

ORDINANCE NO. 141–2025

**TITLE; ADOPTING CHAPTER 1479 OF THE BARBERTON CODIFIED
ORDINANCES
“LICENSING PROCEDURES AND REGULATIONS FOR SHORT-TERM RENTAL
UNITS”**

**AN ORDINANCE ADOPTING CHAPTER 1479 OF THE BARBERTON
CODIFIED ORDINANCES TITLED “LICENSING PROCEDURES AND
REGULATIONS FOR SHORT- TERM RENTAL UNITS”, AND DECLARING AN
EMERGENCY.**

WHEREAS, the increase in the number of persons and entities desiring to rent their residential properties on a short-term basis has led to the rise in short-term and vacation rental uses within City neighborhoods that originally were planned, approved and constructed solely for residential use; and

WHEREAS, residential properties used by individuals for short periods of time (“short-term rentals”) can negatively impact the neighborhoods’ residential character that first encouraged people to purchase homes in that neighborhood; short-term rental guests taking the place of permanent residents can destroy the unity, communication and accountability between permanent residents; and

WHEREAS, regulating the use and operation of short-term rentals is intended to prevent continued negative impacts on pre-existing and stable neighborhoods and advance this Council’s commitment to preserving the residential quality of the City’s neighborhoods; and

WHEREAS, this Council believes that the licensing procedure and regulations set forth herein will permit the successful operation of short-term rentals in residential neighborhoods, are necessary to protect the health, safety and welfare of property owners, residents and short-term guests, and will ensure such operations do not continue to negatively impact the residential character of neighborhoods; now, therefore,

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Barberton, State of Ohio:

SECTION 1. That the Codified Ordinances of Barberton Ohio, are adopted by enacting Chapter 1479 Sections 1479.01, 1479.02, 1479.03, 1479.04, 1479.05, 1479.06, 1479.07, 1479.08, 1479.09 to read, respectively, as follows:

Section 1479.01 Purpose

- (A) This Council recognizes that, while short-term rentals can provide community benefits, the proliferation of Short-Term Rentals (STR) in residential neighborhoods can adversely impact the health, safety, property, density and residential character of a neighborhood.
- (B) The purpose of this chapter is to establish a licensing process and health and safety standards for STR units, while ensuring that such rental use does not create adverse impacts to residential neighborhoods due to excessive traffic, noise, density, and safety concerns, among other adverse effects.

Section 1479.02 Definitions

- (A) For the purpose of this Chapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning
1. “Barberton Development Code” means the development code adopted by ordinance, and any amendments.
2. “Dwelling” means any dwelling, dwelling unit, building, structure, or other living quarters used, intended to be used, or designed to be used, in whole or in part, for living or sleeping by human occupants. “Temporary housing” as defined in the International Property Maintenance Code (IMPC) and the Development Code is not a Dwelling.

3. “Dwelling Unit” means any room or group of rooms located within a Dwelling and forming a single habitable unit with facilities which are used, intended to be used, or designed to be used, in whole or in part, for living, sleeping, cooking, and eating.

4. “Hosting Platform” means a person or entity in whatever form or format that facilitates, through advertising or any other means, a short-term rental booking transaction for accommodations between a short-term rental host and short-term rental guest, including, but not limited to, reservations and/or collection of payment for such accommodations on behalf of the short-term rental host. Examples include, but are not limited to, Airbnb, VRBO, and HomeAway.

5. “ICC International Property Maintenance Code” means the ICC International Property Maintenance Code (IPMC) adopted by ordinance, and any amendments.

6. “Occupant” means any person over one (1) year of age living, sleeping, cooking, or eating in, or having actual possession of a Dwelling.

7. “Ohio Building Code” means the Ohio Building Code, as adopted pursuant to Ohio Revised Code Chapters 119, 3781, 3791, and any amendments.

8. “Ohio Residential Code” means the Ohio Residential Code, as adopted pursuant to Ohio Revised Code Chapters 119, 3781, 3791, and any amendments.

9. “Operator” means any person who, alone or jointly or severally with others, has charge, care, or control of any premises, or part thereof, in which there are one or more Rental Units whether as Owner, manager, agent of the Owner or due to conduct that demonstrates the person’s position of responsibility concerning the Rental Unit.

10. “Owner” means any person who, alone or jointly or severally with others, has legal title to any Rental Unit with or without accompanying actual possession thereof, or is the vendor or vendee under a land contract, whether recorded or not, or is the executor, executrix, administrator, administratrix, trustee or guardian of the estate of either the Person with legal title or the land contract vendor or vendee.

11. “Person” means an individual, partnership, association, company, firm, trust, corporation, government corporation, department, bureau, agency, or any entity recognized by law.

12. “Premises” means not only the Rental Unit and any other buildings of any kind or nature located on the lot, but also the entire parcel surrounding the buildings, including, but not limited to fences, walkways, walls, and appurtenances.

13. “Property” means the real property parcel upon which the Dwelling is situated upon.

14. “Property Maintenance Inspector” means the Building Commissioner of the City or the Building Commissioner’s authorized Property Maintenance Inspector.

15. “Purchaser” means any Person or Legal entity, who, alone or jointly or severally with others, has entered into a contract to become the Owner of any Rental unit, with or without accompanying actual possession thereof.

16. “Rental Inspection” means the Rental Inspection as required in this Chapter.

17. “Rental Unit” means a Dwelling Unit, and/or vacant structure not occupied by the person with legal title.

18. “STR” means any room or dwelling that is rented wholly or partly for a fee for less than thirty (30) consecutive days by persons other than the permanent occupant or owner from which the permanent occupant or owner receive monetary compensation, whether such compensation is paid directly by the short-term rental guest or is collected and remitted to the permanent occupant or owner by a hosting platform.

19. “STR Guests” means persons renting temporary lodging from a short-term rental host, or through a hosting platform on behalf of the short-term rental host, for less than thirty (30) consecutive days.

20. “STR Host” or “Host” means the owner and/or permanent occupant of a short-term rental who offers the short-term rental for temporary lodging.

(B) Whenever the words “Dwelling”, “Dwelling Unit”, “Premises” or “Rental Unit” are used in this Chapter, they shall be construed as though they were followed by the words “or any part thereof.”

Section 1479.03 Short-Term Rental License Required; Application; Fee

- (A) No owner and/or operator shall operate, rent, lease, sublease, license or sublicense a dwelling unit as a STR without a STR license from the Building Department.
- (B) The registration form shall include the following information and any additional information as determined by the Building Department:
1. The total number of Rental Units the Owner owns or that the Operator operates;
 2. The number of premises with a Rental Unit;
 3. The address of each premises;
 4. The number of Rental Units on each premises;
 5. If the Owner is required to have an Operator, or if the Owner has an Operator, the form shall include:
 - i. If the Owner and/or Operator is one or more individuals or a sole proprietorship, the Owner's name, address, date of birth, driver's license number, and phone number;
 - ii. If the Owner and/or Operator is a partnership, the name, address, tax identification number, and phone number of the partnership, and the name, address, date of birth, driver's license number and phone number of one of the partners;
 - iii. If the Owner and/or Operator is a corporation, the name, address, and phone number of the corporation, the name, address, and phone number of the corporation's statutory agent, and the name, address, date of birth, driver's license number and phone number of one of the officers; and
 - iv. If the Owner and/or Operator is a trust, the name, address, and phone number of the trust, and the name, address, date of birth, driver's license number and phone number of one of the trustees.
- (C) Proof of liability insurance for the STR, or proof that the STR and the STR owner or operator are named insured under liability of insurance, with limits not less than a million dollars (\$1,000,000.00);
- (D) If applicant is a tenant, proof of possession of the dwelling unit by a valid lease agreement that allows for subleasing, or other verification of the tenant's right to possession of the premises. Evidence of a prohibition to sublease the dwelling unit shall be grounds for denial of a short-term rental license;
- (E) Proof of payment of all applicable taxes, including real estate taxes, due as of the date of submission of the application;
- (F) All information required under division (C) for a STR license application shall be updated within thirty (30) days of a change in status. The Owner and/or Operator of a Rental Unit(s) shall contact the Building Department, either in writing or by email, to update the information on the registration form. Failure to update information on the Registration Form shall result in a \$100 Administrative Fee.
- (G) Every STR license application shall be accompanied by a fee of \$200.00. Every license issued shall be given a license number. Licenses shall be valid for one year commencing on March 31 of each year, unless revoked by the Building Department. Licenses issued under this section are not transferrable from one Owner to another or from one Premises to another.
- (H) If a registration form is filed late, an additional late fee of \$50 shall be imposed per unit, per month.

- (I) Registration shall be valid for one (1) year, except
 - 1. If false information is provided to the Building Department on the registration form, an additional fine of \$50 shall be assessed; or
 - 2. A transfer of title to a Rental Unit has been completed.
- (J) **Required notification.** Within forty-eight (48) hours of submitting the application for a STR unit operating permit to the Building Department, the operator shall send a neighborhood notice form supplied by the Building Department, by first-class mail or hand delivery to all property owners whose property is adjacent to the property at which the STR unit is proposed. The operator shall provide the Building Department the names and addresses to which notices were sent. For the purposes of this section, adjacent properties are those that abut the proposed STR unit, those directly across the street or alley from the proposed STR unit, and those that are diagonal across the street or alley from the proposed STR unit.
- (K) If an Owner/Operator fails to register, an additional penalty of \$100 per Rental Unit shall be imposed. These penalties along with the applicable Rental Registration will be assessed on the Property's taxes.
- (L) One percent (1%) of every STR Unit fee shall be held in a separate fund to be used exclusively for the purchase and distribution of fire and carbon monoxide detectors for every Rental Unit. Such detectors shall be installed by the Barberton Fire Department.

Section 1479.04 Short-Term Rental License Approval/Denial Standards

- (A) No license shall be issued unless it has been determined that the Dwelling meets all health, fire, safety and building code standards. Consideration shall be made as to whether the Owner has violated, does not meet, or has failed to comply with, any of the terms and conditions of the license, this chapter, or any applicable city or state laws, rules, regulations or executive orders, including, but not limited to the Development Code, as well as any evidence regarding nuisances or illegal activity concerning the Owner or the subject property and, in particular, any recorded violations. The Building Department may deny a license on consideration of such evidence, in accordance with rules and regulations established by the Building Department pursuant to Section 1479.03.
- (B) Upon verification and approval by the City Building Department and City divisions as required in division (A), the Building Department shall issue a license which shall indicate:
 - 1. the license number;
 - 2. the street address of the STR;
 - 3. the name, street address, mailing address, email address, and telephone or cell phone number of the owner of the dwelling to be used for STR purposes;
 - 4. the name, street address, mailing address, email address, and telephone or cell phone number of the operator of the dwelling, if any, to be used for STR purposes;
 - 5. the maximum number of occupants.
- (C) The Building Department may suspend or revoke a license if the applicant makes any false statement in connection with the application because the Premises covered by the license is no longer in compliance with the requirements of this Chapter or any applicable provisions of this Code, or if the licensee has failed to comply with any applicable City or State laws, rules, regulations or executive orders. The decision whether to suspend or revoke a license shall be made in accordance with rules and regulations established by the Building Department pursuant to Section 1479.03 and 1479.04.

Section 1479.05 Board of Zoning and Building Appeals

Any party, including the City, that is aggrieved by an alleged error in an administrative action made under this Chapter may file an appeal thereof with the Board of Zoning and Building Appeals within seven (7) days from the date of the Building Department's action. Such appeal shall comply with the City's Development Code. The Board may sustain, disapprove, or modify the Building Department's action. If a license is suspended or revoked, the licensee may not operate the dwelling unit as a STR while the decision to suspend or revoke the license is on appeal.

Section 1479.06 Regulations and Standards for Short-Term Rentals

- (A) No owner may rent or lease a STR for a period of more than thirty (30) days or less than twenty-four (24) hours.
- (B) The maximum number of persons permitted overnight in a STR is two (2) per bedroom, plus two (2) additional persons.
- (C) Each bedroom of a STR shall have interior access to a bathroom, whether private or shared, such that a guest has access to a bathroom without exiting the dwelling.
- (D) Every STR shall be equipped with the following:
 - 1. working smoke detectors adjacent to each sleeping area in each Dwelling unit as required in Section 1479.03 (N) ; and
 - 2. one or more carbon monoxide detection devices which shall be installed and maintained as close to the center of the Dwelling Unit and within close proximity to the living and sleeping areas of the Dwelling Unit; and
- (E) Excessive or unnecessary noise in violation of Codified Ordinance Section 635.02, is prohibited at all times on the STR property;
- (F) The Owner and/or Operator shall provide proper trash and recycling containers for the guests and shall notify STR guests of the trash and recycle collection days for the property as well as any applicable rules and regulations regarding leaving or storing trash on the exterior of the property.
- (G) Every Owner, Operator and STR guest shall comply with all other applicable City and State laws, rules, regulations, and executive orders.

Section 1479.07 Notice of Violation of Inspection

- (A) Whenever the Building Department determines that there has been a violation of any of the provisions of this Chapter, notice/order of the violation shall be given to the Owner and/or Operator responsible for compliance pursuant to the IPMC and/or the City's Development Code.
- (B) Whenever an Owner and/or Operator violates or fails to comply with any of the provisions of the Chapter, the Building Department shall have the authority to impose an administrative or criminal penalty. The Property Maintenance Inspector shall consider the following criteria in assessing an administrative penalty:
 - 1. The extent to which the Owner and/or Operator has benefited by the violation of this Chapter;
 - 2. The degree of harm to the public health, safety and welfare as a result of the violation of this Chapter;
 - 3. The recidivism of the Owner and/or Operator, including previous notices and orders to comply and previous enforcement action;
 - 4. Good faith efforts of the Owner and/or Operator to remedy the violation of this Chapter; and
 - 5. The duration of the violation after a notice and order to comply was served pursuant to this Chapter or the IPMC.

- (C) Upon request of the Owner and/or Operator of the Dwelling and/or Dwelling Unit to the City, during the process of an eviction, the Owner and/or Operator may request a certified letter from the Building Department verifying the violation of a health, safety, or the IPMC applicable to the statutory requirements of a legal eviction.
- (D) The imposition of an administrative fine shall only occur after a notice/order is provided to the Owner and/or Operator.

Section 1479.08 **Penalties**

(A)(1) In addition to any criminal penalties that may be imposed pursuant to this Chapter, any Person, Occupant, Operator, Owner, or Purchaser who violates or fails to comply with any of the provisions of this Chapter shall be subject to the following administrative penalties in accordance with the criteria of § 1479.03 and 1479.07 (D) of this Chapter:

1. For a first offense, an administrative fine of up to \$100.00.
2. For a second offense, an administrative fine of up to \$500.00; and
3. For a third offense, an administrative fine of up to \$1,000.00.

(2) Such fines shall be paid within thirty (30) days of issuance.

(B) If a person, Occupant, Operator, Owner, or purchaser fails, neglects, or refuses to pay an administrative penalty within the time ordered pursuant to this Chapter, then the Building Department shall notify the City's Director of Finance. The City's Director of Finance shall certify the administrative penalty to the County's Fiscal Office. In addition to the administrative penalty, an interest rate equal to the current rate of interest charged by the City on special assessments shall be imposed by the City for the life of the administrative penalty, added to the administrative penalty, and collected as provided in this section. The Director of Finance shall then certify the amount of administrative penalty, including interest, to the County's Fiscal Officer. The County's Fiscal Officer shall enter the amount on the tax duplicate of the County as a special assessment against the Owner's Property.

(C) Money collected under divisions (A) and (B) above shall be used as set forth in Section 1479.03(N) of this Chapter.

(D) In addition to any administrative penalties that may be imposed pursuant to division (A) above, any Person, Occupant, Operator, Owner, or Purchaser who violates or fails to comply with any of the provisions of this Chapter shall be guilty of a misdemeanor of the third degree and shall be fined not more than \$500 and/or imprisoned not more than 60 days.

(E) Application of Prior Convictions. A conviction or convictions obtained prior to the effective date of this Chapter shall constitute a conviction or convictions for purposes of enforcement of the minimum mandatory penalties required by this section. Each separate count of which a person has been convicted shall constitute a separate violation of a section of the IPMC, the City's Development Code, the Ohio Residential Code or the Ohio Building Code.

(F) Continuing Violations. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(G) Strict Liability. The provisions of this Chapter are specifically intended to impose strict liability.

Section 1479.09 **Discrimination Prohibited**

No owner or operator shall do the following:

1. Decline a STR to a STR guest based on race, religion, color, sex, sexual orientation, gender identity or expression, national origin, age, disability, ethnic group;
2. Impose different terms or conditions on a STR based on race, religion, color, sex, sexual orientation, gender identity or expression, national origin, age, disability, ethnic group; or
3. Advertise a STR that discourages or indicates a preference for or against a short-term rental guest based on race, religion, color, sex, sexual orientation, gender identity or expression, national origin, age, disability, ethnic group.

SECTION 1. That the enactment of Chapter 1479 Section 1479.01 through 1479.09 shall take effect and be in effect sixty (60) days after passage of this ordinance.

SECTION 2. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public in compliance with the law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Barberton and the inhabitants thereof, in order to give the City proper time for implementation, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed September 22, 2025

Clerk of Council

President of Council

Approved _____ 2025

Mayor