

**ORDINANCE NO. 564**

**AN ORDINANCE TO REGULATE THE OPERATION OF SHORT-TERM RENTAL DWELLINGS IN ALL ZONING DISTRICTS WITHIN THE CITY EXCEPT M-1 AND MOBILE HOME PARKS**

**BE IT ORDAINED BY THE CITY OF RAINBOW CITY, ALABAMA (THE "CITY") AS FOLLOWS:**

**SECTION A. REGULATIONS**

The following regulations apply to short term rental of dwellings in all zoning districts except M-1 and Mobile Home Parks in the city limits. These regulations do not apply in districts in which commercial lodging is permitted.

- a. For purposes of this ordinance, "Short Term Rental" (STR) means the rental of a dwelling unit for less than 30 consecutive days per rental period and the rental unit itself.
- b. The property owner of the STR must have a renting and leasing business license from the City before a property owned by the property owner can be advertised or operated for STR. In addition, the property owner must submit a STR annual inspection permit application to the City and obtain and maintain a STR annual inspection permit for each STR unit at a cost of \$50.00 per permit per year.
- c. The property owner must provide with the STR permit application the name, address and telephone number of an emergency contact that will respond within one hour to complaints about the condition or operation of the STR or conduct of renters or their guests. The emergency contact must be able to respond on-site within 12 hours if requested by the City. The emergency contact must answer calls 24 hours a day, seven days a week for the duration of each short-term rental period. Prior to any change to the emergency contact, the owner must submit the revised contact information to the city building official.
- d. The STR may only be rented for lodging use. The STR may not be rented for weddings, parties, concerts or similar events or used for such events during any short-term rental period.
- e. Insurance. All STR owners must obtain and maintain vacation rental property insurance that covers the lodging use of the site. Proof of insurance must be provided within 30 days of the issuance of the STR permit. Proof of insurance must be resubmitted each year for renewal of the STR permit.
- f. Occupancy. The dwelling may not be rented to more than one party simultaneously. Occupancy is limited to no more than two persons plus two persons per bedroom. To be considered a bedroom, the room must meet the minimum requirements of the International Building Code adopted by the City as it pertains to a bedroom.
- g. The number of bedrooms is to be determined by the city building official as part of the STR permit application process. The city building official may inspect the dwelling to verify information submitted with the STR permit application.
- h. The property owner must, by written agreement with the renter, limit overnight occupancy of the STR to the maximum occupancy approved with the STR permit.
- i. No on-premises signage legible from any right-of-way may advertise the STR.

- j. The STR property owner and all occupants of the STR must comply with all applicable city ordinances and regulations including but not limited to building construction, fire safety, noise, mandatory recycling and garbage collection and disposal.
- k. The STR must have adequate off-street parking to accommodate all occupant parking needs. All occupant vehicles must park off the street and on the STR property. No recreational vehicles, buses, boats or trailers may be stored on the street or forward of the front property line of the STR property.
- l. No food may be prepared or served to rental occupants by the STR property owner.
- m. A copy of this ordinance, the STR permit, emergency contact information and house rules that comply with this ordinance must be posted in a conspicuous place in the STR. The STR rental party must sign a document indicating it received all of these documents.
- n. Upon notification that a renter or a renter's guest has violated any provisions of this ordinance or any noise, garbage or other provisions of city ordinances and regulations, the STR owner or emergency contact must promptly notify the renter of the violation and take such action as is necessary to prevent a reoccurrence.
- o. Notice. Each owner must, upon issuance of an STR permit or upon changes to an existing STR permit, provide written notice to all owners of residentially zoned property who own property adjacent to the STR property, which notice includes the following information:
  - 1. The names and telephone numbers of the owner and emergency contact (if not the owner).
  - 2. The City telephone number by which members of the public may report violations.
  - 3. The maximum number of renters permitted to stay in the unit. The permit application shall include the name and address of all property owners who own residential property adjacent to the STR property.
- p. Taxation. The property owner is responsible for collecting and reporting taxes from any rental arrangement that is not subject to an established collection agreement with the City.
- q. Garbage fees and garbage container storage. The property owner is responsible for paying an additional rate as set forth by the City for any garbage containers exceeding two 32-gallon containers. In addition, all garbage containers shall be stored out of sight of the street on the days not scheduled for garbage pickup by the City.
- r. Definition of vehicles. Vehicles shall include cars, trucks, and motorcycles and off-road vehicles

## **SECTION B. VIOLATIONS**

The following procedures shall apply in the event a violation of this ordinance occurs:

- a. If, after investigation, the city determines that any provisions of this ordinance have been violated, the city will notify the property owner in writing stating the provisions violated, necessary corrective action and a compliance due date, as applicable. In addition, the city will use best efforts to immediately contact the property owner or emergency contact by telephone of any reported violation. Upon receipt of notice by telephone, the property owner or emergency contact shall have the obligation to immediately contact the renter concerning such violation and request the renter to immediately take action in order to end the violation. Violations of this ordinance may result in the revocation of the permit issued to the property owner.
- b. Fines. In addition to the other remedies set out in this section, violations will be subject to fines as follows:
  - i. Violation warning. The city may, in an exercise of discretion, issue a warning to the person responsible for the violation if that person has not been previously warned or cited for violating a provision of this ordinance.
  - ii. First violation. The first time a person is found to have violated one of the provisions of this ordinance, the person is subject to a fine of \$500.00.
  - iii. Second and subsequent violations. Any second or subsequent time a person is found to have violated the provisions of this ordinance, the person is subject to a fine of \$1,000.00 for each subsequent violation.
- c. If a violation of building, fire safety or property maintenance regulations has not been corrected by the compliance date, the city may cause the STR permit to be temporarily suspended. When a first-time violation has been corrected, the permit shall be re-instated for the remainder of its current approval period. The city may approve an extension of the compliance date if substantial progress toward compliance has been made provided that the public will not be adversely affected by the extension.
- d. Recurring violations. When noise, occupancy, parking, trespass or other violations concerning the conduct at the STR or by its renters or their guests are found to have occurred more than once in the same license year or within any six-month period, or if a fine assessed against a STR property owner is not paid within thirty (30) days of delivery of notice of the fine, the city may set a hearing before the city council for the revocation of the permit related to that STR as to which a violation has occurred.
- e. If the holder of the STR permit disagrees with the finding of a violation by the city, the STR permit holder may request a hearing before the city council on the decision of the city. Following a public hearing on the matter, the city council may find in favor of the STR permit holder thereby eliminating any penalties assessed against the permit holder or the city council may confirm the city's decision and confirm the penalties assessed against the permit holder pursuant to this ordinance including revocation of the STR permit.
- f. Written notice of any fines and hearings on violations and permit revocations shall be delivered to the property owner. Notice of hearings shall be given at least ten (10) days before the hearing. Notice shall be deemed delivered when placed in the U.S. mail to the address listed on the permit application.

- g. Any person, who disagrees with the decision of the city council, shall have the right to appeal de novo to the Circuit Court of Etowah County, Alabama.

#### **SECTION C. ENFORCEMENT**

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other part of this ordinance, since the same would have been enacted by the municipal council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph or section.

This ordinance shall not affect the ability of property owners to enforce restrictive covenants or other restrictions that may apply to the use of real property as set forth in documents in the chain of title to the real property or to contracts between parties that affect the use of the real property.

Nothing in this ordinance supersedes the enforcement by the City for violation of other City ordinances.

#### **SECTION D. SEVERABILITY**

If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.


#### **SECTION E. REPEALER**


All Ordinances or part of Ordinances, in any manner, conflicting here with are hereby repealed.

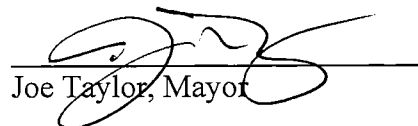
#### **SECTION F. EFFECTIVE DATE**

This ordinance shall become effective immediately following publication and/or posting in accordance with Alabama law.

**PASSED AND ADOPTED** this the 27<sup>th</sup> day of June, 2022.

  
Anita Bedwell, Council member

  
Randy Vice, Council member

  
Joe Taylor, Mayor

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Jeff Prince, Council member

  
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Jameson Jenkins, Council member

  
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Clark Hopper, Council member

ATTEST:

  
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Beth Lee, City Clerk/Treasurer

#### CERTIFICATION OF ADOPTION

I, Beth Lee, City Clerk/Treasurer of the City of Rainbow City, Alabama hereby certify that the above and foregoing copy of Ordinance No. 564 is a true and correct copy of such Ordinance that was duly adopted by the City Council of Rainbow City in regular session assembled on the 27<sup>th</sup> day of June 2022 and is recorded in the official minutes of said City.

  
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Beth Lee, City Clerk/Treasurer

#### CERTIFICATION OF PUBLICATION

I, Beth Lee, City Clerk for the City of Rainbow City, Alabama, do hereby certify that Ordinance No. 564 was duly posted at the Rainbow City Municipal Building, Local Joe's, and Winn Dixie, and the Rainbow City Library on the 28<sup>th</sup> day of June 2022, in accordance with the provisions of Code of Alabama, 1975, §11-45-8.

  
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Beth Lee, City Clerk/Treasurer