

**ORDINANCE NO. 2018-1283**

**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**

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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. Short title. This Article shall be known as the "Vacation Rental Ordinance."

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 40,000 visitors on any given weekend, and over 100,000 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.
- (g) The City Council hereby finds that the adoption of a comprehensive ordinance regulating the issuance of and operating conditions attached to vacation 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 responding to calls and other services provided to the licensee.

- (j) The City Council hereby finds that the City's regulation of vacation rental uses in accordance with this Chapter is a valid exercise of the City's police power conferred by Alabama Code section 11-45-1 (1975) and its licensing power conferred by Alabama Code section 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 as the manager 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 within a dwelling that meets each of the following requirements:
  - (1) Minimum square footage: 70 square feet for single occupancy; 50 square feet per person for multiple occupancy.
  - (2) Minimum horizontal footage: at least 7 feet in any horizontal direction.
  - (3) Two means of egress: a door and a window on the exterior wall of the dwelling.
  - (4) Minimum ceiling height: 7 feet tall.
  - (5) Minimum window size: at least 5.7 square feet of net openable area.
  - (6) A heating system.
  - (7) A smoke 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) "Hosted Accommodation or 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 Vacation Rental.
- (i) "Hotline Contact" means the person designated on the License who shall be available by telephone 24 hours a day, 7 days a week during the entire time a Vacation Rental property is occupied by a Renter.

- (j) "Lawful Occupant" means a person who is not a Vacation 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 Vacation Rental License.
- (m) "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.
- (n) "Vacation Rental" means a single-family or two-family dwelling unit in which the Owner or Authorized Agent offers hosted or non-hosted accommodations for periods of fourteen consecutive days or less. Vacation rental does not include any detached accessory structure such as garages and storage sheds.
- (o) "Vacation Rental Property" is any permanent structure constructed for residential occupancy located within the RS-1, RS-2, RS-3, and MHS zoning districts, but does not include properties lying within the Beach Overlay District as defined in the city's zoning ordinance.
- (p) "Vacation Rental Business" means offering for consideration hosted or non-hosted accommodations of a residential vacation rental property.

Sec. \_\_\_\_ -License Required.

- (a) No person may operate a Vacation Rental Business within the corporate limits without first obtaining a vacation rental license required by this Article. This Article does not apply in the police jurisdiction.

Sec. \_\_\_\_ -Application Requirement.

- (a) The application form for a Vacation Rental License shall be available from the Department of Finance. 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 the entire property on which the 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. Parking shall be in compliance with the City's zoning ordinance.
  - (4) An affidavit to be signed by the Applicant certifying the Vacation Rental complies with all applicable fire, building and safety code requirements.
  - (5) Acknowledgment that the Owner or Authorized Agent, as the case may be, has:
    - a. Read all regulations pertaining to the operation of a Vacation Rental, including this Article and any administrative regulations promulgated by the Director of Community Development.

- b. Agreed that any and all use of the property for Vacation Rental shall cease upon the expiration or revocation Vacation Rental License; and
  - c. Certified under penalty of perjury as to the accuracy of the information provided on the License application and agreed to comply with all conditions of the License and this Chapter.
- (6) The name and telephone number of the Owner or 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) Such other information as the Director of Community Development or Finance Director deems reasonably necessary to administer this Article.

Sec. \_\_\_\_. -License Fee.

The fee for the Vacation Rental License shall be \$500.

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 50-72 of this code.

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 and the Good Neighbor Brochure shall be posted in a prominent location inside the Vacation Rental unit.
- (b) The Licensee shall limit overnight occupancy of the Vacation Rental property to the numbers specified in the following table.

<b>NUMBER OF BEDROOMS</b>	<b>TOTAL OVERNIGHT OCCUPANTS*</b>
STUDIO/1	2
2	4
3	6
4	8
5	10
6	12
* Plus two children age 14 or under	

- (c) 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.

- (d) 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.
- (e) The Licensee shall provide appropriate refuse and/or recycling service for the Vacation Rental property. Property shall be free of debris both on-site and in the street. Trash cans shall be maintained in a clean and sanitary condition.
- (f) The Licensee shall take all reasonable steps to manage the property in a manner that will insure 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.
- (g) The Owner and the Authorized Agent must be available by telephone 24 hours a day for the duration of the Vacation Rental.
- (h) The Licensee shall allow the City, upon written 24-hour notice, to inspect the Vacation Rental for compliance with the requirements of this Article.
- (i) Vacation Rental Agreements. The Licensee shall enter into a written rental agreement with the Renters of any Vacation Rental property, which agreement shall, at a minimum, include the following.
  - a. The name, age and address of the Renter.
  - b. The terms and conditions of the rental agreement, including occupancy limits, noise prohibitions and vehicle parking requirements.
  - c. 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.
  - d. Acknowledgment by the Renter of receipt of a copy of the Good Neighbor Brochure, and that they have been explained the terms of the Good Neighbor Brochure by the Owner or Authorized Agent before or at the start of the Vacation Rental term.

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 table set forth in section \_\_\_\_ of this Article.

Sec. \_\_\_\_ -Complaints.

The Owner or Authorized Agent shall respond within thirty minutes of being notified of a complaint and promptly thereafter notify 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 50-73 of this code to revoke or refuse to renew any 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 issue 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.

Sec. \_\_\_\_ -Severability.

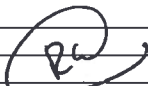
If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have passed this ordinance and each section, 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.


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

ADOPTED THIS 3<sup>rd</sup> DAY OF APRIL, 2018.

  
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Renee Eberly  
City Clerk

The City Clerk of the City of Orange Beach, Alabama hereby certifies that the foregoing ORDINANCE 2018-1283 was posted on 04/04/2018 in the following three (3) public places:

- Orange Beach City Hall \_\_\_\_\_
- Orange Beach Post Office \_\_\_\_\_
- Orange Beach Public Library \_\_\_\_\_ 

  
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Renee Eberly, City Clerk