



CITY OF CLEAR LAKE

15 North 6th Street • P.O. Box 185 • Clear Lake, IA 50428
Phone: 641-357-5267 • Fax: 641-357-8711
www.cityofclearlake.com

Mayor
NELSON P.
CRABB

City Administrator
SCOTT
FLORY
May 4, 2017
X
X
X

COUNCIL MEMBERS

Re: Vacation/Short-Term rental Ordinance Operating Permit

MARK
EBELING
Ward 1

The impact of vacation/short-term rentals is an important topic for our City. The Clear Lake City Council has responded to a call from some residents to consider issues surrounding vacation/short term rentals, a popular and growing option for visitors in Clear Lake, by creating the Vacation/Short Term Rental Operating Permit Program.

TONY J.
NELSON
Ward 2

JIM
BOEHNKE
Ward 3

This mailing contains information that will aid you in complying with the City of Clear Lake's Vacation/Short Term Rental Program Regulations, as stated in Ordinance #825, approved by the City Council on May 1, 2017.

MIKE
CALLANAN
At Large

The fee for a Vacation/Short Term Rental Operating Permit is \$150. Annual renewals of the permit will cost \$150. All vacation/short term rental operators are required to make application for a permit within 45 days of the date of this notice.

GARY
HUGI
At Large

The City Council recognizes the importance of Clear Lake's unique qualities and diverse economy that supports a mix of uses, including residential, tourist and recreational. We appreciate you operating your business in a way that is compatible with the residential character of our neighborhoods.

CITY OF CLEAR LAKE

Mike Ritter
Building Official



VACATION HOME RENTAL PERMIT APPLICATION

Instructions to the Applicant: The following application is provided for persons who propose to submit for a Vacation Home Rental Permit with the City of Clear Lake pursuant to Ordinance #825 (attached). As an applicant, you must complete this form and provide all the requested information and documentation. If you have any questions regarding the completion of this application, please contact City Building Official, Mike Ritter 641.357.6135 or mritter@cityofclearlake.com

1. Vacation Home Rental Location:

Address: _____
City/State/Zip: _____

2. Owner of Record:

Name: _____
Address: _____
City/State/Zip: _____
Phone: _____
E-mail: _____

3. 24-Hour Emergency Local Contact (Responsible person living within 1 hour of the property)

Name: _____
Address: _____
Phone: _____
E-mail: _____

LEGAL BEDROOM INTERNATIONAL RESIDENTIAL CODE (2012 IRC) INFORMATION

Bedrooms within your residential dwelling unit must contain a minimum of 70 square feet (i.e. 10' by 7' or greater) to be considered a legal bedroom, along with a 7' minimum ceiling height. 2012 IRC 304.2.

An emergency escape window with a minimum opening area of 5.7 sq. ft.:
Minimum opening height shall be 24 inches, and minimum opening width shall be 20 inches. IRC 310. The opening shall be no higher than 44 inches above the floor.

EMERGENCY ESCAPE AND RESCUE OPENINGS. Basements and every sleeping room shall have at least one operable emergency and rescue opening. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation shall be provided with a window well.

Bedrooms: SEE LEGAL BEDROOM INFO ABOVE

- a. Does each legal bedroom contain a minimum of 70 square feet? Yes ___ No ___
- b. Does each legal bedroom have an emergency exit? Yes ___ No ___
- c. Is the ceiling height of each legal bedroom a minimum of 7 feet? Yes ___ No ___

How many legal bedrooms does your residential unit have? _____

Maximum overnight occupancy for a residence is 2-4 persons (1 bedroom); 4-6 person (2 bedroom); 6-9 (3 bedroom); 8-10 (4 bedroom); and 10-12 (5 or more) per legal bedroom. The maximum overnight occupancy requested is _____ persons.

Number of parking spaces on your property _____. **Overnight parking on the street is not encouraged and is limited to one per unit.**

State of Iowa Sales Tax Collection #: _____

AUTHORIZATION

_____ is/are the applicant(s) ("applicant") for a vacation home rental permit. By signing this application form, the applicant is confirming the following:

1. Applicant is the legal owner of the property being considered under this application.
2. All of the information submitted in support of this application is true and correct. If any information submitted in support of this application is false and misleading, the application may be denied or any permit issued based on false or misleading information may be suspended or revoked.
3. Before signing this application, the applicant has read Clear Lake's vacation home rental ordinance and by signing this application form, the applicant acknowledges and agrees to comply with the terms of the ordinance.

Printed Name

Signature/Date

Printed Name

Signature/Date

Items that must accompany this application include:

Owner's original signed copy of this application

Application Fee of \$150.00. Checks made out to "City of Clear Lake"

To expedite your application, please complete the application with all of the required information. The anticipated time frame for completion of the application (including an inspection) and issuance of the permit is two weeks after application submittal. For your convenience, you may mail in the completed application with the required fee. Please send the application to the following address:

City of Clear Lake
Attention: Mike Ritter
P O Box 185
Clear Lake, IA 50428

**City of Clear Lake
Vacation/Short Term Rental Operating Permit Notice**

The Owner or authorized person shall either: (1) provide an annual mailing or otherwise distribute by hand, a flier to neighbors within a 300 foot radius of the short term rental property address containing the owner and/or representative contact information, or (2) post a small placard or sign. The placard/sign shall be limited to 2 square feet and visible from a public sidewalk or street abutting the property. Placard must include Vacation/Short Term Rental identifying language and the Owner Representative name and contact number.

The purpose of this notice is so that adjacent property owners and residents can contact a responsible person to report and request resolution of problems associated with the operation of the vacation/short term rental. If the permanent contact information changes during the permit period, the new information must be mailed or distributed again, or changed on the placard or sign.

The mailed notice must include the following language:

Short Term Rental Notice

Owner, Owner Representative, or Local Contact Name(s):

Address: _____

Emergency 24/7 Phone Number: _____

**Vacation/Short Term Rental Operating Permit
Affidavit of Notice**

I, _____, certify that I have provided notice of an application for a Vacation/Short Term Rental Operating Permit to property owners and residents within 300 feet of the vacation/short term rental location or that I have posted a sign, as permitted by the Clear Lake Sign Code advising neighbors and tenants of the same information where it can be seen from the public right-of-way. This notice provides the owner and/or owner representative information, including the emergency 24/7 phone number.

Signature

Date

Please attach a copy of your notice or a picture of your sign and return to:

Short Term Rental Operating License Good Neighbor Guidelines

The Good Neighbor Guidelines (GNG) were created to educate Vacation/Short Term Rental owners and tenants/guests on the importance of being a good neighbor. Welcome neighbors! Be nice, you're in Clear Lake!

1. **24-Hour Contact Information.** If at any time you have concerns about your stay or in regards to your neighbors, please call the 24-hour contact number listed in the rental lease agreement or posted in the unit. In the event of an emergency, please call 911.
2. **General Respect for Neighbors.** Be friendly, courteous, and treat your neighbors like you want to be treated. Respect your neighbors and their property.
3. **Noise.** Be considerate of the neighborhood and your neighbor's right to the quiet enjoyment of their home and property, especially after 10 p.m.
4. **Maintenance of Property.** Be sure to pick up after yourself and keep the property clean, presentable and free of trash.
5. **Garbage Disposal.** Place trash and recycling containers at the appropriate place and time for pickup. Return trash and recycling containers to the designated location within 12 hours after pickup. Cigarette butts should be properly extinguished and disposed.
6. **Parking & Traffic Safety.** Park on-site whenever possible. Do not park on lawns or in a manner which blocks driveways, sidewalks, alleys or mailboxes. Drive slowly through neighborhoods and watch for pedestrians and children playing.
7. **Pets.** Promptly clean-up after your pets. Prevent excessive and prolonged barking, and keep pets from roaming the neighborhood. Control aggressive pets, and be sure to abide by the local leash laws. Store pet food indoors and in a secure container to reduce the likelihood of unwanted pest problems.
8. **Tenant/Guest Responsibility.** Approved guests and visitors are expected to follow the Good Neighbor Guidelines. Be sure to read your rental agreement for additional terms and restrictions which may include consequences for violating the Good Neighbor Guidelines.

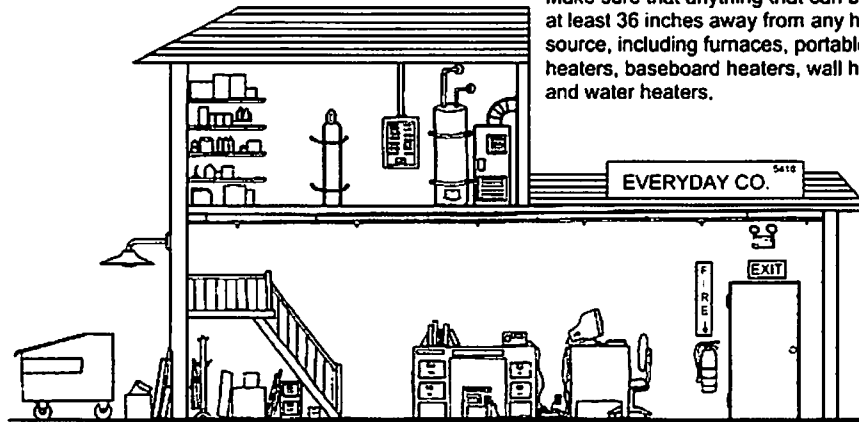
OUTSIDE:

- Is your address clearly posted?** In an emergency, seconds count. Can your address numbers (and suite numbers, if applicable) be seen clearly from the street? Numbers need to be at least 4 inches in height and contrast with their background. They also need to be visible day or night – consider reflective numbers or outside lighting.
- Are fire lanes & hydrants clear and accessible?** Ensure that parked vehicles, garbage bins, and stored items are not obstructing access to your property. Quick and unobstructed access is also required for fire hydrants, fire sprinkler control valves, and fire department connections to sprinkler systems. Keep three feet of clearance around all fire hydrants and fire department appliances.
- Are garbage and recycle bins located away from the building?** These need to be at least 5 feet away from combustible walls, roof overhangs, doors and windows. If the dumpster catches fire and it is too close to the building, the fire can easily spread to the inside of the structure.
- Are exterior portions of exits clear and unobstructed?** An exit doesn't stop at the door – the exit corridor continues out to the public way. Check the outside portions of your exits to make sure they are not blocked or made impassable by storage or landscaping.

KEEP THIS POSTED IN A CONSPICUOUS PLACE

INTERIOR:

- Are compressed gas cylinders (even the small ones for balloons or BBQ's) secured to keep them from falling over?** If a cylinder tips over and cracks, it can become a torpedo!
- Are your electrical appliances and cords in good condition?** Check appliances and equipment to make sure they are in good working order with no discoloration or warm spots that may be a sign of overheating. Check electrical cords for any signs of wear or fraying. Replace damaged cords – electrical tape is not a substitute for insulation around wiring.
- Are you keeping what's hot away from what's not?** Make sure that anything that can burn is at least 36 inches away from any heat source, including furnaces, portable heaters, baseboard heaters, wall heaters, and water heaters.
- Are you using portable heaters?** Check your heater to ensure it is safe for indoor use – fueled appliances, such as kerosene, create carbon monoxide and can be deadly when used indoors. Also, check to see if your heater shuts off automatically when tipped over. If not, replace it with one that has a tip-over switch.
- Do you have a portable fire extinguisher?** Fire extinguishers can be very effective when used properly on a small fire. The Bend Fire Department offers free fire extinguisher training, call (541) 322-6309 to schedule a class.
- Is your electrical wiring covered?** Check your wall outlets, switches, and junction boxes to ensure that switch and cover plates are in place. Keep the cover to your electrical panels closed, too. Missing or open covers are a common safety hazard and may lead to electrical shock and an increased risk of fire.



- What are you storing, and where?** If you have flammable or combustible liquids on site, store them in original or approved containers and check to see that they are clearly labeled. If there are more than 10 gallons stored in the building, an approved storage cabinet may be required. Check your storage location – storage is prohibited under exit stairways and in exit aisles.
- Are all exits clear, visible, unlocked, and unobstructed?** Check hallways and corridors to make sure building occupants can get to the exit doors quickly, safely, and free of any trip hazards or obstructions.
- Are equipment and appliances plugged directly into a wall outlet?** Extension cords, regardless of how "heavy-duty" they are, are still designed to be used on a temporary basis and may not be used in place of permanent wiring. If you need a longer cord, a surge protector that contains an internal circuit breaker may be used, provided it is not used to power large appliances or other equipment that draws a large electrical load. Always follow the manufacturer's directions for powering equipment and appliances.
- Is the area in front of the electrical panel clear?** There needs to be a clear space at least 30 inches wide and from the floor to 78 inches high in front of all electrical panels. Also, this is a good time to make sure all circuit breakers or fuses are clearly labeled in the event the power needs to be shut off to a certain area or appliance.

CITY OF CLEAR LAKE

STATE OF IOWA

ORDINANCE NO. #825

**AN ORDINANCE TO AUTHORIZE VACATION RENTALS (SHORT-TERM RENTALS)
OF DWELLINGS IN RESIDENTIAL DISTRICTS**

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF CLEAR LAKE, IOWA, as follows:

Be it known that on the 1st day of May, 2017, the Mayor and City Council for the City of Clear Lake, Iowa, at its regular meeting declare, find, authorize and approve, as follows:

WHEREAS, the City of Clear Lake, Iowa, did on or about March 17, 2003, adopt the Code of Ordinances of Clear Lake, Iowa, which has from time to time been amended; and

WHEREAS, the current ordinances for residential neighborhoods do not allow for a commercial use or business to be located within a residential neighborhood, vacation rentals and short-term rentals are considered a commercial use, and vacation rentals and short-term rentals are currently being operated in neighborhoods throughout the City of Clear Lake, Iowa, ("City"); and

WHEREAS, the City intends to legalize and regulate the use of residential property as vacation rentals and short-term rentals in order to protect the rights of citizens in residential neighborhoods; and

WHEREAS, vacation rentals and short-term rentals in residential districts are considered a valuable and needed use for those desiring to rent their residential property in exchange for compensation, such use provides alternative short-term stay opportunities like hotels, motels and bed and breakfast facilities, and such use will aid and promote tourism; and

WHEREAS, the Planning & Zoning Commission and the City Council have both publicly reviewed the proposed adoption of an ordinance which regulates vacation rentals and short-terms rentals; and

WHEREAS, after due consideration, the Mayor and the City Council now find and determine that it would be in the best interest of the City to adopt an ordinance to permit and regulate vacation rentals and short-term rentals of properties in residential districts following administrative permitting.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CLEAR LAKE, IOWA, that this Ordinance shall be named the "**CLEAR LAKE IOWA VACATION RENTALS/SHORT-TERM RENTALS ORDINANCE**" and is as follows:

SECTION I: TITLE: This Ordinance shall be known as the "**CLEAR LAKE VACATION RENTALS (SHORT-TERM RENTALS) ORDINANCE.**"

SECTION II: DEFINITIONS

A. **Vacation Rental(s):** Vacation Rental(s) a/k/a Short-Term Rental(s): "Vacation Rental" or "Short-Term Rental" means any residential property, dwelling, condominium, or portion thereof that is available for use or is used for accommodations or lodging of guests, who pay a fee or other compensation, for a period of less than thirty-one (31) consecutive days. "Vacation rentals" or "Short-Term Rental" means any establishment engaged in the business of furnishing or providing rooms intended or designed for dwelling, lodging or sleeping purposes to transient guests and which are known in the trade as such. The terms "Vacation Rental" or "Short-Term Rental" do not include any hospital, convalescent or nursing home or sanitarium, or any facility associated with a hospital providing rooms for medical patients and their families, nor do they include any hotel, motel, or bed and breakfast facility.

B. **Unit:** "Unit" shall mean any Vacation Rental, Short-Term Rental, or any portion thereof. In the case of multiple rentals on the same property, each rental will be considered a separate "Unit."

C. **Local Contact Person:** A local person specifically named on the application and permit who resides within 60 minutes of the city limits of Clear Lake and who may be contacted twenty-four (24) hours a day if there is an issue or problem. The Local Contact Person may be the owner or an agent of the owner. The contact person must be available during the term of the rental.

D. **"Owner"** means the person(s) or entity(ies) that hold(s) legal and/or equitable title to the subject short-term vacation rental.

E. **"Broker"** means any entity or person that offers, lists, advertises, accepts reservations and/or collects whole or partial payment for a short-term vacation rental unit and is licensed as such under the laws of the State of Iowa. A Local Contact Person shall not perform the duties of a Broker without proper licensure.

SECTION III: LICENSING AND PERMITTING

A. **Districts Where Allowed:** Vacation Rentals are allowed in the residential districts of the City.

B. **Permit Required:**

1. A Permit must be obtained for each Unit.

2. **Permit Application Fee:** A non-refundable application fee of one hundred and fifty dollars (\$150.00) shall be due at the time of the submission of an application. This fee is per unit location. Any first time permit shall be charged pro-rata based on months before the September 30th expiration.

3. **Permit Applications:** All permit applications shall be submitted to the Planning & Zoning and Building Department on approved forms. Applications shall contain such information as: 1) the location/address

of each Vacation Rental, 2) the number of bedrooms in each Unit, 3) the property owner's name, address, and phone number, 4) the local contact person's name, address and phone number, 5) a proposed parking plan, 6) a copy of a typical rental agreement, 7) sales tax collection number for the State of Iowa, and 8) any other information reasonably necessary to establish the required use.

4. **Public Notice of Application:** Notices will be mailed via standard mail to all property owners located within 300 feet of the Vacation Rental within twenty (20) business days of receipt of the completed application. Property owners will have ten (10) days from the date of the notice to respond in writing to the Planning & Zoning Department. Responses to the notice will be considered in the review process.

5. **Review Process:** A permit will be granted within sixty (60) days of the date of the filing of the application unless the applicant fails to meet the minimum standard(s) for use of the real property as a Vacation Rental as outlined herein or for other good cause shown. The review process shall also include any responses and complaint(s) by citizens in response to the notice. The review includes staff review of documentation pertaining to the dwelling or structure, zoning, building codes, and/or other applicable laws or regulations. Filed complaints involving violations of the zoning ordinance, building codes, and/or applicable laws or regulations may be a basis for denying a permit.

6. Copies of violations and complaints shall be made available to the Applicant. A permit which has been denied may be appealed to the Planning & Zoning Commission within 10 days of notification of denial and thereafter to the City Council by presenting copies of the application and any violations and complaints to the Clerk of the City Council for Council's review and scheduling of the appeal. The Applicant shall be notified not less than fourteen (14) days before the scheduled appeal before the City Council.

7. **Term of the Permit:** Each Permit shall be for one (1) year and shall expire on September 30 of each year.

8. **Renewal of Permit:** Renewal of each License and Permit may be obtained for one-hundred and fifty dollars (\$150.00). This renewal fee is per permit location. The Permit renewal process will include City review of City records and other documentation pertaining to complaints, if any, that have been received about the specific Unit under consideration. Filed complaints involving violations of the zoning codes, building codes, and/or applicable laws or regulations may be a basis for denying a permit renewal.

9. Approval of a Permit does not legalize any non-permitted use or structure. Units are not to be used to distribute retail products or personal services to invitees for marketing or similar purposes. The outdoor display of goods and merchandise for sale is prohibited.

10. Licenses and Permits granted pursuant to this Ordinance are non-transferrable.

11. Upon the sale and transfer and or change of ownership of the real property for which a permit has been obtained, the new owner shall apply for a new permit in accordance with this Ordinance.

12. Any Unit that is deed-restricted, covenant restricted, and/or classified as affordable housing shall not be used as a Vacation Rental or Short-Term rental. Compliance shall be the responsibility of the Applicant.

13. Units existing as of May 1, 2017 will have forty five (45) days from the date of, May 1, 2017, to obtain a permit.

14. A Permit may be revoked following the receipt of a written notice of violation of this Ordinance stating the reasons for any violations. The Licensee shall have ten (10) days to correct any violation(s). Any revocation of a Permit by the Planning & Zoning Department may be appealed through the appeals process set forth herein.

SECTION IV: REGULATIONS

A. Occupancy: The maximum occupancy for a Vacation Rental shall be as follows: 1) Single bedroom - 2 to 4 guests; 2) Two Bedroom - 4 to 6 guests; 3) Three Bedroom - 6 to 9 guests; 4) Four Bedroom - 8 to 10 guests; and 5) Five or more Bedroom - 10 to 12 guests.

B. Parking – Number of Vehicles: In no event shall the maximum number of on-street vehicles exceed one (1) per unit. This number will be based on off-street parking availability and on-street conditions. It will be preferred that the Owner provide off-street parking. In certain circumstances where no off-street parking exists and on-street constraints exist, the City may require an off-street parking space to be constructed or secured.

C. Register of Guests: Each Owner shall keep or cause to be kept a register of guests and keep such register for a period of one (1) year.

D. Nuisance: Owners, Local Contact Persons shall ensure that the occupants of the Unit do not disturb the peace and enjoyment of the surrounding neighborhood and area.

E. Premises and Garbage Management: It shall be the duty of every Owner/Local Contact Person to keep all Units in clean and sanitary condition. Garbage shall be disposed of in covered dumpsters, if applicable, or in covered containers and placed at the scheduled pick up, near curb side of street in front of the dwelling. Containers emptied by the trash collector shall be removed from the curb within 12 hours after each emptying and placed out of site from the street.

F. Posting of Rules and Information: Unit rules shall be posted inside the Unit in a location readily visible by all occupants. The rules shall include but not be limited to occupancy, parking limits, noise rules, garbage management, and shall also include the name, address and phone number(s) of the Owner and Local Contact Person.

G. Local Contact Person: All Vacation Rentals shall designate a Local Contact Person who will respond to questions or concerns 24-hours a day. Additionally, the Owner (or designee) shall maintain records of all occupying tenants, rental agreements, owner information and any other relevant information. The Building Department shall submit a list of all Units with their respective Owner and Contact Person and their phone numbers to the City Police Department. The City Police Department shall immediately notify the Local Contact Person of any complaint, citation, arrest and or any other concerns of a Vacation Rental, its lodging and or its occupants.

H. Complaints and Dispute Resolution: Complaints regarding any violation of this Ordinance will first be directed to the Local Contact Person. If the Local Contact Person is unable to resolve the issue and/or the issue relates to public safety, the Local Contact Person will contact the City Police Department or the appropriate authority.

I. Prohibited Acts: All uses of the property shall be in compliance with Federal, State and Local Laws and Ordinances.

J. Signs: Any sign(s) for a Vacation Rental shall be determined by the zoning classification wherein the parcel of land is located.

K. The following regulations shall apply to a Vacation Rental situated on the Lake:

i) Parking for boat trailers shall be off street parking only and shall be a maximum of one trailer per Unit.

ii) Mooring of boats or vessels shall not exceed the width of the parcel where the Unit is located; shall not be double or greater moored; and shall not impede the flow of water traffic by any means.

L. Separate Violations: For purposes of prosecution of violations of this Ordinance, each day that any violation occurs (i.e. rental without a permit) is deemed to constitute a separate violation. Any person(s), entity, company or concern that willfully violates this Ordinance shall be guilty of a

misdemeanor. Those found guilty of such violation shall, upon conviction, be fined for each violation not exceeding two hundred fifty dollars (\$250.00) for the first offense, not exceeding five hundred dollars (\$500.00) for the second offense within a calendar year, and not exceeding more than one thousand dollars (\$1,000.00) for other offenses within a calendar year, plus all court costs and not more than ninety (90) days in the county jail, or both.

SECTION V: OTHER

A. Constitutionality

Should any portion, provision, or section of this Ordinance be held void, unconstitutional or invalid, the remaining portion of the Ordinance shall remain in full force and effect.

B. Conflicts

It is hereby provided the provisions of this Ordinance shall not be construed as conflicting with the provisions of any other regulations of the City of Clear Lake, Iowa. In any case when the provisions of these regulations and the provisions of other regulations both apply, the provisions of this Ordinance shall govern for the purposes of vacation rentals and short-term rentals.

C. Reservation of Rights

The City of Clear Lake reserves the right to modify or repeal this Ordinance, and any district designation created hereunder, at any time, with or without notice.

SECTION VI: EFFECTIVE DATE: This Ordinance shall be effective upon approval, as required by law, execution and publication.

After being reduced to writing, the foregoing Ordinance was read and considered, section by section, and then as a whole, whereupon Councilman Ebeling moved for its adoption, and after a second by Councilman Hugi, the following roll call vote was had:

Councilman Mike Callanan YEA

Councilman Jim Boehnke YEA

Councilman Mark Ebeling YEA

Councilman Gary Hugi YEA

Councilman Tony J. Nelson YEA

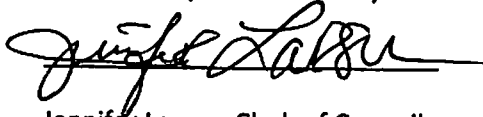
Passed by the City Council of the City of Clear Lake on the 1st day of May, 2017.

CERTIFICATION

I, Jennifer Larsen, Clerk of Council for the City of Clear Lake, Iowa, do hereby certify that the foregoing Ordinance Number 825 was approved and adopted in the public meeting of the City Council held on May 1, 2017 a quorum being present, in the City Council

Chambers and to be recorded in the Minute Books, said Council being the duly elected, qualified, and acting governing body of Clear Lake.

Presented by me to the Mayor on this, the day 1st of May, 2017.

A handwritten signature in black ink, appearing to read "Jennifer Larsen", written over a horizontal line.

Jennifer Larsen, Clerk of Council

Approved and signed by me on this, 1st day of May, 2017.

A handwritten signature in black ink, appearing to read "Nelson P. Crabb", written over a horizontal line.

Nelson P. Crabb, Mayor