

ORDINANCE NO. _____

AN ORDINANCE TO REGULATE THE OPERATION OF SHORT TERM RENTAL DWELLINGS IN RESIDENTIAL DISTRICTS WITHIN THE CITY.

BE IT ORDAINED by the City Council of the City of Guntersville, Alabama (the “City”) as follows:

1. **REGULATIONS:** The following regulations apply to short term rental of dwellings in districts zoned residential in the city limits. These regulations do not apply in districts in which commercial lodging is permitted.
 - a. For purposes of this Section, “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 permit application to the City and obtain and maintain a STR annual permit for each STR unit at a cost of \$20.00 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. In the event that a telephone call is sent to voicemail, the emergency contact shall respond within one hour of the time of the recording of the voicemail. Failure to respond in a timely manner to a voicemail left by a complainant may be considered a violation under this ordinance. 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 commercial 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 the most restrictive of the following:

1. No more than two persons per bedroom plus two persons.
 2. No more than four persons per parking space.
 3. 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.
 4. Occupancy shall not exceed ten (10) persons.
 5. The number of vehicles allowed to be parked on the STR property shall be limited to no more than one vehicle per two authorized occupants.
 6. The maximum number of non-powered trailers of any type shall not exceed the maximum number of powered vehicles allowed to be parked on the property.
- g. The number of bedrooms and parking spaces are 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 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 guest parking needs. All guest 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 building line.
 - l. No food may be prepared or served to rental guests 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, 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 within a radius of 500 feet of 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.
 - 4. The maximum number of vehicles allowed to be parked at the property.

The permit application shall include the name and address of all property owners who own residential property within a radius of 500 feet of the STR.

- 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, motorcycles and off road vehicles

2. **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. Any violations of this ordinance by renters shall be considered a violation by 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 Section.
 - ii. First violation. The first time a person is found to have violated one of the provisions of this Section, the person is subject to a fine of \$150.00.
 - iii. Second and subsequent violations. Any second or subsequent time a person is found to have violated the provisions of this Section, the person is subject to a fine of \$500.00 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 Marshall County, Alabama.

3. **ENFORCABILITY**. 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.

4. **EFFECTIVE DATE**. This ordinance shall become effective on January 1, 2019.

PASSED, APPROVED AND ADOPTED THIS THE ____ DAY OF October, 2018.

**THE CITY OF GUNTERSVILLE, ALABAMA
A MUNICIPAL CORPORATION**

LEIGH DOLLAR, MAYOR

SANCHEZ WATKINS, COUNCILMAN, PLACE 1

PHILLIP KELLEY, COUNCILMAN, PLACE 2

JOHN MYERS, COUNCILMAN, PLACE 3

CARSON RAY, COUNCILMAN, PLACE 4

DONALD MYERS, COUNCILMAN, PLACE 5

RUDY CORNELIUS, COUNCILMAN, PLACE 6

RANDY WHITAKER, COUNCILMAN, PLACE 7

ATTEST:

BETTY JONES, CITY CLERK

I, Betty Jones, City Clerk of the City of Guntersville, Alabama, do hereby certify that the foregoing Ordinance No. _____ was published one time in local newspaper, the Advertiser Gleam on _____.

Betty Jones, City Clerk