

ORDINANCE NO. 3536

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AN ORDINANCE AMENDING MIDWEST CITY MUNICIPAL CODE, CHAPTER 20 HOUSING CODE, ARTICLE IV, RENTAL PROPERTY, SECTIONS 20-204, DEFINITIONS; TAKING OUT OF RESERVE AND ADOPTING SECTIONS 20-205, 20-206, 20-207, 20-208, 20-209, AND 20-210, RESERVED; AMENDING 20-211, CRIME-FREE RENTAL HOUSING PROGRAM; REPEALING AND PLACING INTO RESERVE 20-221, CRIME-FREE MULTI-HOUSING PROGRAM; AND PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA:

ORDINANCE

Section 1. That the Midwest City Municipal Code, Chapter 20, Housing Code, Article IV, Rental Property, Section 20-204, Definitions; is hereby amended to read as follows:

Section 20-204. – Definitions.

As used in this article, the following terms shall have the following meanings respectively ascribed to them in this section. Where terms are not defined in this Code and are defined in the International Property Maintenance Code, such terms shall have the meanings ascribed to them as stated therein.

Local agent means an individual representing the owner, operator, manager or other agency.

Multi-housing unit(s) shall mean apartment complexes designed for multifamily dwelling.

Purpose built multi-unit housing means any building that was originally built for the purpose of multi-unit (two (2) or more units) housing.

Rental housing or rental property means any structure or part thereof which is let for occupancy by persons pursuant to an oral or written rental or lease agreements regardless as to any monetary or other valuable consideration required of any occupant therein.

Semi-detached housing or semi-detached family dwelling shall include those rental dwelling units to include duplexes, townhomes, condominiums which are nonowner occupied, and any other rental dwelling units that do not include those dwellings defined as single-family detached dwellings or multi-housing units.

Short-term rental shall mean the rental of an existing or otherwise permitted dwelling structure or any portion thereof, for a period of not more than thirty (30) days, where the owner is engaged in a contract for the rental of that specific dwelling, or any portion thereof, that is not a hotel, a boarding house or a lodging house as those terms are defined and those businesses are regulated by the City of Midwest City. Examples of a short-term rental include, but are not limited to, those structures rented or leased through Airbnb, VRBO or other similar sites.

Single-family detached dwelling shall mean a dwelling unit designed for single-family occupancy with no other family dwelling units attached.

1 **Section 2.** That the Midwest City Municipal Code, Chapter 20, Housing Code, Article IV, Rental
2 Property, Sections 20-205, 20-206, 20-207, 20-208, 20-209, and 20-210 - Reserved, are hereby
3 taken out of reserve and adopted to read as follows:
4

5 **Section 20-205. – Short-term rental program, purpose.**
6

7 (a) This program shall be known as Short-Term Rental Program.
8

9 (b) The purpose of the Short-Term Rental Program is to promote the public health and safety
10 of the citizens of the City of Midwest City and patrons that use and/or reside in short-term rentals
11 by establishing a licensing and inspection program for short-term rentals.
12

13
14 **Section 20-206. – Licensed required, application.**
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16 (a) Any owner of a short-term rental shall obtain a license from the City’s Engineering and
17 Construction Services Department before commencing operations. No person shall manage or
18 operate a short-term rental without obtaining a license and pay all appropriate fees as provided
19 herein.
20

21 (b) To obtain a license, the owner of a short-term rental must submit an application in a
22 format approved by the City’s Engineering and Construction Services Department. The applicant
23 must attest to the following, comply with all requirements listed below and furnish any necessary
24 documentation upon request of the City:
25

26 (1) The name, street address, mailing address, and telephone number of the owner of
27 the short-term rental, which includes the owner's primary physical address, a mailing address,
28 cell phone number and email address;
29

30 (2) The name, street address, mailing address, and telephone number, which includes
31 the primary physical address, a mailing address, cell phone number and email address, of the
32 local agent available to be reached twenty-four (24) hours per day and seven (7) days per week;
33

34 (3) A certification by the property owner and, if applicable, property manager, that
35 the property is not subject to outstanding City Code or state law violations;
36

37 (4) Proof of current, valid property insurance;
38

39 (5) Demonstration of the ability to pay the City’s hotel tax as of the date of
40 submission of the application;
41

42 (6) The number of bedrooms and the proposed occupancy limits;
43

44 (7) A diagram showing the proposed layout of the property use and any on-site
45 parking available, including a floor plan indicating fire exits and escape routes;
46

47 (8) All required egress windows in bedrooms must be operational;
48

1 (9) Has sufficient number of operational smoke detectors and carbon monoxide
2 detectors based on the square footage of the short-term rental as required by the Building Code
3 and appropriate number and location of fire extinguishers based on the square footage of the
4 short-term rental as required by the Fire Code;

5
6 (10) That the property is in compliance with applicable provisions of the City's
7 minimum property maintenance, building, electrical, mechanical and plumbing codes;

8
9 (11) An annual fire and life safety inspection;

10
11 (12) Notification of affected property owners: All recorded property owners
12 immediately adjacent to or directly across the street or alley in any direction from the subject
13 property shall be notified of an application for a short-term rental. This notice, as provided by
14 the City's Engineering and Construction Services Department with the application, shall contain
15 the name, address, phone number, email of the property owner and the required local agent,
16 along with contact information for City offices, such as Code Enforcement, the Midwest City
17 Police Department, Parking Services and any other necessary contact information;

18
19 (13) Restrict rental to anyone under the age of eighteen (18) unless the rental is to a
20 parent or guardian;

21
22 (14) The short-term rental shall not be used for any social event that exceeds the
23 occupancy limit for the short-term rental or any commercial event;

24
25 (15) The short-term rental shall outwardly appear as a residential dwelling;

26
27 (16) The short-term rental shall not adversely affect the residential character of the
28 neighborhood, nor shall the short-term rental generate noise that exceeds the requirements
29 contained in Chapter 26 of the Midwest City Municipal Code, vibration, glare, odors or other
30 effects that unreasonably interfere with any other person's quiet enjoyment of their residence;

31
32 (17) No guest of a short-term rental shall be allowed to use sound equipment, amplified
33 music or amplified musical instruments;

34
35 (18) No guest of a short-term rental shall violate any parking ordinances of the City of
36 Midwest City;

37
38 (19) All parking of vehicles at a short-term rental shall be off of the street;

39
40 (20) No guest of a short-term rental shall violate any open burning ordinances of the
41 City of Midwest City, see Section 15-100 *et seq.* of the City Ordinances for the City of Midwest
42 City;

43
44 (21) If the owner and/or manager of the short-term rental does not reside within the
45 corporate city limits of the City of Midwest City, then there shall be identified an individual or
46 individuals to serve as local contacts to respond to emergency conditions. The local contact
47 must be able to respond to an emergency condition upon notification by a guest, a Midwest City
48 Employee; by law enforcement, by any first responder, or by any individual. Any change to the

1 local contact must be provided to the City of Midwest City within three (3) business days of the
2 date of the change;

3
4 (22) Only residential, mixed-use or transit-oriented development properties may be
5 used as a short-term rental, commercial only or industrial properties shall not be used as a short-
6 term rental;

7
8 (23) Post the license in a conspicuous location at the short-term rental;

9
10 (24) Any other information requested by the City; and

11
12 (25) Any fraud, material misrepresentation, or false statements contained in the
13 attestations, required documentations, or correlating application material shall be grounds for
14 immediate revocation of short-term rental license. Furthermore, all requirements herein, shall be
15 continuously maintained throughout the duration of the permit.

16
17 **Section 20-207. – Issuance of license requirements.**

18
19 (a) Upon satisfactory submission of the required attestations, compliance with all
20 requirements, payment of all applicable fees and requested documentation, the City may issue
21 an annual short-term rental license. The license shall contain the following information:

22
23 (1) Street address of the short-term rental;

24
25 (2) License holder's name;

26
27 (3) License number and rental limitations, including bedroom limit and guest
28 occupancy limit;

29
30 (4) Contact information (name, cell phone, email) of local contact able to respond to
31 on-premises complaints;

32
33 (5) Proof of payment of all applicable fees as of the date of submission of the
34 application;

35
36 (6) Dates license is valid;

37
38 (7) The structure has a valid certificate of occupancy or compliance, as required by
39 the City Code, issued no more than ten (10) years before the date the application is submitted to
40 the City, or the structure has been determined by the City Code official not to pose a hazard to
41 life, health, or public safety, based on a minimum life-safety inspection; and

42
43 (8) The property is not subject to outstanding City Code or state law violations. A
44 violation of any provision of the City Code or other applicable law is grounds to deny, suspend,
45 or revoke a license.

46
47 **Section 20-208. – Fees and taxes.**

- 1 (a) The application fee for a short-term rental shall be fifty dollars (\$50.00).
2
3 (b) The initial license fee for a short-term rental shall be one hundred and fifty dollars
4 (\$150.00).
5
6 (c) The renewal license fee for a short-term rental shall be one hundred dollars (\$100.00),
7 which includes one annual inspection fee.
8
9 (d) The inspection fee for a short-term rental, in addition to the first annual renewal
10 inspection if required, shall be fifty dollars (\$50.00) for each inspection thereafter.
11
12 (e) In addition to the fees listed above, all short-term rentals shall be subject to all applicable
13 taxes contained in the City Ordinances for the City of Midwest City, including, but not limited
14 to sales tax, as set forth in Chapter 40, Article II and hotel tax, as set forth in Chapter 40, Article
15 III.

16
17 **Section 20-209. – License renewal.**

18
19 Except as otherwise provided, a license may be renewed annually if:

- 20
21 (1) The licensee pays the renewal fee as established herein;
22
23 (2) The licensee provides updates of any changes to the information required;
24
25 (3) The annual inspection is completed and there are no City Code or state law
26 violations are discovered;
27
28 (4) The property is not the subject of outstanding City Code or state law violations;
29
30 (5) The City may deny an application to renew a license if the applicant does not
31 provide all information necessary to determine that the dwelling unit meets all requirements for
32 the issuance or renewal of a license; and
33
34 (6) A violation of any provision of the City Code or other applicable law is grounds
35 to deny, suspend, or revoke a license.
36

37 **Section 20-210. – Denial, suspension or revocation of license.**

38
39 (A) The City of Midwest City may deny a license application, suspend or revoke an existing
40 license if any of the following are found to exist:

- 41
42 (1) Failure to comply with any conditions of the short-term rental requirements;
43
44 (2) The property is the subject of violations of the City Code or state law during a
45 twenty-four (24) month period prior to submitting the application, based on the following:
46
47 (A) The frequency of any repeated violations;
48 (B) Whether a violation was committed intentionally or knowingly; or

1 (C) Any other information that demonstrates the degree to which the owner or
2 occupant has endangered public health, safety, or welfare; or
3

4 (3) During any inspection the City discovers that the property is in violation of any
5 provision of the City Code or in violation of any state law.
6

7 (B) The City of Midwest City may consider whether a new owner of the short-term rental
8 has remedied all the issues listed in Paragraph (A) above when making a determination to deny
9 a license application, suspend or revoke an existing license.
10

11 **Section 20-211. – Required information to be posted and provided to guests.**
12

13 The license holder shall post the following information in a prominent location in the interior,
14 clearly visible to guests and provide a packet of the information, summarizing the restrictions
15 applicable to short-term rental use, including:
16

- 17 (1) The license registration, which includes license number;
- 18
- 19 (2) Operator's name and number and property manager, if applicable, name and
20 number;
- 21
- 22 (3) Local contact person name and number;
- 23
- 24 (4) The location of ~~any~~ all on-site and off-site parking spaces available for guests;
- 25
- 26 (5) Occupancy limits;
- 27
- 28 (6) Noise restrictions, including prohibition on the use of sound equipment, amplified
29 music and amplified musical instruments;
- 30
- 31 (7) Parking restrictions;
- 32
- 33 (8) Information on relevant burn bans;
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- 35 (9) Information on relevant water restrictions;
- 36
- 37 (10) Trash and recycling collection rules and dates;
- 38
- 39 (11) Prohibition on the use of the short-term rental for commercial events or any social
40 event that exceeds the occupancy requirements; and
- 41
- 42 (12) Floor plan with fire exit and escape routes, location of fire extinguishers, smoke
43 detectors and carbon monoxide detectors.
44

45 **Section 3.** That the Midwest City Municipal Code, Chapter 20, Housing Code, Article IV, Rental
46 Property, Section 20-221, Crime-free multi-housing program is hereby repealed and placed into
47 reserve:
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1 **Section 20-221. – Reserved.**

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3 **Section 4.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby
4 repealed.

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6 **Section 5.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for
7 any reason held to be invalid, such decision shall not affect the validity of the remaining provisions
8 of the ordinance.

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11 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
12 Oklahoma, this 14 day of November, 2023.

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THE CITY OF MIDWEST CITY, OKLAHOMA


MATTHEW D. DUKES, II, Mayor

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ATTEST:

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SARA HANCOCK, City Clerk

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Approved as to form and legality this 14 day of November, 2023.

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DONALD D. MAISCH, City Attorney

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