

Short Term Rental Special Use Permit Information

Basic Information:

Permit Fee - \$50.00 plus postage (\$5.00 per neighbor) for mailings to neighbors for initial permit and \$25.00 for yearly renewal.

After three (3) verified violations, the permit is pulled. An owner can reapply for a permit, but the cost to reapply will be \$200.00.

A verified complaint is anything listed on the affidavit the owner signed during the application process, or any time a police officer is called to the residence for any issue if it involves a short-term renter.

Neighbor Notification will be a 75' radius of all neighbors and lots. The Code Enforcement Office will send out the letters by regular mail and certified mail to the addresses that fall into that radius. The Code Enforcement Office will be responsible for providing the tracking information at the Planning and Zoning hearing.

Process to apply and obtain approval:

- 1. Property Owner will need to contact the Code Enforcement Office and fill out the required paper work. The Special Use Permit Application, the Affidavit, and the payment for the permit fee plus the postage fee must be returned to the Code Enforcement Office.**
- 2. Once all the paperwork is given to the Code Enforcement Office, Code Enforcement will schedule a Planning and Zoning Board hearing date. Code Enforcement will schedule the date so that the hearing is after the 2-week public notification process in the local paper as required in the Zoning Code.**

The Code Enforcement will notify the applicants of the approval or rejection of their Short-term Rental Special Use Permit.

The City of Fairfield Bay will give current short term property owners 120 days after the changes to the zoning code become effective to come into compliance with the new zoning code.

CITY OF FAIRFIELD BAY
SHORT-TERM RENTAL SPECIAL USE PERMIT

DATE: _____

OWNER INFORMATION:

Address of short-term rental: _____, **# of Bedrooms** _____, **Baths** _____

Property Owner (Person not Company): _____

Address: _____

Phone: _____

E-Mail: _____

Will you be paying your A&P taxes direct to the city? _____ or Will an outside vendor pay them for you?

_____ **If yes, please give vendor Name:** _____

Address: _____ **Contact #** _____

State Sales Tax Number: _____

Local Contact: (Required) Name: _____

Address: _____ **Phone:** _____

Signature of Owner: _____

Office Use Only:

FAIRFIELD POLICE DEPARTMENT:

Valid Complaint(s): YES NO

Citation(s): YES NO

***Attachment(s)**

Signature of Police Chief _____

CITY CLERK:

Taxes Paid to City: YES NO

Signature of City Clerk _____

Action of Planning Commission – Approved Declined

Signature of Chairman _____ **Date** _____

Action of City Council – Approved Declined

Signature of Mayor _____ **Date** _____

Notice:

Please, if your home is listed with VRBO, Airbnb or any other company, they will not collect the Advertising and Promotion taxes due the City of Fairfield Bay, so you are responsible for these taxes on your rental, which are the Advertising and Promotion taxes of 3% for all short-term rentals (under 30 days). You will need to use the form attached for the Advertising and Promotion taxes. If you are wanting VRBO, Airbnb or another company to collect this for you, you will need to put it in as a service charge that comes to you to pay directly to the City of Fairfield Bay. We know of several property owners who do it, in this way.

City of Fairfield Bay
Affidavit for Short Term Rentals

I do hereby swear and affirm this affidavit indicates that I have received and reviewed all the applicable rules and regulations regarding the special use permit for short term rental property in residential areas zone R1A and R1B within the city of Fairfield Bay.

I have received and read a copy of the following:

- 1) All the ordinances regarding short term rental property
- 2) The list below indicates all the City Ordinances and Short-Term Rental Rules that I will be expected to follow. I understand new ordinances and rules could be added by the City of Fairfield Bay and I would be required to follow the new guidance.
 - A) ATV/UTV rules and regulations
 - B) Notice of parking limitations- Parking is limited to the number of vehicles which can be parked in the driveway of the property. This includes ATV/UTV's and trailers. No Parking is allowed on any other area of the property or in right of ways.
 - C) Follow the cities leash laws for animals- information provided regarding city animal control ordinances.
 - D) Follow the rules set forth in the short- term rental ordinance regarding the disposal of trash
 - E) Quiet hours are from 10 PM to 6 AM
- 3) I have verified my request for a special use permit does not violate any applicable Covenants and Restrictions for the residential real property at issue.
- 4) The City of Fairfield Bay has established by Resolution a per-capita fee at the occupancy of two persons per bedroom and two additional persons as the maximum occupancy.
- 5) The applicant verifies that the real property at issue complies with all aspects of the Arkansas State Fire Code. The owner acknowledges that upon a complaint for violation of the fire code, the city may require the property to pass an appropriate inspection before any subsequent applications for a special use permit for short term rental may be allow by the city for the real property.
- 6) The owner acknowledges that the zoning code of the City of Fairfield Bay prohibits short term rental in areas zoned R1A and R1B(single family residential) and that the applicant has the burden of showing that the proposed short term rental use will not interfere with the quiet enjoyment of other property owners and further that the short term

rental use will not adversely impact property values of those persons owning, possessing or residing in real property in the neighborhood where the short term rental special use permit application has been made.

- 7) I have read the ordinance and understand the process for re-application after a denial.
- 8) I have read the Termination of Special Use Permit for Short Term Rentals and understand the special use permit is specific to an owner of real property, and expires of their own accord upon change of ownership, whether by sale, foreclosure, or other disposition of real property.
- 9) I agree to provide the City of Fairfield Bay with my current Arkansas Sales Tax Number or the names of all authorized remote sellers and marketplace facilitators. I understand the City of Fairfield Bay has a 3% A&P tax passed by ordinance (copy included) which is due monthly by the 10th of each month and must be remitted to:

The City of Fairfield Bay
P.O. Box 1400
Fairfield Bay, AR 72088
- 10) I agree that regular mail notice of any complaint shall be sufficient notice to allow the city to terminate the Special Use Permit no later than 11 days after the regular mail notice of a third complaint, after two previous complaints have been determined to have merit.
- 11) I understand special use permits for short-term rentals goes before the Planning Commission and that a public hearing is required and notification of neighbors within 75 feet of the property line will take place prior to the Planning Commission Hearing. This notification has to be mailed by certified mail and regular first-class mail, to owner, tenants and occupants of other properties. Proof of mailing and tracking information of certified first- class mail notice must be provided to the Planning and Zoning Commission prior to the commission's recommendation to approve of the Special Use Permit.
- 12) I agree to provide on my application a name and telephone number of a person(who shall be a resident of Fairfield Bay, Arkansas or a person who regularly lives no more than 20 miles from the corporate city limits of the City of Fairfield Bay) in order to ensure timeliness of response time in the event of any problem/issue at the residence.
- 13) I understand that the short-term rental special use permit is valid for one year from the date of approval and must be renewed annually.
- 14) The Fairfield Bay City Council has final approval of all Special Use Permits.

15) I certify the property has _____ Bedrooms.

I do hereby swear and affirm I have read the information provided to me by the City of Fairfield Bay and will follow the city ordinances and rules regarding the use of my home as a short-term rental property under the special use permit guidelines.

Signature of Property Owner _____

Subscribed and sworn before me this _____ day of _____ 20_____

Public Notary

Notary Seal

My Commission Expires _____

FAIRFIELD BAY ADVERTISING AND PROMOTION COMMISSION

GROSS RECEIPTS TAX MONTHLY REPORT

Note: Businesses must file monthly and individuals fill in the months in which they have short rentals.

Business Name: _____

Owner's Name: _____

Address: _____

Fairfield Bay, AR 72088

Per Report for the Month of _____

Taxable Gross Receipts \$ _____

Tax (3% of Gross) \$ _____

5% Penalty Monthly \$ _____

(Over 30 days not to exceed 35% in the aggregate, ACA26-18-208)

Total Due \$ _____

Mail Checks Along with this Report to:

**City of Fairfield Bay
P.O. Box 1400
Fairfield Bay, AR 72088**

I hereby state, a vow and affirm that the statements herein are full, true and correct as required by provisions of Arkansas Code 26-75-603 and City Ordinance No. 99-67 and such regulations promulgated thereunder by the Fairfield Bay Advertising and Promotion Commission.

Date Prepared

Signature