Host, property owner and/or Emergency Contact has been notified by the City of Beavercreek about an issue with the Short-Term Rental Unit property and did not address the issue in question within twenty-four (24) hours of contact, unless additional time is approved by the Planning and Development Director.

(F) The Applicant, Host, property owner, and/or Emergency Contact has obstructed, interfered with, or failed to make good faith efforts towards correcting violations of this Ordinance for any Short-Term Rental Unit in the City of Beavercreek with which they are associated.

(G) The Short-Term Rental Unit property is the subject of an outstanding order and/or violation from the City, County or other governmental agency that has not been corrected.

(H) The Short-Term Rental Unit property has been declared a public nuisance by Greene County Public Health or the City of Beavercreek;

(I) The Short-Term Rental Unit property has a documented history or pattern of criminal or drug related Emergency Service Calls and/or incidents.

(J) It is determined that private covenants and restrictions prohibit the operation of a Short-Term Rental Unit.

§ 117.08 CONFLICTS

Where a provision of this Chapter 117 conflicts with a provision of a lawful and recorded private restrictive covenant, the more restrictive provision shall apply. This provision does not place any duty on the City to enforce private restrictive covenants.

§ 117.09 SUSPENSION OF SHORT-TERM RENTAL LICENSE

The City of Beavercreek Planning and Development Director or their designee may suspend a Short-Term Rental License if the property owner fails to bring the Short-Term Rental Unit into compliance with this Chapter 117.

(A) Prohibited During Suspension:

(1) A Host, Applicant, or property owner may not operate or advertise the Short-Term Rental Unit associated with the suspended License during the suspension period.

(2) A Host, Applicant, or property owner associated with a suspended Short-Term Rental License may not apply for a new License or a License renewal for the Short-Term Rental Unit property or any other property during the suspension period.

§ 117.10 REINSTATMENT OF A SUSPENDED SHORT-TERM RENTAL LICENSE

May 23, 2023

(A) Reinstatement: The City of Beavercreek Planning and Development Director or their designee shall reinstate a suspended Short-Term Rental License once the property owner brings the Short-Term Rental Unit into compliance with the provisions of this Chapter 117 and applies for a new Short-Term Rental License. The Planning and Development Director may use their discretion when determining whether a Short-Term Rental License should be reinstated. In making such determination, the Planning and Development Director may consider the severity of prior issues at the Short-Term Rental Unit and issues related to other Short-Term Rental Units owned or operated by the Host, Applicant, property owner, or Emergency Contact.

(B) Inspections: Short-Term Rental Units with reinstated Short-Term Rental Licenses are subject to inspection by the City on an as-needed basis to determine compliance with the regulations set forth in this Chapter 117.

§ 117.11 APPEALS

(A) Right of Appeal: Any Short-Term Rental Applicant, Short-Term Rental Host or Short-Term Rental User who has been aggrieved or affected by any decision of the Planning and Development Director may appeal such decision to the Board of Zoning Appeals by filing a petition with the Planning and Development Department within 15 days from the date of the decision. Such petition shall state the facts of the case. There shall be filed with the petition a separate document stating the grounds of the appeal.

(B) Hearing: The Board of Zoning Appeals shall hold a public hearing on such appeal not later than 45 days after such appeal has been filed with the City. The Board, by an affirmative vote of a majority of its members, shall decide the matter.

§ 117.99 ENFORCEMENT AND VIOLATIONS

The City may pursue any available legal or equitable remedy for any violation of this Chapter 117 or any other City of Beavercreek Ordinance.

(A) Any individual who violates the provisions of Chapter 117, or knowingly provides false information in their application is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day a violation occurs or continues.

(B) Any or all of the following additional actions may be taken against an individual who violates any provision of this chapter:

- (1) Additional fines may be assessed;
- (2) The Short-Term Rental License may be suspended for up to 90 days; and
- (3) A Short-Term Rental License may be revoked.