



Request

An Ordinance to amend Section 104 of the City Zoning Ordinance to allow civil penalties for the violation of Section 241.2 pertaining to Short Term Rentals.

This Ordinance is requested by Councilman Guy Tower, Beach District and was referred to the Planning Commission by City Council

Summary of Request

Violations to Section 241.2 of the City Zoning Ordinance pertaining to Short Term Rentals currently are enforced as criminal misdemeanor. The process to this enforcement, typical with other zoning violations, takes substantial time. The process includes issuance of a Notice of Violation, to which the property owner has an allotted time (ten days) to appeal the notice to the Board of Zoning Appeals. If the notice is not appealed and violation not corrected, the property owner would be issued a summons and placed on a court docket. If the notice is appealed, the item would be placed on the next available Board of Zoning Appeals agenda, several months from the date of the appeal.

This amendment would allow zoning inspectors to issue a monetary fine for violations to the Short Term Rental ordinance by making the violation a civil summons. The property owner would then have the choice to pay the fine, or be placed on a court docket if they did not agree to pay the fine. The proposed amendment would fine \$200 for the first summons, and \$500 for any additional summons.

Recommendation

Staff recommends approval of this Ordinance. This amendment will make enforcement of the Short Term Rental ordinance more efficient and timely. The ability to issue civil penalties (fines) for violations increases the zoning inspectors' ability to regulate short term rental use, without having to navigate the somewhat cumbersome court process involved with criminal misdemeanors, as the ordinance currently requires.

1 AN ORDINANCE TO AMEND SECTION 104
2 OF THE CITY ZONING ORDINANCE TO
3 ALLOW CIVIL PENALTIES FOR THE
4 VIOLATION OF SECTION 241.2
5 PERTAINING TO SHORT TERM RENTALS
6

7 Section Amended: § 104 of the City Zoning
8 Ordinance
9

10 WHEREAS, the public necessity, convenience, general welfare and good zoning
11 practice so require;
12

13 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA
14 BEACH, VIRGINIA:
15

16 That Section 104 of the City Zoning Ordinance is hereby amended and
17 reordained to read as follows:
18

19 **Sec. 104. - Violations and penalties.**
20

21 (a) Except as provided in subsection (b), any person who violates any of the
22 provisions of this ordinance shall, upon conviction thereof, be guilty of a
23 misdemeanor punishable by a fine of not more than one thousand dollars
24 (\$1,000.00). If the violation is uncorrected at the time of the conviction, the court
25 shall order the violator to abate or remedy the violation in compliance with this
26 ordinance, within a time period established by the court. Failure to remove or
27 abate a violation within the specified time period shall constitute a separate
28 misdemeanor offense punishable by a fine of not more than one thousand dollars
29 (\$1,000.00); and any such failure during a succeeding ten-day period shall
30 constitute a separate misdemeanor offense punishable by a fine of not more than
31 one thousand five hundred dollars (\$1,500.00); and any such failure during any
32 succeeding ten-day period shall constitute a separate misdemeanor offense for
33 each ten-day period punishable by a fine of not more than two thousand dollars
34 (\$2,000.00).
35

36 (b) Any person who violates any provision of Part B of Article 2, section 241.2, or
37 section 1903, regarding only short term rentals, of the City Zoning Ordinance
38 hereof shall be assessed a civil penalty in the amount of two hundred dollars
39 (\$200.00) for the initial summons and not more than five hundred dollars
40 (\$500.00) for each additional summons. The assessment of a civil penalty shall
41 not preclude the institution of a civil action by the zoning administrator pursuant to
42 section 103(a) of this ordinance, but no such violation shall, unless it results in
43 injury to any person, be prosecuted as a criminal misdemeanor, provided however
44 that when such civil penalties total five thousand dollars (\$5,000.00) or more, the
45 violation may be prosecuted as a criminal misdemeanor.
46

47


48

49 Adopted by the Council of the City of Virginia Beach, Virginia, on the _____ day

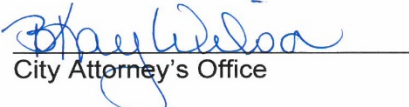
50 of _____, 2020.

APPROVED AS TO CONTENT:

APPROVED AS TO LEGAL SUFFICIENCY:



Planning Department



City Attorney's Office

CA15059
R-2
May 8, 2020