

There came on for consideration at a duly constituted meeting of the Mayor and Members of the City Council of the City of Hattiesburg, Mississippi, held on the 18th day of **March 2025**, the following Ordinance:

ORDINANCE NO. 3376

AN ORDINANCE AMENDING CODE OF ORDINANCES OF HATTIESBURG, MISSISSIPPI, TO PROVIDE FOR SHORT-TERM RENTALS OF DWELLINGS, APPLICATION AND APPROVAL

WHEREAS, it has been brought to the attention of the City that residential property within the City is being used in short-term rentals and the potential issues and problems affiliated with such use must be addressed;

WHEREAS, The City has a legitimate interest in preserving its long-term housing stock and not have such limited resources depleted as there is an influx of individuals and families associated with the military, government contractors and the gaming industry seeking residential opportunities in Hattiesburg; and

WHEREAS, the use of short-term rental units as a use in residential zones is considered a valuable and needed use for those desiring to engage their dwelling or condominiums to rent to guests visiting Hattiesburg in exchange for compensation and further provides for another type of short-term stay opportunity similar to hotels, motels and bed and breakfast facilities and will aid and encourage tourism as well as, promote the local economy; and

WHEREAS, by requiring conditional use permits for the short-term rental of residential property the City of Hattiesburg will be able to balance the desire of owners to make such use of their property with those owners who desire peace and tranquility in their neighborhoods;

WHEREAS, by requiring conditional use permits for the short rental of residential property, the City of Hattiesburg will be able to investigate applications to assure compliance with the provisions set forth herein, as well as all local, State and Federal laws and will be able to address any adverse impact of short-term rentals; and

WHEREAS, it is the intent of the City of Hattiesburg to review the Ordinance annually in order that the City may address any adverse impact of the allowed use of property as short-term rentals; and

WHEREAS, The Planning Commission and City Council having held work sessions and having published due notice conduct a public hearing on such proposed changes at which time public testimony was taken and considered; and

WHEREAS, after due consideration the Mayor and City Council now find and determine that it would be in the best interest of the City of Hattiesburg that the recommended changes be adopted;

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HATTIESBURG, MISSISSIPPI:

SECTION 1. Amend the Code of Ordinances of the City of Hattiesburg, to Create Chapter 32 Article X Section 32-222

1) **DEFINITION:**

The following words, terms, and phrases, when used in this article shall have the meanings ascribed to them in this section:

Short-term Rental: means any dwelling or condominium or portion thereof that is available for use or is used for accommodations or lodging of guests, paying a fee or compensation for a period of less than thirty (30) consecutive days. The term does not include any hospital, convalescent or nursing home, shell houses, group homes, sanitarium, or any

facility associated with a hospital providing rooms for medical patients and their families. The term shall also not include mobile homes, manufactured homes, group homes, travel trailers, tents, recreational vehicles, campers, or other similar vehicles or structures nor does the term include a bed and breakfast permitted by City ordinances.

Local Property Manager. The person specifically named on the application and permit who is responsible for the day-to-day operation of the short-term rental unit, and who may be contacted and available twenty-four (24) hours a day if there is a problem with the unit. The local property manager may be the owner or agent of the owner and shall reside within Forrest or Lamar County. The local property manager and owner shall be responsible for the management and upkeep of the rental unit in compliance with the provisions set forth herein. The name, address, and telephone number of the owner and the local property manager shall be submitted at the time that the application is filed and said information shall be made available to the public. The owner shall be responsible for providing written notice of any change with respect to the name, address, and telephone number of the local property manager to the City within five (5) days of any such change.

2) PERMIT REQUIRED

- A. A Privilege Tax License, Certificate of Zoning Compliance, and Occupancy Limit are required for each short-term lodging rental unit.
- B. The permit process requires an application completed in accordance with the following which may be obtained at the City Tax Department.
 - a. Application shall contain such information as the City Clerk shall from time to time require, including, but not limited to, the location/address of the short-term rental, the number of rooms therein contained, the number of persons the short-term rental proposes to accommodate, the name of the property owner, the name of the local property manager, sales tax collection, and the name, address and telephone number of the local contact person who is available for contact, copy of the rental agreement, proposed parking plan (reviewed and determined upon signing and inspection by The Planning Division), plan for trash management, and a copy of the proposed rental agreement.
 - b. It shall be the duty of the applicant to produce proof to the City Tax Department of homeowner's liability insurance coverage which does not exclude short-term rentals from coverage. Further, the applicant shall provide proof that the insurer has been notified of the insured's intent to use the property as a short-term rental.
 - c. It shall be the duty of the applicant to produce proof of any mortgage or deed of trust which may encumber the property and submit proof that the mortgage or deed of trust does not prohibit the use of the property as a short-term rental.
 - d. The application shall include a statement from the applicant affirming that the applicant is in compliance with all applicable zoning requirements, building codes, deed restrictions and/or covenants, and has paid all applicable taxes, fees and other charges including lodging taxes.
 - e. The applicant shall execute a written statement acknowledging that a violation of the ordinances of the City of Hattiesburg may result in the suspension or revocation of the permit.
 - f. A non-refundable application fee of twenty-five dollars (\$25.00) shall be paid by the applicant at the time of filing the application. A licensing fee of one hundred thirty dollars (\$130.00) will be assessed for any approved licenses. The most recent fee established by the City Council shall take precedence. Total applicable fees include:

- \$50 Fire inspection
 - \$25 Certificate of Zoning Compliance (CZC)
 - \$20 Privilege Tax License for a Home Occupation
 - \$130 Short-Term Rental License Fee
 - \$25 Short-Term Rental Application Fee
- C. The short-term rental unit is in accordance with all applicable fire and health codes as would apply.
- D. Each short-term rental permit shall expire one (1) year from the date of issuance of the permit.
- E. Permit renewal may be obtained for one hundred dollars \$100.00 through the City Tax Department, other applicable fees will be required at this time and include but are not limited to a Fire Inspection fee and Privilege Tax License.
- a. Total Renewal Fees:
 - \$50 Fire inspection
 - \$20 Privilege Tax License for a Home Occupation
 - \$100 Short-Term Rental License Fee
 - b. The permit renewal process will include staff review of City records and other documentation pertaining to complaints, if any, that have been received about the specific short-term rental unit under consideration. Filed complaints that are in violation of the zoning codes, building codes, property maintenance, codes and/or applicable laws or regulations will be considered as part of the renewal process. Applicable local, State and Federal laws or regulations may be a basis for denying a permit renewal. If permit renewal is denied, the City Urban Development Division shall provide notice as to the reason for denial and the landowner shall be allowed ten (10) days to correct any deficiencies itemized. At the expiration of ten (10) days, a landowner may appeal the denial of permit renewal to the City Council. The appeal must be in writing and must be filed within ten (10) days following the expiration of the ten (10) day period within which to file correct deficiencies.
- F. Approval of a short-term lodging permit does not legalize any non-permitted use or structure. Short-term rental 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.
- G. Short-term lodging rental permits are not transferable. Upon sale or any type of transfer of the property, any permit issued pursuant to the terms set forth herein, shall automatically expire. Any new owner(s) or transferee(s) shall be required to apply for a new permit in accordance with this article.
- H. Any structure or unit that is deed-restricted for affordable housing shall not be used as a short-term lodging rental.
- I. Permit capacity will be the total number of permits issued for residential short-term rental shall not exceed two and a half percent (2.5%) of the total number of residential structures in the city at any given time. This number will be tabulated from existing residential water meters at the start of each fiscal year.
- a. The City Tax Department will maintain a waiting list for any applicant over the permit capacity. The waiting list time will be 365 days. The city offers no guarantee that being on the wait list will make the applicant approvable in the other provisions of this ordinance. A complete application with the twenty-five dollar (\$25.00) fee is required to be placed on the waiting list.
 - b. The waiting list will be used to evaluate the need to adjust capacity.

3) OCCUPANCY

The maximum occupancy of each short-term rental shall be as determined by the Building Official and/or Fire Marshall based on the inspection of the premises and applicable laws, regulations and codes. Each permit shall specify the maximum number of occupants, which may be limited due to building or parking constraints. Inspections shall focus on these items:

- A. Maximum occupancy is two (2) persons per sleeping room, plus an additional four (4) per dwelling. For residential properties with more than 3,250 square feet of conditioned living space, the maximum occupancy shall be two (2) persons per sleeping room plus an additional six (6). This section shall apply if in conflict with any other code or occupancy regulation adopted by the City. The maximum occupancy of a short-term rental shall be determined at the time a short-term rental permit is issued or renewed. That capacity shall not be increased by subsequent construction of any addition to the structure covered by the permit or by construction of any other structure located on the property without an inspection and approval by building official and submission of an amended registration form;
- B. Inspections shall primarily focus on these items:
 - a. Smoke detectors
 - b. Carbon Monoxide detectors (if applicable)
 - c. Fire extinguishers located appropriately throughout the building
 - d. Windows that do not have plexiglass
 - e. No bars on windows or doors
 - f. Safety of utility connections and outlets including electrical, water, sewer, gas, etc.

4) NUMBER OF VEHICLES

The maximum number of vehicles will be determined upon site inspection by the Building Department and should be compatible with the zoning. This number will be based on off-street parking availability and on-street conditions. It will be preferred that the applicant/owner provide off-street parking. In certain circumstances where no off-street parking exists and on-street constraints exist, the Building Official may require that an off-street parking space be constructed or secured. A fixed amount may be set by the Planning Commission.

5) REGISTRY OF GUESTS

Each person granted a short-term rental permit shall keep or cause to be kept a registry of the primary guest. Such registration or list shall be available for inspection upon ten (10) days written notice by the Building Official or his designee.

6) NOISE

Property owners and local property managers shall ensure that the occupants of the short-term lodging rental are aware of City noise ordinances and State laws regarding disturbing the peace.

7) PREMISES AND GARBAGE MANAGEMENT

It shall be the duty of every local property manager and/or owner to keep all of the rooms in connection with the short-term rental provided for the use of guests, in clean and sanitary condition; and to provide each guest with affective protection against flies, mosquitoes and other vermin. Garbage shall be disposed of in covered containers and placed in the scheduled pick-up location.

8) POSTING OF RULES

Short-term lodging rental unit rules shall be posted inside the rental unit in a location readily visible to all tenants. The rules shall include: occupancy; parking limits; noise, rules and garbage management. A written copy of this Ordinance shall be posted within the unit and displayed at all times.

9) LOCAL CONTACT PERSON

All short-term lodging rentals shall designate a local property manager who will respond to the questions or concerns twenty-four (24) hours a day. The name, address, and telephone number of the local contact person shall be submitted to the Code Enforcement, Tax Department, and City Police Department during the permitting process. The name, address, and telephone number of the local contact person shall be posted permanently inside the short-term rental unit. The local contact person, property manager, and/or property owner shall be considered the responsible person for violations of the Short-term Rental Ordinance.

10) COMPLAINTS AND DISPUTE RESOLUTIONS

Complaints regarding violation of this Ordinance must 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, then the concerned party should contact the Code Enforcement Division. The Hattiesburg Police Department shall have an updated list provided by the City Clerk of all local contact persons for short-term rentals in case complaints are received after hours. Verified complaints concerning non-compliance with the terms of this Ordinance may be considered in determining whether or not a permit should be revoked.

11) DENIAL OR REVOCATION OF A LICENSE

Conditions for denial of permit or revocation of permit to operate a Short-term Rental unit shall include but in no way limited to the following:

- A. Property within a subdivision with an active homeowner's association with adopted covenants that do not allow short-term rentals will not be considered for a permit. A letter of acknowledgment and support will be required from the Homeowner's Association in order to continue in the pursuit of a permit. Failure of the applicant to notify the City that his/her property is a part of a Homeowner's Association shall result in denial of a permit or revocation of a permit.
- B. The applicant failed to conform to the conditions set forth herein for the current or previous year.
- C. Guests and/or users of the property were issued noise ordinance and/or disturbing the peace citations during the previous or current year.
- D. Any other reasonable or rational factors or combination of factors, including, but not limited to inadequate lot size, inadequate street parking, lack of response from local property manager or contact person, filed complaints of violation of the zoning code, building code, property maintenance code and/or applicable laws or regulations (may be a basis for denying permit).
- E. The Director of Urban Development in conjunction with the City Clerk are authorized to revoke permits. A permitted owner shall be provided with written notice of the reason(s) the permit is subject to revocation. The applicant shall be allowed ten (10) days from the date written notice is issued to correct defective conditions. If the condition is not corrected within ten (10) days to the satisfaction of the Building Official, permit will be revoked by issuing such and order. Upon receipt of such order by the owner or local property manager, the unit shall cease operation as a short-term

rental. The owner may appeal the order revoking the permit. The owner's appeal must be in writing and filed with the Building Department within ten (10) days of entry of the order. The revocation shall remain in full force and effect during the pendency of the appeal. The appeal should be presented to the Mayor and City Council at the next scheduled meeting following the filing of the appeal. The owner should be afforded notice and the opportunity to be heard. The City may appoint a hearing officer to preside over any such appeal.

12) VIOLATIONS:

Any persons or users who allow such use of a residential property in violation of this Ordinance shall be guilty of a misdemeanor.

For purposes of prosecution of violations of this chapter, each day that any violation occurs (rental without a permit) is deemed to constitute a separate violation. Those found guilty of such violation shall, upon conviction, be fined for each violation not exceeding \$250.00 for the first offense, not exceeding \$500.00 for the second offense within a calendar year and not exceeding more than \$1,000.00 for other offenses within a calendar year, plus all court costs.

13) 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.

14) CONFLICTS

It is hereby provided that the provisions of these regulations shall not be construed as being in conflict with the provisions of any of the regulations of Hattiesburg, Mississippi. In any case where the provisions in these regulations and the provisions of other regulations both apply, the provisions of this Ordinance shall govern for the purpose of short-term rentals of residential dwellings or condominiums.

Short-Term Rentals shall be reviewed under the International Residential Code of the currently adopted building code year.

15) REVIEW

The City shall review the Ordinance annually to evaluate the benefits recognized by the use of Short-term Rentals and any adverse impact the use of Short-term Rentals may have.

SECTION 2. That this Ordinance take effect and be in force sixty (60) days from and after passage as provided by law.

The above and foregoing Ordinance, after having been first reduced to writing, was introduced by Council Member Ware, seconded by Council Member Carroll, and was adopted by the following, to wit;

YEAS:
George
Delgado
Carroll
Ware
Brown

NAYS:
None

ABSENT:
None

The President thereby declared the motion carried and the Ordinance adopted this the 18th day of **March 2025**.

(S E A L)



ATTEST:

Ronda S. Kennedy
CLERK OF COUNCIL

ADOPTED:

Jeffrey Geaye
COUNCIL PRESIDENT

The above and foregoing Ordinance, having been submitted to and approved by the Mayor, this the 18th day of **March 2025**.

ATTEST:

[Signature]
CITY CLERK

APPROVED:

[Signature]
MAYOR