

STATE OF SOUTH CAROLINA) AN ORDINANCE TO AMEND CHAPTER 156,
) ZONING CODE, OF THE MOUNT PLEASANT
) CODE OF ORDINANCES BY ADDING A NEW
) SECTION ENTITLED *SHORT TERM RENTALS*. THE
) PURPOSE OF THIS NEW SECTION IS TO DEFINE
COUNTY OF CHARLESTON) AND REGULATE THE USE OF RESIDENTIAL
) UNITS AS SHORT TERM RENTALS IN ORDER TO
) PROTECT THE INTEGRITY AND CHARACTER OF
) THE TOWN'S EXISTING NEIGHBORHOODS, AS
) WELL AS THE HEALTH AND SAFETY OF
TOWN OF MOUNT PLEASANT) OCCUPANTS OF SHORT TERM RENTAL UNITS

WHEREAS, Mount Pleasant Town Council desires to amend Chapter 156 of the Mount Pleasant Code of Ordinances by creating a new section regulating Short Term Rentals; and


WHEREAS, the Mount Pleasant Planning Commission held a public hearing on May 22, 2019, to consider the amendment herein to the Mount Pleasant Code of Ordinances; and

WHEREAS, Mount Pleasant Town Council is empowered with the authority to make amendments to the Mount Pleasant Code of Ordinances, and now believes that it is in the best interest of the Town to so act with respect to the matter described herein.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Councilmembers of the Municipality of Mount Pleasant, in Council assembled, that Chapter 156 of the Mount Pleasant Code of Ordinances *shall be and is hereby amended* by adding a new section entitled *Short Term Rentals*. The purpose of this new section is to define and regulate the use of residential units as short term rentals in order to protect the integrity and character of the Town's existing neighborhoods, as well as the health and safety of occupants of short term rental units, as specifically detailed in the attached Exhibit A.

THIS ORDINANCE SHALL BE EFFECTIVE JANUARY 1, 2020.

SIGNED, SEALED AND DELIVERED THIS 15 DAY OF August, 2019.



J.W. Haynie, Mayor
Town of Mount Pleasant

Attest:

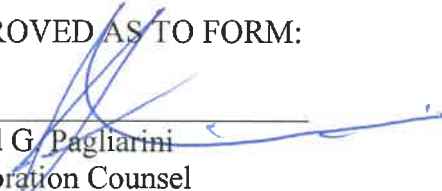


Christine Barrett
Clerk of Council

August 15, 2019
Mount Pleasant, SC

Introduced: July 9, 2019
Final Reading: August 13, 2019

APPROVED AS TO FORM:



David G. Pagliarini
Corporation Counsel

Town of Mount Pleasant Code of Ordinances
Title XV: Land Usage
CHAPTER 156: SHORT TERM RENTALS

Section

- .01 Purpose, definitions, and applicability
- .02 Application, Permit, Business License and other tax requirements
- .03 Additional requirements for short term rentals
- .04 Prohibitions
- .05 Violations, Penalties and appeals
- .06 Nonconformities

§ ---.01 PURPOSE, DEFINITIONS, AND APPLICABILITY.

(A) The purpose of this section is to regulate the use of residential units as short term rentals (STR) in order to:

- (1) Protect the integrity of the residential character of the Town's existing neighborhoods and the quality of life of its citizens;
- (2) Establish a system to track and manage the STR inventory in the Town; and
- (3) To protect the health and safety of occupants of STR units.

(B) For purposes of this Section, the term **Short-Term Rental** shall mean: (a) the rental or lease for valuable consideration of a residential dwelling unit, or portion thereof, for a duration of less than thirty (30) consecutive days. (b) Home-based Businesses and Tourist accommodations, including **HOTELS (includes Motel and Extended Stay)**, **BOUTIQUE HOTELS (includes Inn)**, and similar accommodations located on property in a commercial zoning district are not considered **SHORT TERM RENTALS**. This Code and its requirements shall apply to any and all businesses that qualified as a Bed & Breakfast under the previous Town Ordinances.

(C) *Maximum number allowed.* At no time shall the maximum number of STR dwellings exceed more than one (1%) percent of the entire number of dwelling units located within the Town of Mount Pleasant, as is reviewed and updated on an annual basis in January of every year.

§ ---.02 APPLICATION, PERMIT, BUSINESS LICENSE, AND OTHER TAX REQUIREMENTS

(A) **Short Term Rental Permit.** Each STR is required to obtain a permit and this must be renewed on an annual basis as detailed below:

- (1) **STR Permit Requirements.** The STR permit requires the following for issuance:
 - (a) the approved application; and
 - (b) the STR permit registration fees

(2) *Annual registration.* The STR ~~permit application and~~ registration fees shall be paid ~~at the time the application is submitted and must be renewed prior to October 1~~ July 1 of each year. ~~Any registration fee paid after this date as a renewal from the previous year shall be doubled. Permit renewal and Permit-associated fees not paid prior to the end of the submitted and paid by July 15 calendar year~~ will result in loss of STR permit.

(3) *Change in registered owner information.* The owner of a rental dwelling already registered with the Town shall re-register within 60 days after any change occurs in the registration information. A new owner of a registered dwelling shall be required to re-register the dwelling within 60 days of assuming ownership and submit by submitting a new ~~the~~ STR application and review fee. Upon approval, the STR permit fee will be paid.

(4) *Inaccurate or incomplete registration information.* It shall be a violation of this chapter for an owner to intentionally provide inaccurate information for the registration of rental dwellings, or to fail to provide information required by the application form.

(5) *Designation of local agent.* The owner of a rental dwelling shall designate an agent who shall be responsible for operating the rental dwelling in compliance with the law. Official notices may be served on the responsible local agent and/or the owner; however, any notice served on the agent shall be deemed to have been served upon the owner of record.

(a) Nothing shall prevent the owner of rental property from designating himself or herself as the agent.

~~(b) The agent shall be required to be able to physically respond to the site within 60 minutes in case of emergency, or need by the Town for entry into the property.~~

(6) *More than one owner or ownership by entity.* Where more than one person has an ownership interest in a STR, the required information shall be provided for each owner. In those cases, in which the owner is not a person, the information required for the applicant shall be provided for the organization owning the rental dwelling, and for the president, general manager, or other chief executive officer of the organization.

(B) Annual Application Requirements. An application must be submitted annually to the Department of Planning and Development.

(1) Information required. The STR Application shall contain the following information:

- (a) The address of the rental dwelling;
- (b) The total number of individual rental dwelling units;
- (c) The number of bedrooms in each rental dwelling unit;
- (d) The number of parking spaces provided on site for each rental dwelling;
- (e) The maximum overnight occupancy of each rental dwelling, which shall not exceed two persons per bedroom, plus two additional people per rental dwelling;

(f) The names, mailing addresses, business phone numbers, personal phone numbers, and business addresses of the owner and local agent, if handled through an outside agency;

(g) The address where the owner and/or local agent will accept notices and orders from the Town;

(h) An affidavit signed by the property owner certifying the property complies with all Town of Mount Pleasant fire and building ordinances.

(i) Certification that the owner has read applicable Town and state regulations, including, but not limited to, those regarding taxes, noise, trash, parking, alcohol, animals, litter and golf carts;

(j) Certification that the owner has prominently posted within the property a summary of applicable Town regulations, including, but not limited to, those regarding noise, trash, parking, alcohol, animals, litter, and golf carts;

(k) Certification that the owner is aware that penalties may be assessed for violations by tenants as detailed in section ---.05.

(l) Copy of General Liability Insurance.

(C) **Permit Registration Fee.** At the time of the application, the Permit Registration Fee shall be paid. These fees described below are established by Town Council and may be changed from time to time. The fee includes the following:

(1) Non-refundable application fee: ~~\$100.00~~ **\$50.00**; and

(2) Non-refundable STR permit registration fee: ~~\$400.00~~ **\$200.00**;

(D) **Business license Required.** Business licenses must be obtained and renewed annually by the submittal of a Business License Application and tax as established by the Town in Title XI: Business Regulation, Chapter 110 General Licensing. A business license will only be issued after the STR permit has been issued. The business license account number and the maximum occupancy for each STR must be prominently displayed in the rental unit, as well as in any advertisement for the rental of the unit, excluding signs posted on the rental property.

(E) **Other Taxes.** Owners of STRs are subject to local, county, and state taxes, including, but not limited to property, sales, use, and accommodations taxes, and are liable for the payment thereof as established by state law and the Town code of ordinances; and must provide proof thereof to the Zoning Administrator, or his or her designee, from previous calendar year if previously rented on a short term basis.

§ ---.03 ADDITIONAL REQUIREMENTS FOR SHORT TERM RENTALS.

(A) All owners and/or agents responsible for the leasing of STRs shall be required to keep the following: ~~for Town inspection and copying for a period of two years:~~

- (1) The name, address, and other contact information of each signatory on the rental agreement;
- (2) A document signed by the owner and/or agent responsible for renting the dwelling, certifying the number of persons intended to occupy the dwelling.
- (3) The information required by this section shall be updated by the owner and/or agent for each rental to different tenants or occupants.

(B) The owner and/or agent shall provide the following to each person signing a rental agreement as a responsible party for a STR:

- (1) The address of the STR and emergency contact numbers;
- (2) The name and contact information for the owner or designated agent; and
- (3) A copy of the Town's rules and regulations regarding noise, trash, parking, litter, maximum occupancy, and state golf cart regulations.

(C) At least one (1) additional off-street parking space shall be required for every ~~bedroom~~ dwelling rented on a short term basis.

§ ---.04 PROHIBITIONS.

(A) The use of any structure as a STR that does not meet the definition of a dwelling shall be prohibited.

(B) STRs shall be prohibited within any Zoning District or neighborhood that specifically prohibits Short-Term Rental activity.

(C) The use of any structure as a STR ~~that is either~~ defined in Section 156.007 as a multi-family dwelling ~~or located in a multi-family zoning district~~ is prohibited.

(D) The hosting of overnight events such as weddings, parties or similar gatherings, consisting of more than the maximum overnight occupancy of each rental dwelling, which shall not exceed two persons per bedroom, plus two additional people per rental dwelling, are prohibited.

§ ---.05 VIOLATIONS, PENALTIES AND APPEALS.

(A) *Violations.* It shall be a violation of this chapter to:

- (1) Operate a STR without complying with the requirements of this chapter and the Town code of ordinances;
- (2) Expand the allowable occupancy of a STR without obtaining a new permit;
- (3) Advertise, hold-out, offer, or otherwise make available, a property as being available as a STR without first complying with the requirements of this chapter; including the following:

(a) Advertise a STR as being available for more overnight occupants than have been permitted pursuant to this chapter;

(b) Advertise more STR units on a property than have been permitted pursuant to this chapter;

(c) Advertise a property as a STR, "Special Event" house or similar use for events or parties exceeding the maximum overnight occupancy of each rental dwelling.

(4) Operate a STR that has received four or more notifications of occupant or guest violations of noise, trash, or exceeding maximum occupancy during any rolling one-year period.

(a) The number of allowable notices and violations shall be reset upon a change of ownership, also requiring a new STR application and permit that results in no overlap with prior common ownership.

(b) For the purpose of determining the total number of notifications to the owner, all written warnings and violations occurring within a single rental contract period shall be considered one instance. In no case shall notifications to the owner exceed one per rental contract period.

(B) **Penalties.** No permit may be issued or approved unless the requirements of this chapter, or any ordinance adopted pursuant to it, have been met.

(C) A violation of this chapter may result in a penalty pursuant to § 10.99, *General Penalty*, revocation or suspension of a business license pursuant to §110, *Suspension or Revocation of License*, or the non-renewal of the license.

(1) STR permittee shall be subject to graduated penalties as the permittee receives notifications that an occupant or guest has received a written warning or citation for noise, trash or exceeding maximum occupancy during any rolling one-year period. For the purpose of determining the total number of notifications to the owner, all written warnings and violations occurring within a single rental contract period shall be considered one instance. In no case shall notifications to the owner exceed one per rental contract period. The permittee may respond within ten days of receiving the certified notice with evidence that demonstrates that the notice was issued in error. The graduated penalties are:

(a) **First violation:** a description of the violation committed by the tenant, and a warning that progressive action shall be taken by the Town in the case of further violations.

(b) **Second violation:** a description of the violation committed by the tenant, and a second warning that progressive action shall be taken by the Town in the case of further violations.

(c) **Third violation:** a description of the violation committed by the tenant, a penalty of \$500, and a third warning that progressive action shall be taken by the Town in the case of further violations.

(d) **Fourth violation:** a description of the violation committed by the tenant and initiation by the Town of business license revocation procedures pursuant to

§110, *Suspension or Revocation of License*, or notice that the license will not be renewed.

(D) ***Administrative Revocation.*** Notwithstanding the general penalty provisions of § 10.99, a STR permit may be administratively revoked by the Zoning Administrator or his designee if the STR has violated the provisions of this Article on three or more occasions during a rolling one-year period. Provided however, a STR permit may be immediately revoked if the Planning Director determines the STR has building code violations, there is no Business License for the property, the property is being used in a manner not consistent with the Permit issued for the STR use, or the advertisement for the STR does not include the Town-issued Permit number and Business License Number.

(E) ***Appeals.*** If a Permit is administratively revoked or an application is administratively denied, a STR owner (or authorized agent) may appeal the Zoning Administrator's administrative decision revoking or denying the Permit to the Board of Zoning Appeals within 30 calendar days from the date of the denial or revocation. All appeals shall be addressed in accordance with the appeal procedures of § 156.411, *et. seq.* of this Ordinance.

(F) ***Subsequent applications.*** Once a Town-issued Permit and/or a Business License for STR use has been revoked, no new Permit and/or Business License for a STR use shall be issued to the applicant for the same property for a period of one year from the date of revocation. Upon expiration of the revocation period, a new Permit application for a STR use must be submitted in accordance with this Article.

§ ---.06 NONCONFORMITIES.

All STR dwellings legally in existence as of the effective date of this ordinance shall be subject to the provisions of Zoning Code Section 156.132. Satisfactory documentation evidencing legal existence is subject to review and approval by the Zoning Administrator, or his or her designee.