

**PUTNAM COUNTY, TENNESSEE
AMENDED REGULATIONS GOVERNING THE PERMITTING
OF
SHORT TERM RENTAL PROPERTIES**

SECTION 1. Purpose.

Putnam County, Tennessee has determined that regulation and permitting of Short Term Rental Properties is necessary in order to protect the health, safety, and welfare of the public, as well as to promote the public interest by regulating the methods of operation of Short Term Rental Properties within Putnam County. To meet this end, Putnam County has determined that all persons or entities that desire to operate Short Term Rental Properties within Putnam County, Tennessee must be issued a permit pursuant to the requirements of this regulation.

SECTION 2. Definitions.

(a) **Short Term Rental Property.** A residential dwelling unit, a portion of a residential dwelling unit, or any other structure or space that is occupied, used and/or advertised for rent for transient occupancy by guests for less than thirty (30) continuous days. The term Short Term Rental Property includes such terms as AirBnB, Vacation Rental By Owner (VRBO), HomeAway, RentalHomes.com, VacationRentals.com, TripAdvisor, and/or any individual or company involved in the rental of residential dwelling units for transient occupancy by guests. Residential dwelling units rented to the same occupant for thirty (30) or more continuous days, boarding houses, motels, hotels as defined in *Tennessee Code Annotated*, Section 68-14-302, or a bed and breakfast establishment or a bed and breakfast homestay as those terms are defined in *Tennessee Code Annotated*, Section 68-14-502, shall not be considered Short Term Rental Properties.

(b) **Residential Dwelling.** A cabin, house, or structure used or designed to be used as an abode or home of a person, family, or household, and includes a single-family dwelling, a portion of a single-family dwelling, or an individual residential dwelling in a multi-dwelling building, such as an apartment building, condominium, cooperative, or timeshare; and

(c) **Provider.** Any person engaged in renting a Short Term Rental Property and includes an owner of a residential unit that is made available through a vacation lodging service as that term is defined in *Tennessee Code Annotated*, Section 62-13-104.

(d) **Transient.** Means any person who exercises occupancy or is entitled to occupancy for any Short Term Rental Property for a period of less than thirty (30) continuous days.

(e) Owner Occupied. Means the owner of the property permanently resides in the Short Term Rental Property or in the principal residential unit with which the Short Term Rental Property is associated on the same lot, and occupies the Short Term Rental Property or principal residential unit a minimum of 243 days each calendar year.

(f) Short-Term Rental Property Marketplace. Means any person or entity that provides a platform for compensation, through which a third party offers to rent a short-term rental property to an occupant.

(g) Short-Term Rental Property Transaction. Means any transaction in which there is a charge to an occupant by a short-term rental property owner for the occupancy of a short-term rental unit.

SECTION 3. Permit and Business License Required.

The following shall apply to all Short Term Rental Properties:

- (a) A Short Term Rental Permit shall be obtained from the Putnam County Trustee's Office by the owner of the property on which the Short Term Rental Property is to be located prior to the operation or advertisement for operation of a Short Term Rental Property.
- (b) A Short Term Rental Property Permit Fee of \$50.00 shall be submitted to the Putnam County Trustee's Office along with a completed permit application and all other required documentation.
- (c) A Short Term Rental Permit shall expire one (1) year from the date of issuance and may be renewed by the Putnam County Trustee's Office for additional one (1) year periods upon the payment of a \$50.00 renewal fee per year and the resubmittal of an application and required information.
- (d) Prior to the issuance or renewal of a Short Term Rental Property permit, a Business License shall be obtained from the Putnam County Clerk's Office.
- (e) A Short Term Rental Property Permit shall be nontransferable.
- (f) A Short Term Rental Property Permit shall be revoked by the Putnam County Codes and Planning Department for three (3) or more codes violations in any 12 consecutive month period. A property shall not be eligible to reapply for a Short Term Rental Property Permit for a period of twelve (12) consecutive months following revocation.
- (g) The penalty for operating a short term rental property without a permit shall be a fine up to fifty dollars (\$50.00). Each day of operation without a permit shall constitute a separate offense. Pursuant to *Tennessee Code Annotated* Sections 5-1-121 and 5-1-123, such penalties may be assessed by the General Sessions Court of Putnam County in exercise of its powers to enforce these regulations. Action to pursue such penalties in the General Sessions Court

shall be instituted at the request of the Putnam County Trustee by the County Attorney or other legal counsel designated by the County Legislative Body.

SECTION 4. Application.

The following information shall be provided with the Short Term Rental Permit Application:

- (a) Name, phone number, mailing address and email address of the property owner.
- (b) Name, phone number, mailing address and email address of the person or entity responsible for maintenance of the Short Term Rental Property (if different from the property owner).
- (c) Proof of insurance (fire, hazard and liability) shall be submitted annually to the Putnam County Trustee's Office and shall remain in effect for the length of the operation of the Short Term Rental Property. The minimum liability coverage limit shall be \$1,000,000 per occurrence.
- (d) Proof of notification to adjacent property owners within 500 feet of the subject property.
- (e) Two forms of identification showing proof of residence, including a current Tennessee driver's license, any other State of Tennessee issued identification card, a Putnam County voter registration card, a pay stub, work badge or ID, IRS W2 form, or bank statement. Utility bills are not proof of residence.
- (f) Proof of payment of all taxes due, including property taxes and, for permit renewals, all applicable room occupancy, and sales taxes required by State Law or County Private Act.
- (g) A Homeowner's Association statement that the applicant has confirmed that operating the Short Term Rental Property would not violate any Homeowners' Association agreement or bylaws, Condominium Agreement, Covenants, Codes and Restrictions or any other agreement governing or limiting the use of the proposed Short Term Rental Property.
- (h) A notarized Affidavit confirming that all information provided in and with the application is true and correct.
- (i) A Life Safety Compliance Verification Form certifying that the Short Term Rental Property meets all of the requirements of the Currently Adopted Codes/Regulations of the Tennessee State Fire Marshal's Office.
- (j) A copy of a current Putnam County business tax license.
- (k) *The short-term rental property marketplace, if any, utilized by the property owner for the Short Term Rental Property.*

SECTION 5. Standards for Operation.

The following standards shall apply for the operation of a Short Term Rental Property:

- (a) The Short Term Rental Property owner shall not receive any compensation or remuneration to permit occupancy of a Short Term Rental Property for a period of less than eighteen (18) hours.
- (b) The Short Term Rental Property owner *whose Short Term Rental Property is not facilitated by a Short-term Rental Property Marketplace* shall maintain a guest log which shall identify the guests and shall include the number of guests and the dates they occupied the property.
- (c) The Short Term Rental property owner *whose Short Term Rental Property is not facilitated by a Short-term Rental Property Marketplace* shall be responsible for the collection and remittance of any applicable local or state room or sales taxes required by state law *as set out in Tennessee Code Annotated, Section 67-4-1501(a)* or by the Private Acts of Putnam County, Tennessee, specifically the Private Acts of 1979 Chapter 118, as amended by the Private Acts of 2003, Chapter 3 and the Private Acts of 2016, Chapter 47.
- (d) *Pursuant to Tennessee Code Annotated, Section 67-4-1501 et seq., with respect to each Short-Term Rental Property transaction facilitated by a Short Term Rental Property Marketplace, collection and remittance of any applicable local or state room or sales taxes required by state law or the Private Acts of Putnam County, Tennessee, specifically the Private Acts of 1979 Chapter 118, as amended by the Private Acts of 2003, Chapter 3 and the Private Acts of 2016, Chapter 47 shall be the responsibility of the Short Term Rental Property Marketplace.*
- (e) A copy of the Short Term Rental Permit shall be posted in a conspicuous place within the dwelling unit.
- (f) Maximum occupancy. The maximum occupancy for each sleeping room shall be as stated in the requirements of the Currently Adopted Codes/Regulations of the Tennessee State Fire Marshal's Office. The maximum occupancy shall be conspicuously posted within the Short Term Rental Property.
- (g) If the Short Term Rental Property is not owner-occupied, the property owner shall cause to be posted within the unit the name, phone number, mailing address and email address of the person or entity responsible for maintenance of the Short Term Rental Property.
- (h) If the sleeping room has cooking facilities such as microwaves, then the cooking of food in a sleeping room is permitted. However, absent provided cooking equipment, the cooking of food in any sleeping room is prohibited.
- (i) Smoke detectors shall be provided in each sleeping room, immediately outside the sleeping rooms and on each floor of the structure, including basements. The smoke detectors shall be hard wired and interconnected and have battery backups.
- (j) Carbon monoxide alarms shall be provided within 15 feet of the door of all bedrooms.
- (k) A five (5) pound ABC fire extinguisher shall be provided and the fire extinguisher shall have a third party certification tag.
- (l) Each sleeping room shall have an operable second means of egress.

- (m) No person or entity shall operate a Short Term Rental Property or advertise a residential property for use as a Short Term Rental Property without the owner of the property having first obtained a Short Term Rental permit issued by Putnam County.
- (n) In regards to all issues related to the Currently Adopted Codes/Regulations of the Tennessee State Fire Marshal's Office, including but not limited to the number of smoke detectors for each sleeping room, the placement of smoke detectors, the wiring of smoke detectors, carbon monoxide alarms, fire extinguishers, and additional egress for sleeping rooms, applicant shall comply with the requirements of the Currently Adopted Codes/Regulations of the Tennessee State Fire Marshal's Office.

SECTION 6. Effective Date.

After passage of this regulation, the county clerk shall cause this regulation to be published in a newspaper of general circulation within the county. This regulation shall become effective sixty (60) days after its passage, the public welfare requiring it.

SECTION 7. Severability and Conflict with Other Resolutions.

- (a) If any provision of this regulation or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity shall not affect the other provisions or applications of this regulation which can be given effect without the invalid provision or application, and to that end, the provisions of this regulation are declared to be severable.
- (b) All resolutions of the board of County Commissioners of Putnam County, Tennessee, which are in conflict with this regulation, are hereby repealed.

**PUTNAM COUNTY, TENNESSEE
RESOLUTION ADOPTING REGULATIONS
GOVERNING THE PERMITTING PROCESS
FOR SHORT TERM RENTAL PROPERTIES**

WHEREAS, Putnam County, Tennessee, has enacted regulations governing the permitting process for Short Term Rental Properties; and


WHEREAS, here have been some recent changes in the law regarding the same; and

WHEREAS, the County Commission wishes to amend its current regulations to comply with the new laws related to the same.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Putnam County, Tennessee, meeting in regular session on the 22nd day of FEBRUARY, 2021, in Cookeville, Tennessee, that the following amended regulations attached hereto as Exhibit A are adopted.

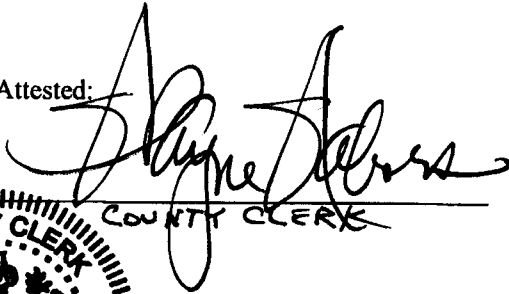
This resolution was adopted by the Putnam County Legislative Body on the 22nd day of FEBRUARY, 2021.

Approved:

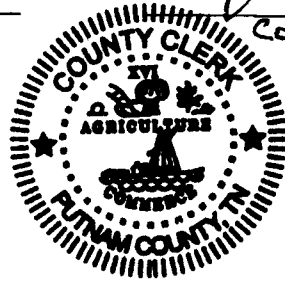


County Mayor

Attested:



COUNTY CLERK



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- (d) Pursuant to *Tennessee Code Annotated*, Section 67-4-3301 et seq., with respect to each Short-Term Rental Property transaction facilitated by a Short Term Rental Property Marketplace, collection and remittance of any applicable local or state room or sales taxes required by state law or the Private Acts of Putnam County, Tennessee, specifically the Private Acts of 1979 Chapter 118, as amended by the Private Acts of 2003, Chapter 3 and the Private Acts of 2016, Chapter 47 shall be the responsibility of the Short Term Rental Property Marketplace.
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- (a) If any provision of this regulation or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity shall not affect the other provisions or applications of this regulation which can be given effect without the invalid provision or application, and to that end, the provisions of this regulation are declared to be severable.
- (b) All resolutions of the board of County Commissioners of Putnam County, Tennessee, which are in conflict with this regulation, are hereby repealed.

The Chairman asked for discussion on the motion to approve the changes made to the Amended Regulations Governing the Permitting of Short Term Rental Properties. There was discussion.

The Chairman asked for a voice vote on the motion. The motion carried.

**MOTION RE: PLANNING COMMITTEE RECOMMENDS APPROVAL OF
RESOLUTION REGARDING THE EASEMENT FOR SPEEDWAY AT THE
FAIRGROUNDS**

Commissioner Jim Martin moved and Commissioner Dale Moss seconded the motion to approve the Resolution regarding the Easement for Speedway at the Fairgrounds.

Commissioner Darren Wilson recused himself from the vote.

(SEE ATTACHED)

RESOLUTION

RESOLUTION OF PUTNAM COUNTY, TENNESSEE BOARD OF COMMISSIONERS TO GRANT EASEMENTS TO SPEEDWAY AND BURGESS ACROSS FAIRGROUND STREET

WHEREAS, Putnam County currently owns the private drive going from South Jefferson Avenue to the Putnam County Fairgrounds known as "Fairground Street"; and,

WHEREAS, Speedway LLC, a Delaware limited liability company authorized to do business in Tennessee having a mailing address of 539 South Main St., Findlay, OH, 45840, (hereinafter referred to as "Speedway") wishes to construct a gasoline station and convenience store on the parcels of property currently held by Burgess and Ray; and

WHEREAS, to construct the aforesaid gasoline station and convenience store as planned, Speedway needs an easement for second access to South Jefferson Avenue, as well as an easement for Burgess to obtain ingress and egress for his residential property located adjacent to the planned development by Speedway;

NOW, THEREFORE, in consideration of this fact, the Putnam County Commission, being in regular session in the Putnam County Courthouse on the 22nd day of February, 2021, hereby resolves:

1. The Commission hereby gives County Mayor Randy Porter the authority to enter into an option agreement on behalf of the County for 12 months, subject to the approval of the County Attorney, with Speedway developers for easements for both Speedway and Burgess for ingress and egress across Fairground Street. The language for the easements is to be agreed upon by the County Mayor and the Speedway developers.
2. It is agreed that granting these easements is in the best interest of the County. The consideration for both of these easements shall be at an amount not less than \$.65 per square foot.

3. As part of this resolution, both Speedway and Burgess must agree that the use of the easements will not interfere with the County's use of the fairgrounds.
4. It is understood and must be agreed by the parties that a gasoline station and convenience store is to be constructed upon a portion of the Burgess/Ray Parcels. As such, these Easements shall run with the land, and the obligations imposed and all other terms of this Agreement shall be binding on the parties and their respective successors and assigns, so long as such gasoline station and convenience store remains in operation. If such gasoline station and convenience store ceases operations (notwithstanding any rebuild or remodeling of such gasoline station and convenience store that may require temporary cessation of operations), the Agreement as described in this Resolution and all Easement rights granted shall be terminated.
5. This resolution shall take effect upon adoption, the general welfare requiring it.

This the 22nd day of February, 2021.

ATTEST:

County Clerk

APPROVED:

Chairman, County Commission

County Mayor

