

AN ORDINANCE

Relative to Short-term rentals; to provide for the enactment of Chapter 28 of the Code of Ordinances; and to provide for related matters.

IT IS HEREBY ORDAINED that Chapter 28 of the Pointe Coupee Parish Code of Ordinances is hereby enacted:

Section 1

Chapter 28 – Short-term Rentals is hereby enacted to read as follows:

Sec. 28-2. Intent and purpose.

This Chapter is enacted to maintain good order and ensure the fair and equitable enforcement of the collection of taxes related to the rental of dwelling units for short-term use.

Sec. 28-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Host. Any person who is the owner of record of residential real property, or the lessee of residential real property under a written agreement for the lease of such real property, who offers that dwelling unit, or portion thereof, for short-term rental either through a hosting platform or individually.

Hosting platform. A marketplace, in whatever form or format, that facilitates short-term rental property through advertising using any medium of facilities, and the form in which the host uses the said platform to derive revenue, including booking fees or advertising revenue, from providing or maintaining the marketplace.

Contact person. An individual available 24 hours per day during the entire length of the short-term rental period who has access to the licensed premises and is authorized to make decisions regarding the licensed premises.

Owner means the person who possesses ownership of the real property containing a residential dwelling unit subject to a short-term rental, said ownership to be evidenced by sufficient legal documentation.

Resident. An individual or family member who resides in the dwelling unit. The resident can be the owner or host of the short-term rental.

Residential dwelling unit. Any home, camp, modular dwelling, or mobile home typically used for residential occupation, regardless of whether the construction thereof is subject to the Louisiana Uniform Construction Code.

Short-term rental means a residential dwelling unit for the purpose of overnight lodging for less than thirty (30) consecutive days or one (1) calendar month, whichever is less.

Sec. 28-3. Applicability.

No host or hosting platform shall use or advertise for the use of any residential dwelling unit on any parcel in the unincorporated area of the parish for short-term rental without a short-term rental permit.

Short-term rentals shall be allowed within the unincorporated area of Pointe Coupee Parish, subject to the provisions of this chapter.

Sec. 28.4. Short-term rental regulations.

- (a) The short-term rental permit shall be in the name of the owner, who shall be an owner of the real property upon which the short-term rental use is to be permitted.
- (b) Short-term rental uses shall be limited to residential dwelling units existing and constructed as of the date of application for the short-term rental permit.
- (c) Each short-term rental property, at all times, shall comply with the following standards, as well as any property standards and fire prevention standards established by state law or the Pointe Coupee Code of Ordinances while the short-term rental is occupied:

- (1) Buildings, structures, or rooms shall not be used for purposes other than those for which they were designed or intended.
 - (2) Roofs, floors, walls, foundations, ceilings, stairs, handrails, guardrails, doors, porches, all other structural components and all appurtenances thereto shall be capable of resisting any and all forces and loads to which they may be normally subjected and shall be kept in sound condition and in good repair.
 - (3) Smoke detectors, carbon monoxide detectors, and fire extinguishers shall be installed and operable on all levels or floors of the unit, and all wood-burning fireplaces and stove shall be cleaned on an annual basis.
 - (4) An operable toilet, sink, and either a bathtub or shower shall be located within the same building, and every room containing a toilet or bathtub/shower shall be completely enclosed by walls, doors, or windows that will afford sufficient privacy.
 - (5) The appropriate level of trash and recycling receptacles should be maintained so there is no overflow of trash and recycling on the property, and the permit holder shall be responsible for compliance with all disposal rules applicable to the unit.
 - (6) Maximum occupancy of the short-term rental property shall comply with the approved short-term rental permit typed, as described on the approved short-term rental application.
 - (7) There shall be posted, conspicuously in the interior of the unit, at all entrance/exit doors, a sign that shall include: the 911 address of the unit, the short-term rental permit number, and the name and telephone number of the local contact person.
 - (8) All points of ingress and egress shall be conspicuously posted.
 - (9) Each short-term rental shall have exterior 911 numbering for the unit as required for commercial structures in the Pointe Coupee Parish Code of Ordinances with a minimum height of six (6) inches, visible from the street, road or highway. If the structure is two hundred (200) or more feet from the street, road or highway, a sign with reflective numbers of the same minimum height shall be placed next to the street, road or highway.
- (e) A minimum of two (2) on-site parking spaces shall be provided for use by the short-term rental occupants. The host or contact person shall provide on-site parking for all guests, and on site parking shall be available for all vehicles of guests. This provision shall not apply to areas of the parish that are exempt from required off street parking.
 - (f) The host or contact person shall keep on file with the parish the name, telephone number, cell phone number, and e-mail address of a contact person who shall be responsible for responding to questions or concerns regarding the operation of the short-term rental. This information shall be posted in a conspicuous location within the short-term rental dwelling. The contact person shall be available twenty-four (24) hours a day to accept telephone calls.
 - (g) The host or contact person shall maintain a parish occupational license and pay all occupancy taxes required by law.
 - (h) The host or contact person shall register with the parish sales tax office and shall collect and remit hotel-motel taxes and sales taxes as applicable.
 - (i) For annual renewals, host or contact person shall also provide a rental history for the preceding permit period, showing the dates of rental.

Sec. 28-5. Short-term rental permit.

- (a) Prospective owner-applicants of a short-term rental use shall apply for a permit with the parish sales tax collector in accordance with the provisions of this chapter and on a form provided by the parish.
- (b) The application shall be accompanied by the short-term rental permit fee as provided for herein.
- (c) The application shall include the following information:
 - (1) The name, address and phone number of the applicant, and documentary proof that the applicant is the owner of the property.

- (2) The assessor's parcel number of the lot on which the short-term rental use is proposed.
 - (3) Certification that the permit will be nontransferable.
 - (4) Identification of the contact person, including name and telephone number, and a certification that the contact person is available twenty-four (24) hours a day to accept telephone calls.
 - (5) A site plan identifying the location of parking on the site and a floor plan of the interior of the unit noting the location of any bedrooms to be used for short-term rental use.
 - (6) Affidavit of the owner attesting to the accuracy of the information contained in or submitted in support of the application and a statement of understanding of the obligation to comply with the provisions of this chapter and the potential penalties for the failure to do so.
 - (7) Additional information as may be requested by the parish sales tax collector to determine impact and mitigation measures.
- (d) The permit term for all short-term rental permits shall be valid for one year, from the date of issuance, and must be renewed, annually.
- (e) The initial permit application shall require the approval of the Parish Building Official.
- (f) The permit shall contain a permit number, the date of issuance and expiration of the permit, the name of the host, and the name and telephone number of the of the contact person.
- (g) *Short-term rental permit fee:* There is hereby levied a short-term rental permit fee to off-set the administrative costs of enforcement of the provisions of this chapter. The short-term rental permit shall be as follows:
- (1) Two hundred fifty dollars (\$250.00) for an initial permit, or a permit issued after a revocation; and
 - (2) One Hundred fifty dollars (\$150.00) for the renewal of a permit.

Sec. 28-6. Violation, Penalties, Appeal.

- (a) Any violation of this chapter is subject to a civil penalty of one hundred dollars (\$100.00) per day of the violation. The failure to pay any penalty assessed or the occurrence of three or more violations during the term of the permit shall be cause to revoke a permit and/or refuse to renew a permit for the same residential dwelling unit for one year from the date of revocation or refusal to renew.
- (b) The revocation of or refusal to renew a permit shall be the decision of the parish president. The host shall be provided written notice of the action with a recitation for the basis thereof. The denial of a permit for failure to submit a full and complete permit with all required information shall not require action of the president, but shall be the decision of the parish sales tax collector, who shall provide written notice to the applicant as to the basis for the denial.
- (c) The denial of a permit application by the local sales tax collector or refusal to renew or revocation by the parish president, may be appealed as provided for herein.
- (1) The applicant/host shall provide written notice, on a form provided by the parish, to the parish president or his designee of the intent to appeal, including the basis for the appeal.
 - (2) The appeal shall be considered at a regular or special meeting of the parish council held within 45 days of the appeal.
 - (3) The parish council shall consider the basis for the appeal and may reverse only upon determination that the administrative decision lacked any factual basis.

All ordinances or parts thereof in conflict herewith are hereby repealed.

This ordinance shall take effect upon its adoption.

Should any provision of this ordinance, or the application thereof, be held invalid, such invalidity shall not affect the validity of the remaining portions of this ordinance.