

ORDINANCE NO. 2018-xxxx

**AN ORDINANCE AMENDING CHAPTER 50 OF THE
CODE OF ORDINANCES FOR THE CITY OF ORANGE BEACH, ALABAMA
TO ADD A NEW ARTICLE XI, PROVIDING FOR THE REGULATION OF
VACATION RENTALS IN CERTAIN RESIDENTIAL DISTRICTS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, ALABAMA, AS FOLLOWS:

1. That Chapter 50 of the Code of Ordinances for the City of Orange Beach is hereby amended to add a new Article XI entitled "Vacation Rental Units" as follows;

Sec. ____ -Findings.

- (a) The City of Orange Beach is a resort island community renowned for its beaches, waterways and other natural resources. Tourism and vacation rentals are a large part of the local economy. Orange Beach has a permanent population of approximately 6,000 but may have more than ____ visitors on any given weekend, and over ____ during the summer months.
- (b) In recent years the growing popularity of home sharing through the use of websites such as Airbnb, VRBO, Homeaway and others, have enabled individual homeowners, landlords, and tenants to list homes, apartments and rooms for rent at the price and duration of their choosing.
- (c) For the past three years the city has received numerous complaints about unruly guests creating excessive noise, trash and traffic in residential neighborhoods. In some neighborhoods, the sheer number of transient occupancy units is threatening the stability of the neighborhood by changing its character from residential to business.
- (d) There should be a reasonable balance between the regulation of vacation rental operations and the recognized need to protect the character of residential neighborhoods, and to preserve the quality of life for the City's permanent residents who choose to live in traditional residential neighborhoods.
- (e) The purpose of this Chapter is to prescribe procedures and regulations governing vacation rentals within certain residential districts within the City of Orange Beach, as defined herein.
- (f) The City Council hereby finds that unregulated transient occupancy uses in residential districts present a threat to the public welfare relating to compatibility with residential uses and preservation of the character of the neighborhoods in which they are located.

(1) Insert specific anecdotal findings here
- (g) The City Council hereby finds that the adoption of a comprehensive ordinance regulating the issuance of and operating conditions attached to vacation-term rental licenses is necessary to protect the public health, safety and welfare.
- (h) The purpose of this Article is to impose operational requirements to minimize the potential adverse impacts of transient uses in residential neighborhoods relating to traffic, noise, and trash; and to ensure the health, safety and welfare of renters and guests patronizing vacation rentals.
- (i) The provisions of this Chapter will also benefit the public welfare by imposing a license

fee that will offset some of the additional costs of providing services to the renters.

- (j) The City Council hereby finds that the City's regulation vacation rentals uses in accordance with this Chapter is a valid exercise of the City's police power conferred by Alabama Code §11- _____ and its licensing power conferred by Alabama Code §11-51-90 (1975), and furthers the legitimate governmental interests documented in this Chapter.

Sec. ____ -Definitions.

In addition to the definitions set forth in Chapter 1 and in Chapter 50 of this Code, the following terms, whether capitalized or not, shall apply in this Article. In the event of a conflict, the more restrictive definition shall apply.

- (a) "Applicant" means any person, or a combination of entities or consortium, who seeks or seek approval of a Vacation Rental License under the authority of this Chapter.
- (b) "Authorized Agent" means the person specifically authorized by an Owner, in writing, to represent and act on behalf of the Owner and to act as an operator, manager and contact person of a Vacation Rental, and to provide and receive any notices identified in this Chapter on behalf of the Owner.
- (c) "Bedroom" means any habitable room with no less than 70 square feet of floor area and no dimension less than seven (7) feet, in a dwelling, with at least one wall located along an exterior wall with a window that can be used for emergency egress, and equipped with ventilation, heating, smoke detector and carbon monoxide detector.
- (d) "Enforcement Officer" means the Chief of Police, Chief Building Official, Fire Marshal, or any other City employee designated by the City Administrator to enforce this Chapter.
- (e) "Good Neighbor Brochure" means a handbook prepared by the City regarding the general rules of conduct to be followed by Renters and applicable provisions of the Orange Beach City Code.
- (f) "Guest" means an invitee of a Renter or other person visiting a Vacation Rental unit who does not rent the unit.
- (g) "Homeshare" means a Vacation Rental structure in which the Owner or other lawful occupant both resides and remains during the time a Renter is occupying the Vacation Rental unit.
- (h) "Hotline" means the telephonic service maintained by the City for the purpose of receiving complaints regarding the operation of any Short-Term Rental.
- (i) "Hotline Contact" means the person designated on the Permit who shall be available by telephone 24 hours a day, 7 days a week during the entire time a Short-Term Rental property is occupied by a Renter.
- (j) "Lawful Occupant" means a person who is not a short term Renter, who has legal authority to occupy a residential structure such as a person who has a residential lease or other permission from the Owner.
- (k) "Non-Hosted Accommodation" means a vacation rental structure which is not occupied by an Owner, Authorized Agent or other lawful occupant while it is being occupied by a vacation renter.
- (l) "Owner" means the person or entity holding fee title to the real property that is the subject of a Short-Term Rental Permit.
- (m) "Permit" means the permit issued by the City, in accordance with the procedures set forth

in this Chapter, allowing an Owner or Authorized to rent a Short-Term Rental unit at the specified location.

- (n) "Permittee" means the person or entity to whom a Permit is issued pursuant to this Chapter.
- (o) "Vacation Renter" or "Renter" means a person, not an Owner, Authorized Agent, or lawful occupant, renting or occupying a Vacation Rental property in accordance with the terms of this Article.
- (p) "Vacation Rental" means a permanent structure constructed for residential occupancy under the City Code in which the Owner or Authorized Lessee offers non-hosted accommodations for periods of two weeks or less.
- (q) "Vacation Rental Property" is any permanent structure constructed for residential occupancy un the City Code located within the _____ zoning districts.
- (r) "Vacation Rental Business" means offering for consideration non-hosted accommodations of a vacation rental property.

Sec. ____ -License Required.

- (a) No person may operate a vacation rental business in the corporate limits of the City of Orange Beach without first obtaining vacation rental license required by this Article.

Sec. ____ -Application Requirement.

- (a) The application form for a Vacation Rental License shall be available from the Community Development Department. The Owner or Authorized Agent shall be required to provide the following information:
 - (1) Name, address and contact information (including telephone number(s)) of the Owner and/or Authorized Agent of the Vacation Rental property.
 - (2) Floor plan (to scale) showing all interior rooms and location of each Bedroom to be rented as part of the Vacation Rental and approximate square footage.
 - (3) Site plan showing entire property on which Vacation Rental unit is located, including the number and location of designated on-site parking spaces available for use by Renter(s) and location of trash enclosures.
 - (4) Evidence satisfactory to City that each Bedroom meets all local building and safety code requirements.
 - (5) Acknowledgement that the Owner or Authorized Agent, as the case may be, has read all regulations pertaining to the operation of a Vacation Rental, including this Chapter, any additional administrative regulations promulgated by the Director of Community Development to implement this Article.
 - (6) The name and telephone number of the designated contact person (who may be the Owner or the Authorized Agent) who shall be available by telephone 24 hours a day, 7 days a week, while the Vacation Rental property is occupied by a Renter.
 - (7) Provide any other information as the Director of Community Development or Finance Director deems reasonably necessary to administer this Article.
 - (8) Acknowledge and agree that any and all use of the property for Vacation Rental shall cease upon the expiration or revocation Vacation Rental License.
 - (9) Certify under penalty of perjury as to the accuracy of the information provided on the

Permit application and agree to comply with all conditions of the Permit and this Chapter.

Sec. ____ -License Fee.

The fee for the Vacation Rental License shall be \$1,000.

Sec. ____ -Review.

- (a) The Directors of Community Development and Finance shall review the application and determine whether a License will be issued and notify the Applicant. The Directors may refer any applications to the Council for decision in accordance with Section 50-____.
- (b) The Finance Director shall not renew any vacation rental license that has been issued a compliance notice or citation during the prior year. All such applications for renewal shall be submitted to the Council for decision pursuant to Section 50-__.

Sec. ____ -License Conditions.

Each License issued pursuant to this Article shall be subject to all of the following conditions:

- (a) A copy of the License shall be posted in a prominent location inside the Vacation Rental unit.
- (b) The Licensee shall require any Renter to acknowledge in writing the receipt of the Good Neighbor Brochure and the Renter's agreement to comply with its terms.
- (c) The Licensee shall limit (i) overnight occupancy and (ii) daytime guests of the Short-Term Rental property to the numbers specified in the Good Neighbor Brochure.
- (d) The Licensee shall limit the number of vehicles parked overnight to the number specified in the License and shall require Renters to utilize the designated on-site parking spaces to the maximum extent possible.
- (e) The Licensee shall provide access to the garage of the Vacation Rental if the garage has been included in the determination of the number of available on-site parking spaces.
- (f) It is the intent of the City to enforce all traffic laws related to the provision for emergency vehicle access. Accordingly, no limousine or bus parking, and no stopping without the driver's presence, shall be allowed in any manner that would interfere with emergency vehicle access. In the event of an emergency, the vehicle driver shall immediately move the vehicle from the emergency vehicle access area.
- (g) The Licensee shall provide appropriate refuse and/or recycling service for the Vacation Rental property. Property shall be free of debris both onsite and in the street. Trash cans shall be maintained in a clean and sanitary condition.
- (h) The Licensee shall ensure that the Renters and/or Guests of the Vacation Rental property do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Code or any state law pertaining to noise or disorderly conduct; provided, however, that the City does not intend to authorize, and the City does not authorize, the Licensee to act as a peace officer or place himself or herself in harm's way.
- (i) The Licensee shall, upon notification that Renters and/or Guests of the Vacation Rental property have violated any rules of the Good Neighbor Brochure, (including any unreasonable noise or disturbances, disorderly conduct, or violations of this Code or state law), promptly act to stop the violator(s) and prevent a recurrence of the violation.
- (j) The Permittee shall not allow the use the Short-Term Rental property for any gathering where the number of persons will exceed the permitted daytime occupancy limits, as set

forth in the Good Neighbor Brochure.

- (k) The Owner and the Authorized Agent must be available by telephone 24 hours a day for the duration of the Vacation Rental.
- (l) The Licensee shall allow the City, upon written 24-hour notice, to inspect the Vacation Rental for compliance with the requirements of this Article.
- (m) Vacation Rental Agreements. The Licensee shall enter into a written rental agreements with the Renters of any Vacaton Rental property, which agreement shall, at a minimum, include the following:
 - (1) The name, age and address of the Renter.
 - (2) The terms and conditions of the rental agreement, including occupancy limits, noise prohibitions and vehicle parking requirements.
 - (3) Acknowledgment by the Renter that he or she is legally responsible for compliance by all occupants of the Vacation Rental and any guests with the conditions of the Good Neighbor Brochure and the terms of the rental agreement.
 - (4) Acknowledgment by the Renter of receipt of a copy of the Good Neighbor Brochure.
 - (5) The name(s) of the other occupants of the Short-Term Rental property.
 - (6) A list of all vehicles, including license plate numbers, that Renter and any other occupants of the Short-Term Rental will park overnight during their stay.

Sec. ____. -Occupancy and Guest Limits for Vacation Rentals.

The number of overnight occupants and guests for each Vacation Rental property shall be limited in accordance with the guidelines set forth in the Good Neighbor Brochure and state law, based on the number of bedrooms identified in the Vacation Rental License.

Sec. ____. -Complaints.

The Owner or Authorized Agent shall respond within thirty minutes of being notified of a complaint and promptly thereafter notify the the City of the corrective action taken and results obtained.

Sec. ____. -Enforcement.

Revocation or Suspension of License. At any time during the term of License, the Finance Director is authorized to initiate proceedings pursuant to Section 50-__ of this Code to revoke the license if the Director determines in his or her discretion that (i) the Licensee provided materially false or misleading information in any submittal required under this Article; or (ii) the Licensee is in violation of, or has failed to comply with, any requirements of this Article. If the Council finds and determines that a violation has occurred it may revoke or refuse to its the license; or condition the renewal or issuance upon compliance with such conditions deemed necessary and proper by the Council to insure future compliance, including suspension of the license for a time certain.

- 2. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have passed this Ordinance and each section, subsection, subdivision, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of Alabama.
- 3. That all ordinances or parts of ordinances in conflict are, to the extent of such conflict, repealed; and

4. That this Ordinance shall become effective immediately upon its adoption and publication as required by law.

ADOPTED THIS ___th DAY OF _____, 2018.

Renee Eberly
City Clerk

The City Clerk of the City of Orange Beach, Alabama hereby certifies that the foregoing **ORDINANCE 2018-xxxx** was posted on _____ in the following three

(3) public places:

Orange Beach City Hall _____

Orange Beach Post Office _____

Orange Beach Public Library _____

Renee Eberly, City Clerk