

ORDINANCE

AN ORDINANCE TO AMEND THE CITY CODE OF ORDINANCES BY AMENDING CHAPTER 10 – BUSINESSES BY ADDING ARTICLE VI “SHORT-TERM RENTALS” AND VARIOUS PROVISIONS RELATING THERETO

WHEREAS, the City of Simpsonville has an existing Code of Ordinances; and

WHEREAS, the City of Simpsonville finds there exists within the City from time to time, residential dwelling units that are offered for rent for the purpose of vacation or other short-term stays of less than thirty (30) days; and

WHEREAS, the City of Simpsonville finds it desirable and appropriate to regulate short-term rentals operating within the city limits; and

WHEREAS, the Mayor and Council believe that it is advisable to establish a process by which licenses and permits may be obtained for the establishment of short-term rentals and to adopt regulations with regard thereto; and

WHEREAS, the Mayor and City Council have reviewed the proposed amendment and have determined that it is in the best interest of the City to adopt it.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SIMPSONVILLE, SOUTH CAROLINA, AS FOLLOWS:

Section 1: That the Code of Ordinances, Chapter 10, Businesses, be amended by adding a new article, Article VI, " Short-term Rentals," which article shall read as follows:

ARTICLE VI. – SHORT-TERM RENTALS

Sec. 10-291. - Purpose and applicability of article.

These standards shall apply to "unhosted" short-term rentals where the homeowner vacates the property during the rental period. "Hosted" short-term rentals where the homeowner resides at the property during the rental period shall only be permissible as a bed and breakfast inn, where permitted, and shall be subject to the standards in Section 3.2.1, Bed and Breakfast Inn, of the Simpsonville Zoning Ordinance.

It is the purpose of this Article to: (1) protect the public health, safety and general welfare of individuals and the community at large; (2) monitor and provide reasonable means for citizens to mitigate impacts created by occupancy of short-term rentals; and (3) implement reasonable regulations to protect the integrity of neighborhoods.

Sec. 10-292. - Definitions.

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

Administrator means the city administrator or city personnel designated by the city administrator to enforce this article.

Adult means any person at least twenty-one (21) years in age.

Short-term Rental means an accommodation for transient guests where, in exchange for compensation, a residential dwelling unit, or any portion thereof, is provided for lodging for a period of less than thirty (30) days.

Short-term Rental Agent means the owner(s), or designee, of the short-term rental property that is over the age of twenty-one years and resides within a fifteen-mile radius of the property.

Sec. 10-293. – Penalty

Unless specified elsewhere, any person violating any provision of this article shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with Sec. 1-9 of this Code of Ordinances. Each day any violation of this article shall continue shall constitute a separate offense.

Sec. 10-294. – Permit required.

- (a) It shall be unlawful for any person to create, establish, operate or otherwise be engaged in the business of running a short-term rental, in the city, unless he shall hold a currently valid permit issued under the terms of this article.
- (b) Permits shall be issued only to persons with a valid business license subject to the provisions of Chapter 10 of Article 2 of the Code of Ordinances.

Sec. 10-295. – Application for permit; fee.

- (a) Application for the permit required by this article shall be made with the city in a form deemed appropriate by the city administrator. Such application shall include, but not be limited to, the following information:
 - (1) Name, home address and telephone number of the short-term rental property owner.

- (2) Name, address, and twenty-four-hour contact information, including a telephone number and an e-mail address, of the short-term rental agent.
- (3) Copy of a deed proving owner(s)' current ownership of the short-term rental property. Where a property might be owner-financed, bond for title, lease to purchase or similar arrangement, a notarized statement or similar documentation that confirms the arrangement of the property transaction will be acceptable.
- (4) Number of bedrooms of the short-term rental property.
- (5) The owner(s)' signature of sworn acknowledgement that he or she has received a copy of the City of Simpsonville's short-term rental regulations, has reviewed it, and understands its requirements.
- (6) An owner(s)' agreement to use his or her best efforts to ensure that use of the premises by short-term rental occupants will not disrupt the neighborhood and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties.
- (7) Proof of property and liability insurance, including any prerequisite short-term rental rider, along with an acknowledgement that property owners are responsible for their own safety and insurance needs, as well as the safety and sanitation of their tenants. By providing a permit and licenses allowing property owners to conduct short-term rentals of their dwelling, the City of Simpsonville does not assume responsibility for safety or any other liability related to rental activities.
- (8) A written certification from the short-term rental agent that he or she agrees to perform the duties specified in the City of Simpsonville's short-term rental regulations.
- (9) A written certification of the short-term rental agent that for properties located in a neighborhood with an HOA that the covenants and by laws of the neighborhood permit short term rentals.
- (10) Agreement to provide access to appropriate City personnel to inspect the short-term rental as may be necessary for the enforcement of the provisions of this Ordinance.
- (11) A written agreement, which shall consist of the form of the document to be executed between the owner(s) and the occupant(s) and which shall, at a minimum, contain the following provisions:
 - a. The occupant(s)' agreement to abide by all of the City of Simpsonville's short-term rental regulations, and applicable local, state and federal laws, as well as acknowledgement that his or her rights under the agreement may not be transferred or assigned to anyone else.

- b. Owner(s)' acknowledgement that the occupant(s) has been provided a written copy of the City of Simpsonville's noise ordinance.
 - c. The owner(s)' and occupant(s)' acknowledgement and agreement that parking shall be maintained pursuant to the minimum parking provisions according to Article 4.5 of the City of Simpsonville Zoning Ordinance while the property is being used as a short-term rental.
 - d. The occupant(s)' acknowledgement and agreement that they shall conform to the regulations stated in the current version of the technical codes adopted by the City pursuant to Article II of the Simpsonville Code of Ordinances. In addition to these regulations, there shall not be more than two (2) adults per bedroom.
 - e. Owner(s)' acknowledgement that the occupant(s) has been provided a written copy of the City of Simpsonville Public Works Department's requirements concerning trash disposal and that the occupant(s) has agreed to comply with such requirements.
 - f. The occupant(s)' acknowledgement and agreement that violation of the agreement of the City of Simpsonville's short-term rental regulations may result in immediate termination of the agreement and eviction from the short-term rental by the owner(s) or the short-term rental agent, as well as the potential liability for payments of fines levied by the City of Simpsonville.
- (b) Application Fee and Permit Deadline. The application fee for short-term rentals shall be \$250.00, as it may be amended from time to time by the City's annual fee schedule. An application fee shall not be required for short-term rentals operating as of the date this ordinance is enacted except for short-term rentals found to be operating without a permit within the 120-day grace period established herein. Short-term rentals operating as of the date this ordinance is enacted shall obtain a city permit within 120 days of enactment of this ordinance. Short-term rentals that are found to be operating after this 120-day period without a permit, shall pay an application fee of \$250.00.

Sec. 10-296. – Form and conditions of permit.

The permit required by this article shall be issued on a form deemed suitable by the administrator. In addition to naming the permittee and any other information deemed appropriate by the administrator, the permit shall contain the following conditions:

- (a) Once issued by the City of Simpsonville, the short-term rental permit and business license may not be transferred, assigned, or used by any person other than the property owner to whom it is issued at the location specified.
- (b) The short-term rental permit and business license shall be renewed annually subject to the deadline for business license renewals.
- (c) Owners of short-term rental properties 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 and local laws.

Sec. 10-297. – Short-term Rental Agent.

The owner(s) of a short-term rental property shall designate a short-term rental agent on their application for a permit. The owner(s) may serve as the short-term rental agent provided that they meet the location and age requirements herein.

- (a) The short-term rental agent shall reside within a twelve-mile radius of the property.
- (b) The short-term rental agent shall be over the age of twenty-one years.
- (c) The short-term rental agent shall be responsible for the care and maintenance of the residence. This agent shall routinely monitor and inspect the premises for compliance with applicable City laws.
- (d) Service upon the short-term rental agent of any notice or summons from the City shall constitute service upon the owner or record.
- (e) The short-term rental agent shall be responsible for receiving and responding to notifications from the City of Simpsonville for issues related to the short-term rental use or occupancy of the premises. Such issues may include, but are not limited to, notification of overcrowding, unreasonable noise or disturbances, disorderly conduct, or violations of the City's laws. This is not intended to impose a duty on the agent to act as a peace officer or otherwise require the agent to place him or herself in a perilous situation.
- (f) The owner(s) may change their designation of a short-term rental agent temporarily or permanently; however, there shall always be one such agent and only one such agent for a property at a given time. To change the designated agent, the owner(s) shall notify the City of Simpsonville Planning Department of the new agent's identity in writing within seven calendar days of such a change, together with all applicable information and documentation required herein. Until such time as the notification of a change in short-term rental agent has been received by the City of Simpsonville, the previous short-term rental agent shall remain responsible for the duties outlined in this section.

Sec. 10-298. – Denial, Suspension, retraction of permit.

- (a) Grounds for denial, suspension, retraction or revocation. The city administrator, or his designee may deny, retract, revoke or suspend a permit issued under this article at any time for any business authorized in the city if it is found that:
 - (1) The permittee's business license has been revoked, suspended, or is lapsed, in which case the permit issued pursuant to this article is automatically and immediately revoked.
 - (2) The permittee does not have insurance in force which is correct and effective as described in Sec. 10-295(a)(6).
 - (3) The permittee has failed to correct violations of this article or conditions of the permit upon receipt of the administrator's notice of the violation delivered in writing to the permittee.

- (4) The permittee has failed to take positive actions to prohibit violations from reoccurring.
 - (5) The permittee has accumulated three code violation convictions for a short-term rental property within a period of twelve months, in which in which case the permit issued pursuant to this article is automatically suspended for a period of twelve months and any pending licenses or applications shall be rejected at that location for a period of twelve months.
- (b) Notice of denial or revocation. Except in the case of revocation pursuant to Sec. 10-298(a)(1), upon suspension, denial or revocation, the administrator shall give notice of such action to the applicant or the permittee, in writing, stating the action which has been taken and the reason therefor. The action shall be effective upon giving such notice to the permittee.
- (c) Appeals. The permittee or applicant shall have the right to appeal the decision of the City Administrator within five working days from receipt of notice. An appeal does not stay the denial, suspension, or revocation of the permit. The hearing shall be held within thirty days from the date of notice of the request at a regular or special called meeting of city council. The permittee or applicant may be represented by an attorney and may present witnesses, affidavits and any relevant documentary evidence. Formal rules of evidence shall not apply. The city council administrator shall notify the permittee or applicant of its determination in writing and the decision shall be the final decision of the City. The city administrator shall have the discretion to designate the hearing to an experienced hearing officer.

Section 2. Authorization. The Mayor, the City Administrator, and the City Clerk, for and on behalf of the City, acting jointly or individually, are fully empowered and authorized to take such further action as may be reasonably necessary to effect the amendments authorized by this Ordinance in accordance with the conditions herein set forth.

Section 3. Severability. The provisions of this Ordinance are hereby declared to be severable and if any section , phrase or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

Section 4. Repeal of Conflicting Ordinance. All ordinances, orders, resolutions and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its passage and approval.

Section 5. Effective Date of the Ordinance. This ordinance shall become effective upon final approval by Council after second reading and signing by the Mayor.

DONE in Regular Meeting duly assembled this ____ day of _____ 2025.

SIGNATURE OF MAYOR:

Paul D. Shewmaker

ATTEST:

Ashley Clark
City Clerk

APPROVED AS TO FORM:

Daniel Hughes
City Attorney