



## Legislation Text

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### AN ORDINANCE TO AMEND CHAPTER 42 OF THE JONESBORO CODE OF ORDINANCES TO ADD ARTICLE VI SHORT-TERM RESIDENTIAL RENTALS AND AMEND CHAPTER 117-138 AND 117-139 OF THE ZONING USE TABLES

WHEREAS, the business of short-term rentals is becoming popular in the City of Jonesboro, and there is no process to monitor or regulate those businesses at the present time, and

WHEREAS, the City Council of the City of Jonesboro, Arkansas has determined that it is in the best interest of the citizens of the City to have knowledge of where these rentals are located and who owns and/or manages these properties.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS:

SECTION ONE: That Chapter 42 of the Jonesboro Code of Ordinances shall hereby be amended to add Article VI Short-Term Residential Rentals, which shall read as follows:

**42-146 Definitions.** A **short-term residential rental** is defined as the renting of residential property for a period of 29 days or less. An **owner occupied short-term residential rental** is defined as the renting of a portion of an owner's primary residence for a period of 29 days or less.

**42-146 Privilege License Required.** It shall be illegal to operate any type of short-term residential rental business in the City of Jonesboro without a privilege license. Owners of a short-term residential rental property shall obtain a privilege license from the city. The application for the privilege license shall contain, but not be limited to, the following:

1. The name, address, and phone number of the owner of the property or properties to be licensed.
2. A list of all short-term residential rental addresses of any kind owned by said owner in the City of Jonesboro.

3. If the owner is not a resident of Craighead County, Arkansas, the application must include the name, address, and phone number of a local contact person responsible for the property, and who may serve as a local agent for service of any lawsuits, citations, warnings, or other correspondence regarding the property.

4. A completed application check-list with all requirements on the check-list met and with any required documents attached.

5. A completed fire marshal inspection with all requirements satisfied.

6. Violations of this section shall be subject to a fine of not less than \$100, nor more than \$500. Each day an owner continues to operate the business in violation of this section constitutes a separate offense.

**42-148 Fees.** The privilege license fee shall be set by the city council by separate resolution.

**42-149 Posting of Permit.** A copy of the current privilege license must be posted on all advertising of the rental unit.

**42-150 Revocation of privilege license.** Operating a short-term rental property in the City of Jonesboro is a privilege. The Mayor or his/her designee may revoke the license, place the owner on probation, and/or issue a civil fine to the owner, if the property is deemed a nuisance. The factors which may lead to a revocation of a privilege license include, but are not limited to, the following:

1. The designated local contact/agent is unresponsive or unable to be contacted and the owner does not immediately remedy the issue.

2. The property has been deemed a nuisance by the Mayor or his/her designee. Factors which may be considered in deeming the property a nuisance include, but are not limited to, the following:

a. Criminal activity on the premises.

b. Repeated complaints of loud noise on the premises.

c. Trash or debris on the premises.

d. Parking of cars in areas not designated for parking (such as on the yard or grass) or in such a way as to impede traffic on the street.

3. Failure to post current privilege license/permit on all online or other rental advertising.

#### **42-151 Right to appeal.**

1. The owner of a short-term residential rental property may appeal the revocation of the privilege license to the City Council by filing a notice of appeal with the City Clerk's Office within ten (10) days of the notice of the revocation of the license. The appeal shall be heard by the Public Works Committee of the City Council, with the Chairperson of the committee acting as the presiding officer of the hearing.
2. The owner shall have the right to represent him/herself or be represented by counsel, may cross examine all witnesses offered by the city, and may present evidence in his/her own behalf. Evidence, including testimony, may be tendered by affidavit. Formal rules of evidence shall not apply to a hearing under this section, although the fact finder shall have the right to exclude evidence which carries no indicia of reliability. All testimony shall be offered under oath or affirmation. Both the city and the owner shall have the right to present witnesses.
3. The committee shall render a decision by majority vote at the hearing, and present a written decision in writing to the owner or the owner's counsel within then (10) working days of the completion of the hearing.
4. The committee shall have the authority to uphold the revocation, overturn the revocation, place the owner on probation for a designated period of time, and/or issue a civil fine to the owner.
5. Any appeal from the decision of the Public Works Committee shall be heard in the Circuit Court of Craighead County, Arkansas.
6. If any further offenses occur during an active probationary period, the privilege license shall be revoked.
7. In the event a license is revoked pursuant hereto, no short-term residential rental license shall be issued to the same owner for a period of three (3) years.

SECTION TWO: That the zoning code shall be amended to include the above definition of a short-term residential rental.

1. That Section 117-138 shall be amended to add short-term residential rentals to the use table in RM-H, RM-4, RM-6, RM-8, RM-12, RM-16 zoning districts.
  
2. That Section 117-138 shall be amended to add owner occupied short-term residential rentals to the use table in RS-1, RS-2, RS-3, RS-4, RS-5, RS-6, RS-7, and RS-8 zoning districts. This shall also apply to the old existing residential schedule of uses in R-2 and R-3 zoning districts.
  
3. That Section 117-139 shall be amended to add short-term residential rentals to the use table in CR-1, C-1, zoning districts.