

## ORDINANCE 2015-06

### TO BE ENTITLED: “AN ORDINANCE TO CREATE TITLE 13, CHAPTER 2 OF THE FRANKLIN MUNICIPAL CODE ESTABLISHING REGULATIONS FOR SHORT TERM VACATION RENTALS.”

**WHEREAS**, short-term rental of homes can provide a flexible housing stock that allows travelers a safe accommodation while contributing to the local economy; and

**WHEREAS**, short-term rental of homes can provide homeowners an opportunity to hold property in difficult economic circumstances or as an investment; and

**WHEREAS**, hotel taxes from short term rental of homes can be used to promote travel and tourism and to support the local tourism industry; and

**WHEREAS**, the needs of long-term residents should be balanced with the allowance of short-term rentals.

### **NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FRANKLIN BOARD OF MAYOR AND ALDERMEN, AS FOLLOWS:**

**SECTION I.** That Title 13, Chapter 2 of the City of Franklin Municipal Code is hereby created and is approved to read as follows:

Title 13 – Property Maintenance Regulations

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#### Chapter 2. **Short Term Vacation Rentals**

Sec. 13-201. **Definitions.** For purposes of this section, “Short Term Vacation Rental (STVR)” means a residential dwelling unit containing not more than four (4) sleeping rooms that is used and/or advertised for rent for transient occupancy by guests. Residential dwelling units rented to the same occupant for more than 21 continuous days, Bed and Breakfast establishments, boarding houses, hotels, and motels shall not be considered Short Term Vacation Rentals.

Sec. 13-202. **Certificate of Use and Occupancy Application Required.** No person or entity shall operate a Short Term Vacation Rental (STVR) or advertise a residential property for use as a STVR without the owner of the property first having made application to the Building and Neighborhood Services (BNS) Department to update their Certificate of Use and Occupancy.

Sec. 13-203. **Responsible Party.** The owner of the property shall be responsible for the STVR being in compliance with the Municipal Code, the Zoning Ordinance, and adopted

construction codes. The owner shall keep the City updated with the most current name, telephone number, address, and email address of the owner and of a person or business (“responsible party”) residing or located within twenty-five miles of the STVR that is responsible for addressing all maintenance and safety concerns;

Section 13-204. **Proof of Insurance Required.** Proof of insurance evidencing homeowner’s fire, hazard, and liability insurance shall be presented annually to the Building and Neighborhood Services (BNS) Department. Liability coverage shall have limits of not less than \$1,000,000 per occurrence. This coverage shall be continuous while the STVR is in operation.

Section 13-205. **Common Walls and Driveways.** If the STVR unit shares a common wall or a common driveway with another property owner, proof of written notification to such neighboring property owner(s) prior to filing the application shall be submitted to BNS.

Section 13-206. **Signage.** Signs, advertising, or any other display on the property indicating that the dwelling unit is being utilized, in whole or in part, as a STVR is prohibited per the applicable provisions of the Zoning Ordinance.

Section 13-207. **Noise and Waste.** All STVR occupants shall abide by all applicable noise restrictions contained in the Municipal Code Title 11, Chapter 4 – Offenses Against the Peace and Quiet and all applicable waste management provisions of Title 17, including Section 17-203 – Premises to be Kept Clean.

Section 13-208. **Smoke Detectors Required.** The STVR shall have approved smoke alarms meeting Underwriters Laboratory (UL) 217 standards installed as follows:

1. In all sleeping areas.
2. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.
3. In each story within the sleeping unit, including basements.

Section 13-209. **Food Service.** No food shall be prepared for or served to the transient by the owner or responsible party.

Section 13-210. **Age Requirement.** The principal renter of a STVR unit shall be at least twenty-one (21) years of age.

Section 13-211. **Maximum occupancy.** The maximum number of paying adult guests permitted on a STVR property at any one time shall not exceed more than twice the number of sleeping rooms plus four, and in no instance more than twelve (12) occupants. Simultaneous rental to more than one party under separate contracts shall not be allowed. The occupancy maximum shall be conspicuously posted within the STVR unit.

Section 13-212. **Term of Rental.** The STVR owner shall not receive any compensation

or remuneration to permit occupancy of a STVR for a period of less than twenty-four (24) hours. The maximum stay for any guest shall be twenty-one (21) consecutive days.

Section 13-213. **Contact Information Shall be Posted.** The name and telephone number of the local responsible party shall be conspicuously posted within the STVR unit. The responsible party shall answer calls twenty-four (24) hours a day, seven (7) days a week for the duration of each short term rental period to address problems associated with the STVR. The Certificate of Use and Occupancy shall also be conspicuously posted within the STVR unit.

Section 13-214. **Annual Application Required.** A STVR application shall be required every three hundred sixty-five (365) days. STVR application fees are as stated in Appendix A – Comprehensive Fees and Penalties.

Section 13-215. **Payment of Taxes Required.** The owner and/or responsible party shall be responsible for collecting and remitting all applicable room, occupancy, and sales taxes required by state law or the Municipal Code.

Section 13-216. **Complaint Administration.**

1. Upon the filing of three or more complaints (including calls to Franklin Police Department) within a calendar year regarding a STVR permit, BNS shall notify the permit holder in writing of such complaints.
2. If BNS determines that violations of this section or any other ordinance or law relating to STVRs have occurred, the right to operate a STVR may be revoked by action of the Board of Mayor and Aldermen.
3. Before the revocation action is placed on an agenda for the Board of Mayor and Aldermen, BNS shall give the responsible party fifteen days written notice of the alleged violation(s) against him/her.

**SECTION II. Severability.** In the event that any section, clause, provision, or part of this ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable full force and effect. If any part of this ordinance is found to be invalid in any one or more of its several applications, all valid applications that are severable from the invalid applications shall remain in effect.

**SECTION III. Repeal and Savings Clause.** All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the City of Franklin prior to the effective date of this ordinance.

**SECTION IV:** BE IT FINALLY ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, Tennessee, that this ordinance shall be in full force and in effect on or after the final reading, the health, safety and welfare of the citizens of Franklin, Tennessee requiring it.

Building and Neighborhood shall begin accepting STVR applications on August 1, 2015, and shall begin enforcing the provisions of this Ordinance from and after August 1, 2015.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

By: \_\_\_\_\_

Eric S. Stuckey  
City Administrator/Recorder

By: \_\_\_\_\_

Dr. Ken Moore  
Mayor of Franklin

PASSED FIRST READING

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PASSED SECOND READING

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