

ORDINANCE NO.: 2017-01
AN ORDINANCE OF THE LONG BEACH TOWN COUNCIL
AMENDING PORTIONS OF THE TEXT OF
THE ZONING CODE OF THE TOWN OF LONG BEACH, INDIANA

WHEREAS, the Long Beach Town Council on June 10, 2002, adopted a Zoning Code of the Town of Long Beach, LaPorte County, Indiana which is located at Chapter 154 of the Long Beach Town Code; and

WHEREAS, the Long Beach Advisory Plan Commission has initiated an amendment to the text portion of the Zoning Code in order to address sections concerning short term rentals; and

WHEREAS, a public hearing has been held before the Town of Long Beach Advisory Plan Commission, which has certified its proposal to amend the text of the Zoning Code to the Long Beach Town Council; and
day

WHEREAS, notice has been given in accordance with Indiana Code of all proceedings concerning this text amendment to the Zoning Code; and

WHEREAS, the Long Beach Town Council concurs with its Advisory Plan Commission and accepts its proposal to amend the text of the Zoning Code;

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the Long Beach Town Council as follows:

SECTION 1: The definitions of several terms in Section 154.020 shall be amended as follows:

154.020 DEFINITIONS

FAMILY. One or more persons living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, nursing home, dormitory, fraternity, or sorority house.

DWELLING UNIT. A separate detached building designed for and occupied exclusively as a residence by one family and used by one family for cooking, living and sleeping purposes.

DAILY RENTAL USE. The act of letting or leasing for consideration of any form, a Dwelling Unit, Principal Building, Accessory Building, Structure or all or any portion of the Zoning Lot for occupancy for a period of less than 30 consecutive days.

SECTION 2: Section 154.049(D) shall be amended to read as follows:

154.049 USES EXPRESSLY NOT ALLOWED

154.049 (D) Use of a single-family Dwelling Unit for Daily Rental Use and/or occupancy by persons who compensate the property owner in any form, for the privilege of use and/or occupancy of the Principal Building, Accessory Building, Structure or any portion of a Zoning Lot for a period of less than 30 consecutive days, including but not limited to bed and breakfast and other home-stay lodging facilities. The Daily Rental Use of a single-family dwelling, a Principal Building, Accessory Building or Structure and all or any portion of a Zoning Lot are hereby declared to be a commercial business and are prohibited in a residential district or zone. (See penalty 154.999)

SECTION 3: A new sub-section 154.046 (I) shall be added and read as follows:

154.046. Permitted Use of a Principal Building, Accessory Building, Structure or any portion of a Zoning Lot

154.046 (I) Where a single family Dwelling Unit is leased for a period of thirty (30) days or longer, the owner of the property as lessor shall be obligated to:

1. Place on file with the Clerk-Treasurer of the Town of Long Beach, Indiana, a complete copy of said Lease arrangement along with any modifications, amendments or extensions (exception: financial terms may be redacted). In addition a Long Beach Rental Form must be filled out and placed on file at the Long Beach Police Station. This form will contain contact information for the lessor and the lessee, the starting and ending dates for the lease.
2. The owner, as lessor, shall notify the Clerk-Treasurer of the Town of Long Beach, in writing if the lease is terminated before the original lease end date;
3. For such rentals of Single Family Dwelling Units, Accessory Building or Structures for thirty (30) days or longer, the owner, as Lessor, shall provide the tenant, as lessee, with a copy of said lease which the tenant shall maintain at said residence and make available for inspection, upon reasonable request, to a member of the Police Department. A let or leased property or any portion may not be subject to more than one lease at any time.
4. A Principal Building, Accessory Building, Structure or any portion of a Zoning Lot may not be subjected to more than one lease at any time.
5. A lease terminated within the first 30 days from the start of the lease period shall be considered a Daily Rental Use and is a violation of Section 154.049(D).
(See penalty 154.999)

SECTION 4: Section 154.999 shall be amended to read as follows:

154.999 Penalties For Non-Compliance.

Any person violating any of the provisions of Chapter 154 where not otherwise specified shall be fined:

- (A) Not less than One-hundred dollars (\$100) and not more than Two thousand-five hundred dollars (\$2,500) for the first violation of the ordinance and

(B) Not less than five hundred dollars (\$500) and not more than Seven thousand five hundred dollars (\$7500) for the second violation of the ordinance and each subsequent violation.
(C.) Each day that any violation continues shall be a separate offense punishable as described herein.

SECTION 5: Section 154.006 shall be amended to read as follows:

154.006 ENFORCEMENT, VIOLATION, AND PENALTIES.

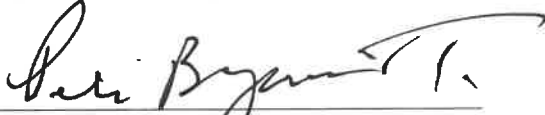
(E) *Daily violation and fines.* Any person whether owner or possessor, who shall violate, or who permits or allows a violation, of any of the provisions of this chapter, or who fails to comply therewith or with any requirements thereunder, or who shall build, reconstruct, or structurally alter any building in violation of any detailed statement or plan submitted upon which an approval or grant is given under this chapter, shall upon complaint filed in circuit court of LaPorte County and upon judgment finding such violation, be fined in accordance with Section 154.999 Penalties For Non-Compliance.

SECTION 6: This Ordinance shall be in full force and effect from and after its passage and adoption as provided by law.

ALL OF WHICH IS PASSED AND ADOPTED by the Town Council of the Town of Long Beach, LaPorte County, Indiana, this 13th day of March, 2016.

LONG BEACH TOWN COUNCIL

By:



Peter Byvoets, President



Robert Lemay



Joy Schmitt



Jane Neulieb



Nick Meyer

ATTEST:

William S. deFuniak

William deFuniak : Clerk-Treasurer