



ORDINANCE NO. 21075

1 AN ORDINANCE amending Section 5.38.010 of the Lincoln Municipal Code to  
 2 define rental dwelling as a rental of more than thirty days and amending Title 5 of the Lincoln  
 3 Municipal Code relating to Licenses and Regulations by adding a new Chapter 5.39 entitled  
 4 “Short-Term Rentals” to provide regulations governing short-term rentals and to establish short-  
 5 term licensing procedures.

6 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

7 Section 1. That Section 5.38.010 of the Lincoln Municipal Code be amended to  
 8 read as follows:

9 **5.38.010 Definitions.**

10 The following words as used in this chapter shall have the following meanings:

11 **Building Official** shall mean the Director of Building and Safety or an authorized  
 12 representative, who is hereby authorized and directed to enforce all of the provisions of this  
 13 chapter.

14 **Code violation** shall mean a violation of Lincoln Municipal Code Titles 5, 19, 20, 21, 23,  
 15 24, 25, or 27 requiring some corrective action on the part of an owner, local property manager, or  
 16 tenant as a result of an inspection by the Building Official pursuant to procedures as set forth in  
 17 Lincoln Municipal Code Titles 5, 19, 20, 21, 23, 24, 25, or 27, hereinafter referred to as “the  
 18 Codes.”

19 **Complaint Based Inspection** shall mean any inspection required as a result of a complaint  
 20 placed with the Building Official.

1           **Dwelling Unit** shall mean any room or group of rooms located in a structure and forming a  
2 single habitable unit with permanent facilities which are used or intended to be used for living,  
3 sleeping, cooking, eating and sanitation. The term “unit” shall have the same meaning as Dwelling  
4 Unit.

5           **Inspection** shall mean any investigatory review by the Building Official of a rental  
6 dwelling or dwelling unit for compliance with the Codes.

7           **Permit Inspection** shall mean any inspection required as part of the permit issuing process  
8 required in Section 5.38.020.

9           **Preliminary Inspection** shall mean the first or initial inspection in any inspection process.

10           **Rental Dwelling** shall mean Rooming House, Hotel or Motel, Single-Family Dwelling,  
11 Two-Family Dwelling, Multiple Dwelling, or other Dwelling, as defined in Chapter 27.02 that is  
12 held out to the general public for rent or lease for a period of more than 30 days.

13           **Rooming House** shall mean a multiple family dwelling containing three or more rooming  
14 units.

15           **Rooming unit** shall mean any room or group of rooms forming a single habitable unit used  
16 or intended to be used for living and sleeping, but not for cooking or eating purposes.

17           **Transitional Living Facility.** Transitional living facility shall mean a facility affiliated  
18 with an alternative to imprisonment program including, but not limited to, diversion, pre-release,  
19 work-release, parole, probationary, or residential re-entry programs, where more than three  
20 persons who are unrelated by blood, marriage, or adoption reside.

21           Section 2. That Title 5 of the Lincoln Municipal Code be amended by adding a  
22 new section numbered 5.39.010 to read as follows:

23           **5.39.010 Definitions.**

1 The following words used in this Chapter shall have the following meanings:

2 **Building Official** shall mean the Director of Building and Safety or an authorized representative,  
3 who is hereby authorized and directed to enforce all provisions of this Chapter.

4 **Licensed Premises** shall mean the premises specified in an approved application for license under  
5 this Chapter and within which such licensee is permitted to make all or part of the spaces in the  
6 dwelling available as a short-term rental unit.

7 **Short-term rental unit** shall mean all or a portion of a dwelling made available to the general  
8 public for accommodations for a length of stay per guest visit of no more than 30 consecutive days.

9 Short-term rental units do not include rental of dwellings for meetings including but not limited to  
10 luncheons, banquets, parties, weddings, fundraisers, or other similar gatherings for direct or  
11 indirect compensation.

12 **Sleeping area** shall mean an area located in a habitable space within a dwelling that contains at  
13 least one operable emergency escape and rescue opening (egress window). Sleeping areas include  
14 bedrooms and may include rooms within a dwelling other than bedrooms if those rooms satisfy  
15 egress standards. Sleeping areas do not include hallways, kitchens, or bathrooms.

16 Section 3. That Title 5 of the Lincoln Municipal Code be amended by adding a  
17 new section numbered 5.39.020 to read as follows:

18 **5.39.020 Short-Term Rental License Required; Prohibited Conduct.**

19 a. Beginning August 1, 2021, it shall be unlawful for any person to make available, or advertise,  
20 a short-term rental unit for rent or lease within the corporate limits of the City of Lincoln unless  
21 such person holds a valid license therefor.

- 1 b. Beginning August 1, 2021 it shall be unlawful for any person, regardless of license status, to  
2 rent or advertise a short-term rental unit to more than the number of persons calculated as the  
3 total number of sleeping areas on the licensed premises multiplied by two, up to a maximum  
4 of 12 persons
- 5 c. Beginning August 1, 2021 it shall be unlawful for a person, regardless of license status, to rent  
6 or advertise a short-term rental unit to anyone without informing the short-term renter what  
7 areas are not permitted for sleeping.

8 Section 4. That Title 5 of the Lincoln Municipal Code be amended by adding a new  
9 section numbered 5.39.030 to read as follows:

10 **5.39.030 Application; Fees; Renewal.**

- 11 a. Before any license under this article is issued, an application on a form provided by the  
12 Building Official shall be submitted setting forth the following information: The name and  
13 address of the applicant; the address of the short-term rental unit the applicant intends to make  
14 available for short-term rental if different from the applicant's address; and information  
15 sufficient for the Building Official to identify the location and dimensions of the short-term  
16 rental unit within the dwelling; contact information for someone who can respond on behalf of  
17 the licensee and reach the short-term rental within 45 minutes in case of an emergency or other  
18 issue.
- 19 b. The applicant shall certify to the Building Official that the short-term rental unit meets the  
20 following minimum safety and welfare standards:
- 21 i. Smoke alarms are present and operational in all rooms intended for sleeping purposes,  
22 immediately outside of each sleeping area and in each story within the short-term rental

1 unit, including basements and cellars. In split level units a smoke alarm on the upper  
2 story is adequate if there is not a door separating the two. In common areas outside of  
3 bedrooms on each level of the short-term rental unit. Smoke alarms will be maintained  
4 in working order.

5 ii. Carbon Monoxide detectors are present and operational on each level of the short-term  
6 rental unit with fuel burning appliances, attached garages or a fuel burning appliance  
7 within one floor of the short-term rental unit. Carbon Monoxide detectors will be  
8 maintained in working order.

9 iii. All areas used for sleeping purposes have two means of egress in working order unless  
10 an approved sprinkler system is installed.

11 iv. The short-term rental unit's street address numbers are plainly visible from the street  
12 at all times.

13 v. Property is in a clean, safe, and sanitary condition. All furnished appliances, finishes,  
14 windows, doors, handrails, guardrails, plumbing drains and fixtures, mechanical  
15 systems, and electrical systems are in good working order and will be maintained. The  
16 licensed premises shall otherwise comply with applicable building codes in the Lincoln  
17 Municipal Code.

18 vi. Contact information will be provided to all renters for someone who can respond on  
19 behalf of the licensee and reach the short-term rental within 45 minutes in case of an  
20 emergency or other issue.

21 vii. No occupants shall be allowed to sleep in areas that are not sleeping areas.

22 c. The applicant shall provide proof of possession of the licensed premises, either by deed or  
23 lease. If the applicant does not own the property where the licensed premises are located, the

1 applicant must provide written documentation from the property owner allowing short-term  
2 rentals on the licensed premises.

3 d. An annual license fee of \$250.00 shall be charged for each license issued.

4 e. All licenses issued under this Chapter shall be valid for a period of one (1) year from the date  
5 of issuance. Applicant shall be responsible for application for renewed license, and payment  
6 of the license fee, upon expiration of any valid license. Failure to renew an expired license  
7 may result in the applicant's inability to satisfy the conditions of use in Section 27.62.040 of  
8 this Code and thereby make the applicant ineligible for a license under this title.

9 f. A valid license may be transferred to another applicant without regard to Section 27.62.040 so  
10 long as the new applicant meets all other requirements set forth herein.

11 Section 5. That Title 5 of the Lincoln Municipal Code be amended by adding a  
12 new section numbered 5.39.040 to read as follows:

13 **5.39.040 Revocation or Denial.**

14 The Building Official may revoke any license issued under this article if:

15 a. The licensed premises is the subject of three (3) or more verified complaints of noise or other  
16 disturbance in the course of one (1) calendar year;

17 b. The licensed premises no longer satisfy the minimum health and safety requirements of the  
18 Building Official;

19 c. The licensed premises are otherwise determined to be uninhabitable.

20 d. The applicant fails to pay the annual license fee.

21 Section 6. That Title 5 of the Lincoln Municipal Code be amended by adding a  
22 new section numbered 5.39.050 to read as follows:

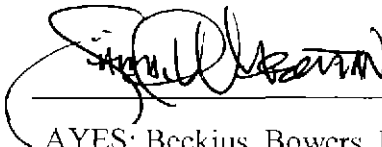
1 **5.39.050 Penalty for Violations.**

2 Any person upon whom a duty is placed by the provisions of this Chapter who shall fail, neglect,  
3 or refuse to perform such duty, or who shall violate any of the provisions of this Chapter, shall be  
4 deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to  
5 exceed \$500.00, or be imprisoned in the county jail for a period not to exceed six months, or both,  
6 except that each person so convicted shall be fined in a sum of not less than \$200.00 for the first  
7 offense, not less than \$300.00 for a second offense, and not less than \$400.00 for the third offense  
8 and each offense thereafter. Each day that a violation of this ordinance continues shall constitute  
9 a separate and distinct offense and shall be punishable as such. The City Law Department is  
10 authorized to take such other actions as allowed by law to enforce this Chapter.

11 Section 7. That Sections 2 through 6 of this Ordinance shall be codified in the  
12 Lincoln Municipal Code as Chapter 5.39 entitled Short-Term Rentals.

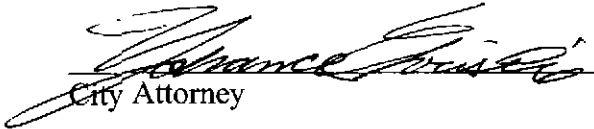
13 Section 8. This ordinance shall be published, within fifteen days after the passage  
14 hereof, in one issue of a daily or weekly newspaper of general circulation in the City, or posted on  
15 the official bulletin board of the City, located on the wall across from the City Clerk's office at  
16 555 S. 10th Street, in lieu and in place of the foregoing newspaper publication with notice of  
17 passage and such posting to be given by publication one time in the official newspaper by the City  
18 Clerk. This ordinance shall take effect and be in force from and after its passage and publication  
19 or after its posting and notice of such posting given by publication as herein and in the City Charter  
20 provided.

Introduced by:



AYES: Beckius, Bowers, Meginnis, Raybould,  
Shobe, Ward, Washington; NAYS: None

Approved as to Form & Legality:

  
City Attorney

See further Council  
Proceedings on next page.

**PASSED**

**JUN 14 2021**

**BY CITY COUNCIL**

Approved this 18<sup>th</sup> day of June, 2021:

  
Mayor



21-52

6/14/2021 Council Proceedings:

MEGINNIS Motion to amend Bill No. 21-52 by striking the following language in the Ordinance introduced on May 24, 2021 found on page 6, lines 6 – 8 that reads:

“Failure to renew an expired license may result in the applicant’s inability to satisfy the conditions of use in Section 27.60.040 of this Code and thereby make the applicant ineligible for a license under this title”.

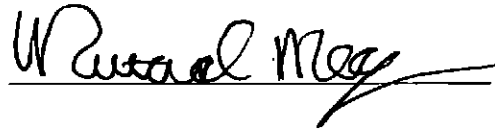
Seconded by Beckius and carried by the following vote: AYES: Beckius, Meginnis, Raybould, Washington; NAYS: Bowers, Shobe, Ward.

MOTION TO AMEND NO. 1

I hereby move to amend Bill No. 21-52 by striking the following language in the Ordinance introduced on May 24, 2021 found on page 6, lines 6- 8 that reads:

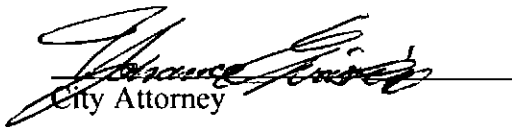
“Failure to renew an expired license may result in the applicant’s inability to satisfy the conditions of use in Section 27.60.040 of this Code and thereby make the applicant ineligible for a license under this title”.

Introduced by:



AYES: Beckius, Bowers, Meginnis, Raybould,  
Shobe, Ward, Washington; NAYS: None

Approved as to Form and Legality:

  
City Attorney

Requested by: Councilmen Richard Meginnis

Reason for Request: To remove the 600 feet spacing requirement.

**ADOPTED**  
JUN 14 2021  
**BY CITY COUNCIL**

**ORDINANCE NO. 21075**

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**AN ORDINANCE:** Amending Section 5.38.010 of the Lincoln Municipal Code to define rental dwelling as a rental of more than thirty days and amending Title 5 of the Lincoln Municipal Code relating to Licenses and Regulations by adding a new Chapter 5.39 entitled "Short-Term Rentals" to provide regulations governing short-term rentals and to establish short-term licensing procedures.

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<b>Read First Time</b>	<u>May 17, 2021</u>
<b>Read Second Time</b>	<u>June 7, 2021</u>
<b>Read Third Time</b>	<u>June 14, 2021</u>
<b>Passed</b>	<u>June 14, 2021</u>
<b>Published in</b>	<u>Lincoln Journal Star</u>
<b>on</b>	<u>June 25, 2021</u>

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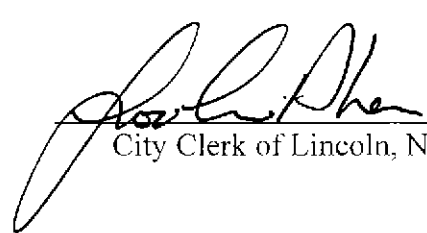
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**CERTIFICATE**

State of Nebraska    )  
                                  ) ss  
County of Lancaster )

I, the undersigned, City Clerk of the City of Lincoln, Nebraska, do hereby certify that the within ordinance is the original Ordinance No. 21075 as passed by the City Council of said City, as indicated above, and as approved by the Mayor of said City and as the same appears of record in my office and is now in my charge remaining as City Clerk aforesaid.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska this 14 day of June, 2021.

  
City Clerk of Lincoln, Nebraska

