

## ORDINANCE NO. 6

**AN ORDINANCE OF THE MAYOR AND BOARD OF TRUSTEES OF THE TOWN OF HOCHATOWN, OKLAHOMA, AMENDING TITLE 4 "BUSINESS AND LICENSE REGULATIONS" BY ADDING CHAPTER 6 "SHORT-TERM RENTAL", PROVIDING FOR DEFINITIONS; PROVIDING FOR THE REQUIREMENT OF A LICENSE; PROVIDING FOR AN APPLICATION PROCESS; PROVIDING FOR SHORT TERM RENTAL REGISTRATION AND ANNUAL LICENSE FEES; PROVIDING FOR A SELF-CERTIFICATION PROCESS; PROVIDING FOR OPERATOR RESPONSIBILITIES; PROVIDING FOR REVOCATION; PROVIDING FOR WAIVER OF INITIAL REGISTRATION FEE; PROVIDING FOR A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the Town Trustees find that there are many dwelling units that provide temporary lodging with the Town; and

**WHEREAS**, the Town Trustees find that it is in the best interest of the Town to establish a short-term rental policy that allows for registration of each short-term rental to provide the Town with adequate contact information for emergencies and violations in order to preserve and enhance residential and community areas; and

**WHEREAS**, the Town Trustees have determined that it is necessary to adopt fees for the purpose of managing the short-term rental registrations within the Town; and

**WHEREAS**, the Board of Trustees of Town of Hochatown ("Town Trustees") have investigated and determined that it would be advantageous, beneficial and in the best interest of the citizens of the Town of Hochatown ("Town") to amend Title 4 "Business and License Regulations" of the Town's Code of Ordinances by adding Chapter 6 "Short-Term Rental".

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HOCHATOWN, MCCURTAIN COUNTY, STATE OF OKLAHOMA:**

### **SECTION 1. FINDINGS**

The findings set forth above are incorporated as if fully set forth herein.

### **SECTION 2. AMENDMENT**

Title 4 "Business and License Regulations" of the Town's Code of Ordinances is hereby amended by adding Chapter 6 "Short-Term Rental" attached hereto as **Exhibit "A"** and incorporated as if set forth herein.

### **SECTION 3. WAIVER OF INITIAL REGISTRATION FEE**

Any dwelling unit in operation as a short-term rental prior to the effective of this Ordinance may have the initial registration fee of three hundred dollars (\$300.00) waived if initial registration is completed by July 1, 2024 and no lodging taxes owed under Title 3 Chapter 3 "Town of Hochatown Lodging Tax Ordinance" are past due.

**SECTION 4. PENALTY**

Any person, firm or corporation who violates any provision of this chapter or any law or code adopted by reference in this chapter is guilty of an offense, and upon conviction thereof, shall be punished as provided in section 1-4-1 of the Town's Code of Ordinances.

**SECTION 5. SEVERABILITY**

It is hereby declared the intention of the Town Trustees that if any section, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or otherwise illegal by the valid judgment or decree of any court of competent jurisdiction, such event shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this, since the same would have been enacted by the Town Trustees without such unconstitutional or illegal phrase, clause, sentence, paragraph or section.

**SECTION 6. EFFECTIVE DATE**

This ordinance shall become effective upon publication as required by the State of Oklahoma. Dwelling units in operation as short-term rental prior to the effective date may continue to operate as long as short-term rental license is obtained hereunder. License must be obtained by July 1, 2024 to avoid violation of this Ordinance.

**PASSED AND APPROVED** by the Town Trustees of the Town of Hochatown, Oklahoma this the 12th day of March, 2024.

  
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Dian Jordan, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Helen Harden, Town Clerk



**EXHIBIT "A"**  
**Amendment to Add Chapter 6**

**CHAPTER 6**  
**SHORT-TERM RENTAL**

**Section 4-6-1: Definitions.**

A. Short-term rental defined.

1. Short-Term Rental (principal use). A dwelling unit which is not the primary residence of a household, in which temporary lodging in all or part of the dwelling unit is offered for compensation.
2. Short-Term Rental (accessory use). A dwelling unit which is the primary residence of a household, in which temporary lodging in all or part of the dwelling unit is offered for compensation.

B. Other definitions.

1. Dwelling unit. Any building or portion thereof, which is designed or used as living quarters for one (1) or more households including facilities for food preparation and sleeping.
2. Household. A domestic unit that resides in and shares in common a single dwelling unit and consists of one (1) or more individuals related by blood, marriage, adoption or recognized legal union or guardianship, and not more than four (4) unrelated individuals, plus any minor children, or persons residing in a household care facility.
3. Emergency contact person. A point of contact must be indicated as an emergency contact person on the license application as authorized by the Owner to be contacted by the Town regarding emergencies or violations by the short-term rental property or the guests.
4. Operator. A person or entity that offers a dwelling unit or portion thereof for rent as a short-term rental. An Operator may be owner of, or person authorized by the owner of the dwelling unit as indicated on the license application.
5. Temporary lodging. Rental of a dwelling unit for a period of less than thirty (30) consecutive days, where rents are charged by the day or by the week.

### **Section 4-6-2: License required.**

- A. No dwelling unit or portion thereof shall be rented, advertised or offered for rent as a short-term rental unless the Town has first issued a short-term rental license to the Operator.
- B. A short-term rental license shall expire July 1 of each year. The license shall be renewed annually by submitting an updated application and annual license fee by the July 1 deadline. A late fee as outlined in Section 4-6-4(C) shall apply if said license is not renewed by the July 1 deadline.
- C. A short-term rental license is granted to a specific Owner for a specific dwelling unit or portion thereof and the license shall not be sold or otherwise transferred. A new short-term rental license is required when the dwelling unit is sold or conveyed or when the Owner ceases to have a legal right to occupy the dwelling unit. Any current licensee who sells or conveys a licensed property shall notify the Town of the new **owner's name and contact information**.
- D. A short-term rental license is not required for operation of a "bed and breakfast," which is a separate use category in the Town of Hochatown zoning code.

### **Section 4-6-3: Application required.**

The license application for a short-term rental license, which shall be submitted annually, shall be on a form to be supplied by the Town of Hochatown, or designated agent, and shall contain, at a minimum, the following information:

- A. Information about the dwelling unit:
  - 1. Address.
  - 2. Legal description.
  - 3. Total number of bedrooms and the maximum number of guests allowed.
  - 4. Type of Short-Term Rental (principal use or accessory use).
- B. Information about the Operator of the short-term rental:
  - 1. Name, address, phone number and email address of the Operator of the short-term rental.
  - 2. Name, address, phone number and email address of the owner of the dwelling unit.
  - 3. Written consent to the license by the owner of the dwelling unit, if the Operator is not the owner.
- C. Information about the emergency contact person:
  - 1. Name, address, phone number and email address of the emergency contact person.

- D. Information regarding the website address for any and all platforms or advertisements in which the property will be offered for rent.
- E. The Operator and the owner of the dwelling unit shall acknowledge in writing that the short-term rental is subject to all short-term rental regulations and policies of the Town of Hochatown.

**Section 4-6-4: Fees.**

- A. Initial Registration Fee. At the time of an initial license application for a short-term rental license, an Operator shall also pay the Town an initial registration fee of \$300.00 (\$300.00). The registration fee is intended to provide funding to defray costs associated with monitoring or compliance with Town ordinances governing short-term rental license, short-term rental use and nuisances.
- B. Annual Renewal Application and Fee. An annual renewal application and fee of one hundred (\$100.00) shall be due on or before July 1, 2024 and each following year on or before July 1.
- C. A late fee in the amount of Two Hundred Fifty Dollars (\$250.00) per month shall be incurred if a property is not registered or if an annual license fee is not submitted by the July 1 deadline.
- D. The license application with either the initial registration fee or annual license fee, as applicable, for a short-term rental license shall be filed with the Town of Hochatown, or designated agent.

**Section 4-6-5: Inspection and Self-Certification.**

The Operator may request to self-certify when submitting an application and must be current on lodging taxes to qualify. Self-certification will include completion of an approved checklist and attestation that there are no known violations of current building codes, fire codes, and all other applicable laws.

**Section 4-6-6: Operator's responsibilities.**

- A. The Operator shall display the short-term rental license within the premises near the main entry in a noticeable location so that the license may be readily seen at any time by a person entering the premises.
- B. The Operator shall cause the emergency contact person to be available to be contacted by the Town at all times, twenty-four (24) hours per day, seven days per week. Failure of the emergency contact person to be available at all times for contact by the Town constitutes an instance of non-compliance as described in Section 4-6-

7. When the emergency contact person is notified by the Town by phone that an emergency exists or that occupants or guests at a short-term rental are violating Town ordinances or policies, the emergency contact person shall communicate with the Operator within the hour, and the Operator shall immediately commence remedial action and cause the violation(s) to be remedied.
- C. The Operator of a short-term rental must update information in the Town's license records throughout the year regarding (1) the websites on which the short-term rental is offered for rent and (2) the name, address, phone number and email address of the emergency contact person.
- D. The maximum number of motor vehicles at the short-term rental shall be limited to the number of available off-street parking spaces. Parking on the street shall be prohibited.
- E. The Operator shall ensure that the short-term rental is in compliance with applicable building codes, fire codes, and all other applicable laws.
- F. The Operator shall cause the short-term rental to comply with the laws of the State of Oklahoma, federal laws and regulations, and the ordinances and policies of the Town of Hochatown, including but not limited to Hochatown Ordinances Title 5 Chapter 3 "Nuisances", Title 20 "Zoning Ordinance", and Title 3 Chapter 3 "Town of Hochatown Lodging Tax Ordinance".

#### **Section 4-6-7: Revocation.**

A short-term rental license shall be subject to revocation by the duly authorized officer upon the occurrence during twelve consecutive months of three (3) or more instances of non-compliance by the Operator of the short term rental with any ordinance or policy of the Town of Hochatown, including, but not limited to, Hochatown Ordinances Title 5 Chapter 3 "Nuisances", Title 20 "Zoning Ordinance", and Title 3 Chapter 3 "Town of Hochatown Lodging Tax Ordinance." The duly authorized officer shall mean the Mayor or the Mayor's authorized representative. The duly authorized officer shall give notice of each instance of non-compliance by personal service on or by mail to the Owner at the address given on the application or license.

Notwithstanding the above, the short-term rental license may be subject to immediate revocation if the short-term rental is operated in violation of the laws of the State of Oklahoma or in violation of any federal law or regulation.

The duly authorized officer shall give, by personal service or by mail to the Owner at the address given on the application or license, notice of the revocation of the license. Such license shall stand revoked from the time of giving of the notice. The Owner may appeal to the Board of Trustees from such decision within ten days after the giving of the notice, by filing a written notice of appeal with the Town Clerk.

Upon the timely filing of a notice of appeal, a hearing shall be held by the Board of Trustees at its next regular meeting pursuant to any applicable publication and/or agenda posting deadlines. Upon a preponderance of the evidence, the Board may affirm, modify or vacate the order of revocation.

**Section 4-6-8: Penalty.**

Any person, firm or corporation who violates any provision of this chapter or any law or code adopted by reference in this chapter is guilty of an offense, and upon conviction thereof, shall be punished as provided in section 1-4-1 of this Code.