

ORDINANCE NO.

AN ORDINANCE TO ENACT AN ORDINANCE TO PROVIDE FOR SHORT-TERM RENTAL UNITS, TO SET FORTH REQUIREMENTS TO INCLUDE A LICENSE AND FEE, AND A PENALTY FOR VIOLATIONS; TO PROVIDE FOR AN EFFECTIVE DATE, AND TO REPEAL ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HENDERSON, NEBRASKA:

Section 1. Title XI - Business Regulations shall be amended to enact the following ordinance for placement in Title XI.

Section 2. Short-Term Rental Units.

This ordinance is adopted pursuant to Neb. Rev. Stat. sec. 18-1758 (Reissue 2022). The City adopts all definitions set forth in the statute and this ordinance is subject to the provisions and requirements of sec. 18-1758.

Section 3. Purpose and Findings.

The City Council is aware that properties in the City are being used as short-term rental units, and that it is important to regulate such properties to ensure that the properties maintain proper health and sanitation, comply with applicable fire and building codes, prevent excessive noise and not engage in behavior that is offensive to surrounding properties. The purpose of this ordinance is to protect the public's health and safety, and the ordinance is necessary to ensure such protection.

Section 4. Short-Term Rental Units; Requirements; License Fee; Prohibited Conduct; Penalty for Violations.

1. Beginning _____, 2024 it shall be unlawful for any person to make available or advertise a short-term rental unit for rent or lease within the corporate limits of the City of Henderson unless such person holds a valid license therefore.
2. Any owner or manager of a short-term rental unit is required to submit an application for a license to the City Clerk and to obtain a license from the Clerk.
3. A fee of \$100.00 shall be paid to the Clerk at the time the Application is submitted and annually thereafter in January.
4. It shall be unlawful to rent or advertise a short-term rental unit to be occupied by more than the number of persons calculated as the total number of sleeping areas on the licensed premises multiplied by two, up to a maximum of twelve (12) persons.

5. The Application shall state the following information:
 - a. The name and address of the property owner and any manager of the short-term rental unit.
 - b. The address of the short-term rental unit.
 - c. The name, address and telephone number of any person who may be contacted immediately in case of an emergency or other issues that may arise with the short-term rental unit.

6. The applicant shall certify to the Clerk that the short-term rental unit meets the following minimum safety and welfare standards, and the unit shall comply with such standards at all times:
 - a. The unit shall be located in a primary residential structure.
 - b. The unit may not consist of a portion of a multi-family dwelling unit to mean a portion of a duplex, townhouse or single-family attached unit.
 - c. The property may not be used to hold or conduct parties or large gatherings.
 - d. The unit may not be used to conduct any illegal activity in violation of any state or federal law, or city ordinance.
 - e. The property must be properly maintained to include the exterior structure and grounds.
 - f. The property must comply with all applicable fire, building, health and sanitation codes.
 - g. The property must comply with all applicable zoning laws.
 - h. Excessive noise and loud music is prohibited.

Section 5. Violations; Penalty.

Any person who violates any of the provisions of this ordinance shall be subject to a fine of up to \$100. Each day that a violation of this ordinance exists shall constitute a separate offense. Any violation of this Ordinance may also result in the suspension and/or revocation of the license by the City Council. A violation of the ordinance may be referred

to the City Council, and written notice of the violation and the hearing to be held before the Council shall be provided to the owner and/or manager at least 10 days prior to the hearing. Upon finding a violation of this ordinance after hearing, the Council shall have the authority to revoke and/or suspend the license.

Section 6. This Ordinance shall be in full force and effect from its passage, approval and publication as required by law.

PASSED AND APPROVED by the Henderson City Council this _____ day of _____, 2024.

Corbin Tessman, Mayor

ATTEST:

Connie Brown, Henderson City Clerk

<F:\NET\NODE3\CHARLIE\HENDERSON\ORDINANCES\ShortTermRentalsORD.wpd>