

**ORDINANCE NO:** 26-0-02  
**SPONSOR:** COUNCILMAN POWELL  
COUNCILMAN KLUSTY  
**INTRODUCED:** MARCH 18, 2026

**AN ORDINANCE PROVIDING FOR THE REGULATION OF SHORT-TERM RENTAL OPERATIONS.**

**WHEREAS**, in recent years there has been an increase in the number of short-term residential real estate rentals within the City; and

**WHEREAS**, municipalities across the United States have implemented, or are in the process of implementing, regulations and standards for short-term rental operations; and

**WHEREAS**, the City desires to regulate the use of short-term rentals to maintain and preserve the distinct character of the City of New Franklin's residential neighborhoods while also protecting and ensuring the right of private property owners; and

**WHEREAS**, this Council finds and concludes that enacting this ordinance regulating short-term rental operations within the City of New Franklin promotes the public health, safety, and welfare of the City and its residents and effectively balances the diverse interests of the City of New Franklin's short-term rental owners, renters, property owners, and residential communities.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEW FRANKLIN, COUNTY OF SUMMIT, AND STATE OF OHIO, THAT:**

**SECTION ONE: PURPOSE AND INTENT**

The purpose of this ordinance is to establish reasonable and enforceable regulations for the operation of Short-Term Rentals (STRs) within the City of New Franklin in order to protect the public health, safety, and welfare of residents and visitors; to preserve the residential character of neighborhoods; to ensure that STRs operate as good neighbors; and to provide an orderly permitting, inspection, and enforcement framework. Nothing in this Ordinance is intended to prohibit lawful rentals of dwelling units for periods of 30 days or more, or to regulate hotels, motels, bed-and-breakfast establishments, or similar uses already regulated by other codes or laws.

**SECTION TWO: DEFINITIONS**

(a) "Short-Term Rental" means any room or dwelling that is rented wholly or partly for a fee for less than thirty (30) consecutive days from which the owner receives monetary compensation, whether such

compensation is paid directly by the short-term rental guest or is collected and remitted to the owner by a hosting platform. "Short-Term Rental" does not include a room in any Hotel or Motel, as defined elsewhere in this Ordinance of the City of New Franklin. A "Short-Term Rental" shall not include the use or occupancy of tents, campers, recreational vehicles, travel trailers, tiny houses on wheels, sheds, portable buildings, or any other temporary or movable structure not constructed on a permanent foundation and approved for residential occupancy.

(b) **"Short-Term Rental Operation"** or "operation of a short-term rental" means the occupancy for a fee of any room or dwelling in a short-term rental by a transient guest.

(c) **"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, accommodations on behalf of the short-term rental host. Examples include, but are not limited to, Airbnb, VRBO, and HomeAway

(d) **"Transient Guests"** means persons occupying a room or rooms for sleeping accommodations for less than thirty (30) consecutive days.

(e) **"Short-Term Rental 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.

(f) **"Bedroom"** means a separate room intended for sleeping or placement of a bed, separated from other spaces in the dwelling unit by one or more functional doors. A kitchen, dining area, gathering space, attic or basement shall not be considered a bedroom, with the exception of basements or attics with separate egress meeting the standards of the applicable building, residential, and fire codes.

(g) **"Dwelling"** means a building, or self-contained portion thereof, designed for and occupied exclusively as a residence by one housekeeping unit and provided with independent cooking, sleeping, and sanitary facilities.

(h) **"Owner"** means a person or legal entity with legal title to the STR premises.

(i) **"Short-term rental host"** or "host" means the owner of a short-term rental who offers the short-term rental for temporary lodging.

(j) **"Calls for Service"** means any and all calls to a City of New Franklin department, including but not limited to those to law enforcement, zoning, and the fire department, when those calls:

1. result in evidence of criminal activity; or,
2. result in an arrest, charge or citation; or,
3. evidence of an imminent threat to safety of person(s) or

- property; or,
4. confirm sanitation, refuse, or noise issues at a short-term rental property.

(k) "Material misrepresentation" means a false statement or omission that could reasonably affect the City's decision to issue, renew, or revoke an STR permit, including statements about ownership, local contact information, parking/site plan information, bedroom count/occupancy information, insurance coverage, or prior violations.

### **SECTION THREE: PERMIT REQUIREMENTS**

(a) No person, including but not limited to an owner, operator, manager, or employee shall engage in, conduct, or carry on, or permit another to engage in, conduct, or carry on, in or upon any premises in the City of New Franklin, the operation of a short-term rental (STR) without obtaining a permit in accordance with this ordinance. It shall be prima facie evidence of an STR operation if an STR guest is found to be occupying or using an STR or if a residence has been placed on any hosting platform for STR purposes.

(b) Any transfer of legal title to the STR premises voids the STR permit and requires submission and approval of a new STR permit application except as provided in subsection (c).

(c) A permit holder may request written approval from the Zoning Administrator to continue the existing permit after a transfer of legal title to an entity under substantially common ownership or control (including an LLC or trust) when:

1. the premises, STR operation, and local contact under Section Four (j) remain unchanged;
2. the transferee assumes all obligations and liabilities under this Ordinance in writing; and
3. the permit holder provides the City written notice and supporting documentation within thirty (30) days of the transfer.

The Zoning Administrator shall approve or deny the request in writing within fourteen (14) days. If the Zoning Administrator denies the request, the transferee shall submit a new STR permit application before operating.

(d) The STR permit shall take effect on the day of issuance and shall expire on the following January 31st. A permit to operate an STR shall be renewed by the applicant for each year of operation thereafter. Renewal (reapplication) for the following permit year shall be submitted no later than December 31 of the prior year. A timely submitted renewal application shall allow the existing permit to remain valid through January 31 while the renewal is reviewed. If renewed, the permit shall be in effect for twelve months, beginning on February 1st and expiring on January 31st of the following year. The City shall post timely

submitted renewal applications on the City website during January to allow public review and comment, and the Zoning Administrator shall approve or deny renewal applications by January 31. A denial may be appealed to the Board of Zoning Appeals pursuant to Section Seven.

#### **SECTION FOUR: PERMIT APPLICATION PROCESS**

An application for an STR permit, and/or renewal of a permit, shall be submitted to the New Franklin Zoning Office upon approved forms, together with a permit fee of Five Hundred and 00/100 Dollars (\$500). Permit fees shall be used exclusively to defray the administrative costs of the City of New Franklin Zoning Department associated with the administration and enforcement of this Ordinance. The application for a permit to operate an STR shall contain the following information:

- (a) The names of the legal owner or owners of the property, including mailing address, telephone number, and email address.
- (b) The addresses of any other STR properties located in the City of New Franklin and owned or operated by the applicant.
- (c) A site plan to include defined spaces for parking.
- (d) A floor plan of the premises to include the number of bedrooms.
- (e) The names of all hosting platforms that are used by the STR host.
- (f) The names of all advertising outlets in which the STR host intends to advertise such rental if the STR host is not using a hosting platform.
- (g) Proof of insurance evidencing homeowner's fire, hazard, and liability insurance. Liability coverage shall have limits of not less than one million dollars (\$1,000,000) per occurrence.
- (h) If the City requests an inspection of the short-term rental premises in connection with an application for issuance or renewal of an STR permit, the Owner or Responsible Agent shall provide reasonable access during normal business hours with advance notice. Refusal to permit such an inspection shall result in denial of the application or revocation of the STR permit pursuant to Section Six.
- (i) A statement attesting that the STR operation is in compliance with all applicable local, state, and federal laws and regulations concerning the provision of sleeping accommodations to transient guests, and any homeowner's association agreements or bylaws, condominium agreements, covenants, codes, restrictions, or any other agreements governing or limiting the use of the STR dwellings.
- (j) The contact name and telephone number of an individual or agency available 24 hours a day, seven days a week for any issues that may arise related to the short-term rental unit or its transient guests.
- (k) Short Term Rentals shall not be located within 300 feet of an existing currently permitted Short Term Rental. The measurement shall be from the closest property line of the currently permitted Short Term Rental to the closest property line of the property that is applying.

For initial STR permit applications (not renewals), the City shall cause a temporary yard sign to be placed for fourteen (14) days prior to issuance of the permit on the property which is the subject of the STR application for the purpose of notification to neighbors and the opportunity for public comment. Any comments received shall be considered for the purpose of assisting with the City's evaluation of the applicant's compliance with this ordinance. Renewal (reapplication) submissions shall be posted on the City website during January for public review and comment.

#### **SECTION FIVE: OPERATIONAL REQUIREMENTS**

The STR host shall comply with the following requirements for operation:

- (a) The Host shall provide to all guests contact information, including a telephone number, of the person responsible for resolving any complaints regarding the condition, operation, or maintenance of the dwelling unit.
- (b) The Host shall advise all guests of trash and recycling collection days for the dwelling and any applicable rules and regulations pertaining to leaving or storing trash on the exterior of the dwelling. The Host shall provide proper trash and recycling containers for the short-term rental guest(s).
- (c) Smoke detectors shall be provided and maintained within each sleeping area in each dwelling unit.
- (d) One or more carbon monoxide detection devices shall be installed and maintained within close proximity to the living area and sleeping areas of the dwelling unit.
- (e) Occupancy shall be limited to two persons per bedroom, plus two additional persons (three if minors) within the dwelling unit (e.g. Three bedrooms allows eight guests, nine if certain of the guests are minors).
- (f) The maximum number of motor vehicles that are permitted to be parked shall not exceed the number that can be garaged on-premises plus two (2) that may park in the attached driveway, consistent with the site plan for the dwelling.
- (g) Signs, advertising, or any other display on the property indicating that the dwelling unit is being utilized, in whole or in part, as an STR are prohibited.
- (h) No recreational vehicles, buses, or trailers shall be visible on the street or property in conjunction with the STR use.
- (i) The principal rental of a STR unit shall be at least twenty-one (21) years of age.
- (j) No special events (e.g. weddings, bachelor parties, etc.) which would involve attendance of persons in addition to the registered guests are permitted at the premises during the rental.
- (k) The permit holder shall be responsible for collecting and remitting all applicable room, occupancy, and sales taxes required by state law

and City ordinances.

(l) All STR occupants shall abide by all applicable noise restrictions contained in the City of New Franklin Codified Ordinances.

(m) Nothing in this Ordinance authorizes short-term rentals in zoning districts where residential dwelling use is not permitted, and issuance of an STR permit does not cure any zoning nonconformity.

(n) Compliance with all other applicable provisions of the City of New Franklin Codified Ordinances related to residential housing and the collection of taxes related to the operation.

(o) All overnight lodging for short-term rental guests shall occur only within the dwelling identified in the STR permit. Overnight sleeping or residing in any tent, camper, recreational vehicle, travel trailer, tiny house on wheels, shed, portable building, or any other temporary or movable structure on the property is prohibited.

The Zoning Administrator shall administer and enforce this Ordinance, including the creation of application forms and checklists that reflect the requirements expressly stated in this Ordinance. Nothing in this Ordinance shall be construed as permitting any person to obtain a permit or operate an STR when prohibited by any other provision of law.

#### **SECTION SIX: GROUNDS FOR DENIAL OR REVOCATION**

The Zoning Administrator, or his/her designee, may deny or revoke an STR permit for any of the reasons set forth below:

(a) The applicant makes a material misrepresentation of fact on the application for an STR permit or, if requested, fails to submit documentation evidencing compliance with the rental host requirements outlined herein.

(b) The property taxes of the short-term rental host are in arrears with the Summit County Auditor's Office.

(c) The STR host is not in good standing with the City of New Franklin Income Tax Division.

(d) The STR has a documented history of repeated conduct that endangers neighborhood safety or of conditions interfering with the use and enjoyment of property within its vicinity, or of conduct in violation of this Ordinance, as evidenced by Calls for Service at the location.

(e) The STR has outstanding orders from the City Fire Department that have not been corrected.

(f) The STR owner/Host fails to comply with the provisions of this Ordinance.

(g) Any other reason not set forth above which would substantially and adversely affect the character, value and enjoyment of residential properties in the immediate area.

#### **SECTION SEVEN: APPEAL OF DENIAL OR REVOCATION OF PERMIT**

Before revoking any permit, the Zoning Administrator shall give the permit holder fifteen (15) days written notice of the alleged violation(s) against him/her. An STR permit that has been denied or revoked may be appealed to the Board of Zoning Appeals within twenty (20) days of the date of the denial or revocation.

The burden of proof in such an appeal shall be upon the appellant to show that the denial or revocation was arbitrary or unreasonable.

#### **SECTION EIGHT: PENALTIES**

(a) Criminal offense. Whoever violates any provision of this Ordinance is guilty of an unclassified misdemeanor and shall be fined not more than five hundred dollars (\$500.00), in addition to any other penalties imposed hereunder. Continuing violations. Each calendar day a violation continues after written notice constitutes a separate offense.

(b) Subsequent convictions. Upon each subsequent conviction for a violation of this Ordinance within any twelve (12)-month period, the offense shall remain an unclassified misdemeanor, but the guilty party shall be fined not more than one thousand dollars (\$1,000.00), in addition to any other penalties imposed hereunder.

(c) Revocation. Upon the third (3rd) violation of this Ordinance within any twelve (12)-month period by the same short-term rental dwelling, the STR permit for that dwelling shall be automatically revoked.

(d) Waiting period and reapplication. Following a revocation under this Section, no STR permit shall be issued for that dwelling to the same Owner, or to any entity under substantially common ownership or control, for a period of three (3) months from the date of revocation. After the expiration of that period, the same Owner may apply for a new STR permit for that dwelling only by submitting an application for review and approval by the Board of Zoning Appeals pursuant to Section Seven. Any such application shall be processed as a new permit application and evaluated in light of the prior violations, corrective measures taken, and the standards of this Ordinance.

(e) Counting period. The twelve (12)-month period is measured backward from the date of the most recent violation.

(f) Fine amount factors. In setting the amount of a civil fine within the applicable range, the Zoning Administrator may consider the severity and duration of the violation, any prior violations, corrective actions taken, and the degree of cooperation with the City.

#### **SECTION NINE: OPEN MEETINGS**

The City of New Franklin finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberation of this

Council and any other Committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

**SECTION TEN: EFFECTIVE DATE; TRANSITION**

(a) Transition for existing operators. Existing STRs shall apply for a permit within sixty (60) days after the effective date. During the transition period, existing STRs may continue operation provided they timely apply and remedy any safety deficiencies identified by the City.

ADOPTED:

March 18, 2026

Kelly Kepler, Clerk

Barry Shaffer, President  
26-0-02

APPROVED: March 18, 2026

Stephen D. Rector, Mayor

ENACTED EFFECTIVE:

March 18, 2026

ON ROLL CALL:

Allman	<u>NO</u>	Cotts	<u>Yes</u>	Jones	<u>Yes</u>
Klusty	<u>Yes</u>	Powell	<u>Yes</u>	Shaffer	<u>NO</u>
Wolff	<u>NO</u>				

Publications on

March 27, 2026 and April 3, 2026

Kelly Kepler, Clerk