

A. Short Term Rental Permits – Created and Required.

1. It shall be unlawful to operate a Short Term Rental, as defined in the Zoning Ordinance of the City of Gulfport, without first obtaining a Short Term Rental Permit issued by the City of Gulfport, by and through the Department of Urban Development, pursuant to this Ordinance and in compliance with any and all applicable ordinances, statutes, regulations, and laws. The term Short Term Rental, as used herein, may also refer to the structure being used as a Short Term Rental.
2. An annual Short Term Rental Permit shall be issued to a property owner by the Department of Urban Development only after all requirements of this and any other applicable ordinances have been met. A Short Term Rental Permit shall be revoked, suspended, or not renewed due to the Permittee's failure to comply with any provisions or requirements of the Zoning Ordinance or the requirements provided herein. Multiple individual Short Term Rentals on a single parcel of property shall be permitted separately. The City shall have the right to inspect any permitted Short Term Rental upon reasonable notice to the owner.
3. Any holder of a Short Term Rental Permit issued pursuant to this Ordinance shall maintain on file with the Department of Urban Development the name and current address of a natural person in Harrison County upon whom service can be made including, without limitation, the service of legal process and other legal notices related to the operation of the Short Term Rental and/or compliance with this Ordinance and/or applicable provisions and requirements of the Zoning Ordinance. By applying for a Short Term Rental Permit, a property owner consents and agrees that service upon the person on file shall be deemed effective service upon the holder of the Short Term Rental Permit. Any corporation or other business entity holding a Short Term Rental Permit shall be qualified to do business in the State of Mississippi.
4. General Requirements:
 - a. No person other than the owner of the property where the Short Term Rental is to be operated may be issued a Short Term Rental permit for that property.
 - b. Each Short Term Rental shall be equipped with working smoke detectors installed in accord with the applicable Fire Code.
 - c. Each Short Term Rental shall be equipped with a properly maintained and charged portable fire extinguisher (2A 10BC) which shall be inspected annually by the Permittee and serviced every five (5) years by an approved company and which is installed in a visible and accessible location.
 - d. Each Short Term Rental shall be equipped with a carbon monoxide detector (installed per manufacturer's recommendations) (this paragraph applies only if there is natural gas or propane service to the Short Term Rental or if the Short Term Rental has an interior fireplace (gas or wood burning)).
 - e. Permittee shall post in the Short Term Rental the information required in Paragraph C.3. of this ordinance. Posting shall be displayed in a prominent location.

- f. The property where the proposed Short Term Rental is located must have no municipal code violation liens.
- g. The applicant shall be required to certify that operation of the Short Term Rental shall not violate any applicable deed restriction or subdivision, homeowner association or property owner association covenant, regulation or other similar rule.
- h. Permittee shall collect or cause to be collected all applicable charges, taxes and fees and remit or cause to be remitted the same to the appropriate governmental entity.

B. Application Requirements.

An applicant for a Short Term Rental Permit shall:

1. Fully complete and execute an Application for Short Term Rental Permit.
2. Certify and attest to the following, under penalty of perjury, as to the following:
 - a. That the applicant is owner of the property where the Short Term Rental is to be operated.
 - b. That the Short Term Rental is equipped with working smoke detectors installed in accord with the applicable Fire Code.
 - c. That the Short Term Rental is equipped with a properly maintained and charged portable fire extinguisher (2A 10BC) which shall be serviced annually by an approved company and which is installed in a visible and accessible location.
 - d. That the Short Term Rental is equipped with a carbon monoxide detector (installed per manufacturer's recommendations) (this paragraph applies only if there is natural gas or propane service to the Short Term Rental or if the Short Term Rental has an interior fireplace (gas or wood burning)).
 - e. That posted in the Short Term Rental is the information required in Paragraph C.3. of this Ordinance. Posting shall be displayed in a prominent location.
 - f. That the property has no municipal code violation liens.
 - g. That operation of the Short Term Rental does not violate any applicable deed restriction or subdivision, homeowner association or property owner association covenant, regulation or other similar rule.
 - h. That the applicant understands that, if granted a Permit pursuant to this ordinance, all applicable charges, fees and taxes must be collected or must be caused to be collected and remitted to the appropriate governmental entity.
 - i. Any and all other information as may be requested by the Department of Urban Development on the Short Term Rental Permit Application.
3. Furnish the following documentation to the Department of Urban Development with the completed and executed application:
 - a. A floor plan that indicates the location of the required smoke detectors, fire extinguisher, carbon monoxide detector and emergency contact/fire-exit posting and where the Short Term Rental permit will be posted.
 - b. A copy of the deed vesting ownership in the property in the applicant.
 - c. A Certificate of Zoning Compliance from the Department of Urban Development (not required for "grandfathered" Short Term Rental units).
 - d. A copy of the applicant's sales tax certificate.
 - e. A trash management plan.

4. Pay all applicable permit fees.
5. Pass a fire inspection per check list attached hereto.

Where information provided by Applicant on the Short Term Rental Permit Application and/or the documentation provided along with the Application is found by a court of competent jurisdiction to be fraudulent, inaccurate, or false or constitute a material misrepresentation or a violation of the ordinance, the City Short Term Rental Permit shall be automatically revoked, held for naught and void ab initio and any deposits held by the Permittee for future bookings shall be returned to the prospective renter/s. All requirements of this Section shall be continuously maintained throughout the duration of the permit.

The City issues a Short Term Rental Permit in reliance upon the applicant's certified representation that no applicable deed restriction or subdivision, homeowner association or property owner association covenant, regulation or other similar rule prohibits the operation of the Short Term Rental at that particular location.

An application shall not be accepted or considered by the Department of Urban Development unless the same is complete, contains all required documentation and is fully executed by the Applicant.

C. Permit Issuance.

1. Upon satisfactory submission of the required and completed and fully executed application, certification and documentation, approval by the Gulfport Fire Department after on-site inspection and payment of permit fees, the Department of Urban Development shall issue an annual Short Term Rental Permit to the applicant. Said Permit shall contain:
 - a. The address of the Short Term Rental.
 - b. The Permittee's name, mailing address, phone number where Permittee may be reached during the stay and electronic mail address.
 - c. The permit number.
 - d. Occupancy Limit as established by the City (criteria: one person per twin bed, two persons per full, queen or king bed; to meet criteria, a bed must be located in a sprinkled or double access room).
 - e. Contact Information for the Owner's Local Agent (name, cell and land (if applicable) phone and e-mail), if different from owner, for complaints or concerns by renters. The Local Agent shall be an individual able to respond on-premises to complaints and concerns twenty-four hours a day.
 - f. Dates the permit is valid.
2. The Permittee shall place the permit number and occupancy limit on any listing advertising or offering the property for use as a Short Term Rental. The Permittee shall also include the following language on any listing advertising or offering the property for use as a Short Term Rental: "Tenants are expected to abide by the provisions of Gulfport's "Noise Ordinance." The Permittee shall only advertise the Short Term Rental as allowed by this Ordinance.
3. The Permittee shall post the following information in a prominent location in the interior, clearly visible to guests:
 - a. The Short Term Rental Permit;

- b. Floor plan that indicates the location of the required smoke detectors, fire extinguisher, carbon monoxide detector and emergency contact/fire-exit posting; and
 - c. The Noise Ordinance for the City of Gulfport, found in Section 7-10 of the Code of Ordinances.
4. Where planning commission approval is required,
- a. No application for a Short Term Rental Permit may be accepted by the Department of Urban Development until the expiration of the appeal period applicable to decisions of the Planning Commission or, if appealed, until expiration of the appeal period applicable to decisions of the City Council.
 - b. An applicant must apply for the Short Term Rental permit no later than forty-five (45) days after a final decision of the Planning Commission or, if appealed to the City Council, no later than forty-five (45) days after the decision of the City Council.

D. Permit Renewal.

A Short Term Rental Permit is valid one year from the date of issuance. The Permit may be renewed upon application to the Department of Urban Development by submission of a fully completed and executed renewal application (which shall require the same information and documentation as the initial application), and certification that, to the best of the Permittee's knowledge, all taxes, charges and required fees relative to the Short Term Rental have been collected and remitted to the appropriate governmental entity. A fire inspection shall be required for renewal. An application for a renewal permit must be submitted prior to the expiration date of the permit for which renewal is sought. A renewal permit, assuming it is issued, shall be dated the date of expiration of the permit for which renewal is sought.

E. Permit Fees.

- 1. One Short Term Rental per tax parcel:
 - a. Non-refundable fee for the initial permit shall be two hundred dollars (\$200.00).
 - b. Non-refundable fee for the renewal permit shall be one hundred dollars (\$100.00).
- 2. Multiple Short Term Rentals per tax parcel:
 - a. Non-refundable fee for the initial permit shall be two hundred dollars (\$200.00) for the first Short Term Rental and shall be one hundred dollars (\$100.00) for each additional Short Term Rental located on the same tax parcel
 - b. Non-refundable fee for the renewal permit shall be one hundred dollars (\$100.00) for the first Short Term Rental and shall be fifty dollars (\$50.00) for each additional Short Rental located on the same tax parcel

F. Permit non-transferrable.

A permit issued under this Ordinance is property and owner specific and shall not be automatically transferred from one property or owner to another. Notwithstanding the foregoing, a permit issued for a Short Term Rental may be transferred from one owner to another so long as the new owner shall, within forty-five (45) days of the purchase of the property, apply for a permit in the new owner's name. Failure of the new owner to apply for the permit within forty-five (45) days of the conveyance of the property to the new owner shall result in the immediate expiration of the permit.

G. Owner Requirements.

The owner shall sign an indemnification and hold harmless agreement in a form approved by the City Attorney, agreeing to indemnify, save, protect, hold harmless, and defend the City of Gulfport, and the City of Gulfport representatives, officers, officials, employees, agents, and volunteers from any and all claims, demands, damages, fines, obligations, suits, judgments, penalties, causes of action, losses, liabilities, or costs at any time received, incurred, or accrued as a result of, or arising out of owner's actions or inactions in the operation, occupancy, use, and/or maintenance of the property.

H. Penalties.

Any violation of this Ordinance or the correlating provisions in the Zoning Ordinance shall constitute a misdemeanor offense to be charged against the property owner. Violations under this Ordinance are punished in accord with Section 1-9 of the Code of Ordinances..

Further, upon first conviction of a violation of this ordinance or the related provisions of the Zoning Ordinance, the Director of Urban Development, or his designee, shall suspend the Short Term Rental Permit for a period of thirty (30) days. Upon a second conviction of a violation of this ordinance or the related provisions of the Zoning Ordinance within a period of two (2) years, the Director of Urban Development, or his designee, shall suspend the Short Term Rental Permit for a period of ninety (90) days. Upon a third conviction of a violation of this ordinance or the related provisions of the zoning ordinance with a period of two (2) years, the Director of Urban Development, or his designee, shall suspend the Short Term Rental Permit for a period of three hundred sixty five (365) days. Any suspension of the Short Term Rental Permit under this provision may be appealed to the City Council. The Short Term Rental Permit shall remain in effect during the pendency of appeal of a misdemeanor conviction or permit suspension.

Upon conviction for operation/rental of a Short Term Rental without proper permitting, or operating/renting a Short Term Rental while a permit has been suspended or revoked, the property owner shall not be eligible for the issuance, or reinstatement, of a Short Term Rental permit at any location in the City of Gulfport for a period of three hundred sixty five (365) days.

Nothing contained herein shall be construed to limit the civil or equitable legal remedies available to the City or any other person for the correction of violations of this Ordinance and the correlating provisions in the Zoning Ordinance.

Where a Short Term Rental is permitted as a non-conforming use, if the Permit is revoked, terminated or expires, the Short Term Rental may no longer be permitted as a non-conforming use and the provisions of this Ordinance and the Zoning Ordinance will apply to the Short Term Rental.

I. Records Maintenance.

The City will maintain any such records as it deems necessary from time to time to administer the provisions of this ordinance.

Short-Term Rental Fire Inspection Checklist

General Precautions Against Fire:

- Address must be clearly marked, as follows:
 - Visible and legible from the road or street fronting the property
 - Color of numbers contrasts with the background color
 - Numbers are Arabic numbers (not spelled out)
 - Numbers are a minimum of 4" tall with a minimum stroke of 1/2".
- Fireplaces/Wood Stoves: a non-combustible ash receptacle with lid must be provided outside the structure and located more than ten feet from any combustible material, including the structure.
- Combustible materials shall not be stored near fuel fired heating equipment or in special rooms containing fuel fired equipment.
- Portable fuel fired heaters are not be permitted.

Fire Suppression & Detection Equipment:

- Single Station Smoke Alarms must be provided, as follows:
 - In sleeping areas
 - In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit
 - In each story within the sleeping unit, including basements
- At least one (1) 2A 10BC Portable Fire Extinguisher shall be mounted in a visible and accessible location.
- Fire Extinguisher(s) shall be inspected annually by the Permittee and serviced every five (5) years by an approved company.
- Any installed fire alarm or automatic fire sprinkler system must be inspected every five (5) years by an approved company.
- Carbon Monoxide Detector must be installed per manufacturer's directions

Means of Egress:

- If no automatic fire sprinkler system is present, each sleeping room shall have, in addition to the exit door, one other means to provide an emergency escape, which may be a second door that leads directly to the outside of the structure, or an openable window that is operational from within the area in which it serves without the use of any special tools or keys. If bars or grills are installed, a release mechanism shall be installed.

Electrical Safety:

- Multi-plug adapters, such as cube adapters, un-fused plug strips or any other devices not complying with the electrical code are prohibited.
- Extension cords shall not be utilized as or in place of permanent wiring.
- When utilized, portable electric heaters shall comply with the following:
 - Must be UL listed and labeled.
 - Must be plugged directly into an approved receptacle.
 - May not be plugged into any extension cords.
 - May not be located within 3 feet of combustible material and only in locations for which they are listed.