

ORDINANCE NO. 2021-12

AN ORDINANCE OF THE TOWN OF LUTHER, OKLAHOMA, ADDING ARTICLE G. "SHORT-TERM RENTALS," TO THE LUTHER CODE OF ORDINANCES, AND SPECIFICALLY ADDING SECTION 12-260, "DEFINITIONS;" ADDING SECTION 12-261, "PERMITTED DISTRICTS," WHICH IDENTIFIES THE DISTRICTS THAT ALLOW SHORT-TERM RENTALS; ADDING SECTION 12-262, "LICENSE REQUIRED; COMPLIANCE WITH APPLICABLE CODES," WHICH REQUIRES A LICENSE AND COMPLIANCE WITH TOWN OF LUTHER CODES; ADDING SECTION 12-263, "APPLICATION FORM AND PROCESS;" ADDING SECTION 12-264, "SUSPENSION, REVOCATION, NOTICE, HEARING AND COMPLAINT PROCESS;" ADDING SECTION 12-265, "APPLICABILITY OF COVENANTS AND DEED RESTRICTIONS; ADDING SECTION 12-266, "PENALTY;" REPEALING ALL PRIOR ORDINANCES TO THE CONTRARY; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE TRUSTEES OF THE TOWN OF LUTHER, AS FOLLOWS:

SECTION I. Section 12-260 of the Code of Ordinances of the Town of Luther, Oklahoma, is hereby added to read as follows:

SECTION 12-260

DEFINITIONS

The following words, terms and phrases, when used in this Article, shall have the meanings set forth in this Section, except where the context clearly indicates a different meaning:

Residential short-term rental means any dwelling, portion thereof, or habitable accessory structure, for rent for a temporary period of time up to 30 consecutive days per guest within a 90-day period.

Guest means a person who rents or occupies with others a residential short-term rental.

Rent means all payments, except deposit and damages, to be made to the owner/operator of a residential short-term rental property for the temporary occupancy of such dwelling.

SECTION II. Section 12-261 of the Code of Ordinances of the Town of Luther, Oklahoma, is hereby added to read as follows:

SECTION 12-261

PERMITTED DISTRICTS

Residential short-term rentals are allowed in the following districts: R-1, R-2, R-3, R-4, B, DM, A-1 and A-2.

SECTION III. Section 12-262 of the Code of Ordinances of the Town of Luther, Oklahoma, is hereby added to read as follows:

SECTION 12-262

**LICENSE REQUIRED; COMPLIANCE WITH
APPLICABLE CODES**

- A. No person shall manage or operate a residential short-term rental without an annual license.
- B. Licenses for residential short-term rentals shall expire on January 31 each year or immediately upon change of ownership. Licenses may be renewed on an annual basis upon filing a renewal application with the Town Clerk. Initial licensing of the residential short-term rental shall be a fee of \$50.00. The annual renewal fee shall be \$50.00.
- C. No license shall be issued or renewed until the applicant produces sales tax permits issued by the State of Oklahoma or evidence that such collection is done by a third-party rental agent.
- D. No license shall be issued or renewed wherein taxes levied pursuant to the Luther Code of Ordinances or if the operator of the property or if the property is in violation of any section of the Luther Code of Ordinances. No renewal shall be issued for a property deemed to be in violation of the Luther Code of Ordinances.
- E. No person shall offer or engage in residential short-term rentals in or on any part of the property not approved for residential occupancy, including, but not limited to, a vehicle parked on the property, a storage shed, trailer or garage or any temporary structure such as a tent.
- F. No person shall offer or engage in residential short-term rental without complying with applicable building or fire codes.

SECTION IV. Section 12-263 of the Code of Ordinances of the Town of Luther, Oklahoma, is hereby added to read as follows:

SECTION 12-263

APPLICATION FORM AND PROCESS

- A. An application for a residential short-term rental license shall be filed with the Town Clerk on a form furnished by the Town Clerk, which shall contain the following information:
 - 1. The name, mailing address, and telephone number of the property owner and the street address of the subject property;
 - 2. The number of bedrooms being offered for rent;
 - 3. Verification that the dwelling has working smoke detectors as required by Town Codes, a working carbon monoxide detector and a functioning fire extinguisher. This requirement is met by submitting a signed and notarized affidavit form provided by the Town Clerk and attaching a floorplan that depicts the location of rooms provided for rent, smoke detectors, carbon monoxide detector, and fire extinguishers;
 - 4. Proof of ownership of the property;
 - 5. The Uniform Resource Locator (URL), (i.e. the web site address) for any and all advertisements of the rental; and

B. The Town Clerk may issue a license to the applicant provided all other requirements of this Article have been met.

SECTION V. Section 12-264 of the Code of Ordinances of the Town of Luther, Oklahoma, is hereby added to read as follows:

SECTION 12-264

SUSPENSION, REVOCATION, NOTICE, HEARING AND COMPLAINT PROCESS

A. A license issued pursuant to this Article may be suspended or revoked by the Town for failure to pay taxes due or for violation of any section of the Luther Code of Ordinances or state law. No license shall be suspended or revoked until the owner/operator has been accorded written notice of the violation(s) and provided a public hearing before the Board of Trustees. The Board of Trustees may order the suspension or revocation of a license upon a preponderance of the evidence that the violation has occurred.

B. The Board of Trustees shall establish written procedures to address complaints regarding residential short-term rental properties and the operation thereof. The Board of Trustees shall also establish and publish on its website a list of all licensed residential short-term rental properties.

SECTION VI. Section 12-265 of the Code of Ordinances of the Town of Luther, Oklahoma, is hereby added to read as follows:

SECTION 12-265

APPLICABILITY OF COVENANTS AND DEED RESTRICTIONS

This Article or any section therein is not intended to be in conflict with any restrictive covenant, deed restriction or lease agreement that may be applicable to the residential short-term rental property.

SECTION VII. Section 12-266 of the Code of Ordinances of the Town of Luther, Oklahoma, is hereby added to read as follows:

SECTION 12-266

PENALTY

Violation of this Article shall be punishable by a fine of not to exceed 100.00. Each day a residential short-term rental is operated in violation of this Article shall constitute a separate offense.

SECTION VIII. If any part or parts of this ordinance are deemed unconstitutional, invalid, or ineffective, the remaining portion shall not be affected, but shall remain in full force and effect.

SECTION IX. All ordinances in conflict herewith are hereby repealed.

SECTION X. It being immediately necessary for the preservation of the public peace, health, safety, and welfare of the Town of Luther and the inhabitants thereof that this ordinance be

put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED and the Emergency Clause ruled upon separately this 8th day of June, 2021.


MAYOR WM TERRY ARPS

ATTEST:


Acting Town Clerk



Approved as to form and legality:


Town Attorney