

Town of Abita Springs



**MAYOR
DANIEL J. CURTIS**

INSTRUMENT 2019-008

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3
4 AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE TOWN OF ABITA SPRINGS; TO AMEND
5 SECTION 9-205 BY ADDING THERETO THE DEFINITION OF OWNER AND SHORT-TERM RENTALS
6 AND TO ADD SECTION 9-231 TO PROVIDE FOR AND REGULATE THE USE OF SHORT-TERM
7 RENTALS AND TO PROVIDE FOR RELATED MATTERS.
8

9 **WHEREAS**, the short-term rental of residential units and dwellings is an increasing segment of the
10 rental market across the country; and,
11

12 **WHEREAS**, there are numerous short-term rental listings in the Town of Abita Springs; and,
13

14 **WHEREAS**, the regulation of short-term rentals is necessary to provide minimum safety requirements
15 and for the collection of applicable taxes; and,
16

17 **WHEREAS**, the regulation of short-term rentals is necessary to protect and promote the public peace
18 and the health, safety and welfare of the citizens of the Town of Abita Springs and the occupants of
19 short-term rentals; and,
20

21 **WHEREAS**, the Board of Aldermen of the Town of Abita Springs deems these amendments appropriate
22 to protect the health, safety, and welfare of the citizens of Abita Springs; and,
23

24 **NOW, THEREFORE, BE IT ORDAINED** by the Board of Aldermen of the Town of Abita Springs, at its
25 regular session convened, that Section 9-205 of the Code of Ordinances of the Town of Abita Springs
26 shall be amended as follows, to wit:
27

28 **Amend SECTION 9-205- DEFINITIONS, to add a new definition for Owner and Short-Term**
29 **Rentals as outlined below.** The remainder of all other definitions, as set forth in Section 9-205 shall
30 remain in full force and effect following the amendment below.
31

32 **Sec. 9-205. -Definitions** – For the purpose of this chapter, the following terms, phrases, words, and
33 their derivations shall have the meaning given herein. When not inconsistent with the context, words
34 used in the present tense include the future, words in the plural number include the singular number,
35 and words in the singular number include the plural number. The word "shall" is always mandatory
36 and not merely directory.

37 *Owner* is the person who possesses ownership of the real property containing a residential dwelling
38 unit subject to a short-term rental as evidenced by a deed and proof of homestead exemption.
39

40 *Short-term Rental* is the rental of a residential dwelling unit or accessory building on a temporary
41 basis for the purpose of overnight lodging for a period of (30) thirty consecutive days or less.
42

43 **BE IT FURTHER ORDAINED** by the Board of Aldermen of the Town of Abita Springs, at its regular
44 session convened, that Section 9-231 of the Code of Ordinances of the Town of Abita Springs shall be
45 added as follows, to wit:
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47 **Amend PART 9, CHAPTER 2 – ZONING REGULATIONS, to add a new section as outlined below.**
48 The remainder of all other sections of zoning regulations, as set forth in Part 9, Section 2 Zoning
49 Regulations shall remain in full force and effect following the amendment below.
50

51 **Sec. 9-231 Short Term Rentals**
52

53 **(1) Applicability.** No person shall use or maintain, nor shall any person advertise the use of any
54 residential dwelling unit on any parcel in this town for short-term rental without a short-term
55 rental permit. Short-term rentals may only be allowed in the following districts:
56

- 57 (a) Residential District, as described in Sec. 9-215 of the Abita Springs Code of Ordinances;
- 58 (b) Brook Forest Residential District, as defined in Sec. 9-215.1 of the Abita Springs Code
59 of Ordinances;
- 60 (c) Midtown Cultural District, as described in Sec. 9-218.3 of the Abita Springs Code of
61 Ordinances; and
- 62 (d) Historic District, as described in Sec. 9-222 of the Abita Springs Code of Ordinances.
- 63 (e) Commercial Districts as defined in section 9-218, 9-218.1, and 9-218.2.
64

65 **(2) Regulations.**
66

- 67 (a) The short-term rental permit shall be in the name of the Owner, who shall be an owner of
68 the real property upon which the short-term rental use is to be permitted.
- 69 (b) The Owner shall occupy the dwelling and be present during any short-term rental
70 occupancy.
- 71 (c) One person may hold no more than one short-term rental permit, unless that person is the
72 owner of a residential dwelling unit on a parcel immediately adjacent to and sharing an
73 adjoining property line to an already permitted short-term rental, in such case that person may
74 hold two short term rental permits. The permit shall not be transferable.
- 75 (d) Short-term rentals shall not be operated outdoors or in a recreational vehicle.
- 76 (e) Short-term rentals use shall be limited to residential dwelling units existing and constructed
77 as of the date of application for the short-term rental permit.
- 78 (f) Short-term rental dwellings shall meet all applicable building, health, fire, and related safety
79 codes at all times and shall be inspected by the fire department before any short-term rental
80 activity can occur. Each bedroom shall contain a smoke detector and a carbon monoxide
81 detector.
- 82 (g) A minimum of one on-site parking space shall be provided for use per bedroom used by the
83 short-term rental occupants. Vehicles shall be parked in the designated area onsite and shall
84 not be parked on the street.

- 85 (h) The short-term rental shall appear outwardly to be a residential dwelling. No exterior
86 signage or other exterior evidence that the property is used for short-term rental is permitted.
87 (i) Use of the short-term rentals for commercial functions, ceremonies, and/or other special
88 events shall be prohibited.
89 (j) The Owner shall ensure that the occupants and/or guests of the short-term rental use do
90 not create unreasonable noise or disturbances, engage in disorderly conduct or violate
91 provisions of this code or any state law pertaining to noise, disorderly conduct, the
92 consumption of alcohol, or the use of illegal drugs or be subject to fines and penalties levied by
93 the city up to and including revocation of the short-term rental permit.
94 (k) The Owner, upon notification that occupants and/or guests of his or her short-term rental
95 use have created unreasonable noise or disturbances, engaged in disorderly conduct or
96 committed violations of this code or state law pertaining to noise, disorderly conduct, the
97 excessive consumption of alcohol or the use of illegal drugs, shall prevent a recurrence of such
98 conduct by those occupants or guests or be subject to fines and penalties levied by the Town
99 up to and including revocation of the short-term rental permit.
100 (l) The Owner shall maintain an occupational license and pay all occupancy taxes required by
101 law, including but not limited to state sales tax and hotel/motel occupancy tax.
102 (m) No food service shall be provided by the Owner or anyone on his behalf.
103

104 **(3) Permits.** Prospective owner-applicants of a short-term rental use shall apply for an annual
105 permit with the planning director in accordance with the provisions of this Section and on a
106 form provided by the Town. A Short-term Rental Permit is a privilege, not a right, and may be
107 revoked or not renewed based on non-compliance with the requirements provided herein.
108

109 (a) The application shall be accompanied by the short-term rental permit fee as set forth herein
110 to cover the administrative costs of issuing a short-term rental permit and, but not limited to,
111 inspecting the following information:
112

- 113 (1) The name, address, and phone number of the applicant, and verification that the
114 applicant is the Owner of the property, including proof of homestead exemption;
- 115 (2) The assessor's parcel number of the lot on which the short-term rental use is proposed;
- 116 (3) A site and floor plan identifying the location of parking on the site and the location of any
117 bedrooms to be used for short-term rental use;
- 118 (4) Evidence that the property has current, valid liability insurance of \$500,000.00 or more
119 with proof that such coverage includes use as a short-term rental property; and
- 120 (5) Acknowledgment of compliance with all regulations pertaining to the operation of a
121 short-term rental.
122

123 (b) The permit term for all short-term rental permits shall run from January 15 to January 14
124 of each year, regardless of when issued. All permits must be renewed annually.

125 (c) There shall be no more than fifty (50) short-term rental permits issued by the Town
126 annually.

127 (d) The annual permit fee for a short-term rental permit shall be \$250.00.

128 (e) Any fraud, material misrepresentations, or false statements contained in the attestations,
129 required documentation, or correlating application materials shall be grounds for immediate
130 revocation of a short-term rental permit. Furthermore, all requirements herein shall be
131 continuously maintained throughout the duration of the permit.
132

133 **(4) Violations.** Any violation of this Section and the correlating provisions in this chapter may
134 subject a violator to any remedy, legal or equitable, available to the town. Violations include but
135 are not limited to: advertisement or rental of a short-term rental without proper permitting,
136 operation outside the scope of any of the applicable short-term rental regulations provided by law
137 and advertising a short-term rental outside the permitted scope of a short-term rental permit. The
138 Planning Director may suspend, revoke or not renew any permit issued pursuant to this Section if
139 the Planning Director determines that the permit holder has violated any provision of this Section,
140 two (2) or more times. Remedies include but are not limited to: revocation of a short-term rental
141 permit, daily fines, and property liens, as more fully provided in Section 9-228 of this Chapter.
142 Each day of violation shall be considered a separate offense. Nothing contained herein shall be
143 construed to limit the legal remedies available to any other person for the correction of violations
144 of this Section.

145 **BE IT FURTHER ORDAINED** that all other sections of Chapter 2 shall remain the same and in full force.
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148 **BE IT FURTHER ORDAINED** that if any provision of this Section shall be held to be invalid, such
149 invalidity shall not affect other provisions herein which can be given effect without the invalid
150 provision and to this end the provisions of this ordinance are hereby declared to be severable.
151

152 **BE IT FURTHER ORDAINED**, that the Clerk of this Board be, and she is hereby authorized and
153 empowered to take any and all actions which she, in the exercise of her discretion, deems necessary to
154 promulgate the provisions of this ordinance.
155

156 Introduced on a motion of Alderman _____, seconded by Alderman _____ on the ____
157 day of _____ 2019. Adopted on motion of Alderman _____ and seconded by Alderman _____ on the
158 ____ day of _____ 2019. The vote was:
159

160 AYES:

161 NAYS:

162 ABSTENTIONS:

163 ABSENT:
164
165

166

167

168

Janet Dufrene, Town Clerk

Honorable Daniel J. Curtis, Mayor