

ORDINANCE NO. 1738

AN ORDINANCE
TO AMEND THE *CODE OF ORDINANCES*, ADOPTED
JULY 24, 1989, AT CHAPTER 8, BUSINESS LICENSES,
TAXES, AND REGULATIONS,
ARTICLE I. IN GENERAL, TO ADD SECTIONS 8-43, 8-44, AND 8-45 TO
FURTHER REGULATE THE BUSINESS OF
DWELLING UNIT VACATION RENTALS

WHEREAS, the City Council of the City of Gulf Shores has determined that the documented recurrence of structural failures and the discovery of unsafe conditions at dwelling units used for vacation rentals reflects a clear impairment of public safety; and

WHEREAS, the City Council has determined that the further regulation of the business of dwelling unit vacation rentals to require periodic safety inspections as a condition of licensing is required in the interest of public safety;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN A RESCHEDULED REGULAR SESSION ON NOVEMBER 12, 2013, as follows:

Section 1. That Article I In General of Chapter 8, Business, Licenses, Taxes And Regulations of the *Code of Ordinances*, adopted July 24, 1989, be and it is hereby amended by the addition of Sections 8-43, 8-44, and 8-45 reading in their entirety as follows:

Sec. 8-43. Safety Inspection Required As Precondition For Licensing Of Dwelling Unit For Vacation Rental; Definitions.

(a) Definitions:

As used in Section 8-43, 8-44, and 8-45, the following terms shall have the following meanings:

Dwelling Unit shall mean a room or group of rooms including a kitchen, sleeping and sanitary facilities designed and used exclusively or occupied as separate living quarters by not more than one (1) Family and located within the City of Gulf Shores or its police jurisdiction. The term "Dwelling Unit" does not include a Sleeping Unit in a bona fide Motel or Hotel but does include a Sleeping Unit in a Condotel. All undefined capitalized terms included in this definition have the meanings defined in the Zoning Ordinance of The City of Gulf Shores as in effect from time to time.

Vacation Rental shall mean any lease, sublease, rental, or other licensing of the use of a Dwelling Unit by an owner or lessee for any period of fewer than 180 consecutive days.

Multi-Family Structure shall mean any structure that contains three or more Dwelling Units if any of such Dwelling Units is licensed or is proposed to be licensed for Vacation Rental.

Local Contact shall mean Local Contact as defined in Section 8-41.

(b) Safety Inspections Required As Condition To Licensing of Dwelling Unit For Vacation Rentals.

(1) Except as provided below with respect to the option to present a Certificate of Occupancy and subject to the phase-in schedule set out below, at the time application is made for the issuance or renewal of a license to engage in the business of Vacation Rental of a Dwelling Unit not contained in a Multi-Family Structure and before the issuance or renewal of any license for such purpose, the person to be licensed shall have obtained and shall present to the Revenue Department a current rental unit inspection report issued by the Building Official confirming the inspection and ostensibly acceptable condition of the Dwelling Unit with respect to the following considerations:

- (A) Smoke detectors;
- (B) Fire Extinguishers;
- (C) Interior Stairs;
- (D) Emergency Rescue Openings;
- (E) Electrical;
- (F) Balconies/Decks;
- (G) Swimming Pools;
- (H) Exterior Stairs;
- (I) Foundations;
- (J) 911 Addressing;
- (K) Other Safety Concerns Under the then-current International Property Maintenance Code, the then-current Existing Building Code, and the then-current International Fire Code As Specified By the Building Official.

A rental unit inspection report shall be deemed current if dated by the Building Official within three years prior to the beginning of the license year. Upon sale of property, a valid inspection report is transferrable to subsequent owner.

In lieu of a current rental unit inspection report, the person to be licensed may satisfy the requirements of this subsection (b)(1) by presenting to the Revenue Department and Building Official a copy of the Certificate of Occupancy issued by the Building Official with respect to the Dwelling Unit if dated within three years prior to the beginning of the license year.

(2) Except as provided below with respect to the option to present a Certificate of Occupancy and subject to the phase-in schedule provided below, at the time application is made for the issuance or renewal of a license to engage in the business of Vacation Rental of a Dwelling Unit contained in a Multi-Family Structure, in addition to the presentation of a rental unit inspection report or Certificate of Occupancy as described in subsection (1) above, and before the issuance or renewal of any license for such purpose, the person to be licensed shall have obtained and shall present to the Revenue Department a current multi-family structure inspection report issued by the Building Official confirming the inspection and ostensibly acceptable condition of the Multi-Family Structure with respect to the following considerations:

- (A) Lighting;
- (B) Condition of Common Areas;
- (C) Fire Protection And Life Safety Systems;
- (D) Electrical;
- (F) Swimming Pools;
- (G) 911 Addressing/Signage;
- (H) Other Safety Concerns Under the then-current International Property Maintenance Code, the then-current Existing Building Code, and the then-current International Fire Code As Specified By the Building Official.

A multi-family structure inspection report shall be deemed current if dated by the Building Official within three years prior to the beginning of the license year.

In lieu of a current multi-family structure inspection report, the person to be licensed may satisfy the requirements of this subsection (b)(2) by presenting to the Revenue Department and Building Official a copy of the Certificate of Occupancy issued by the Building Official with respect to the Multi-Family Structure dated within three years prior to the beginning of the license year.

(3) The requirements of this Section 8-43 shall be phased in on the following basis:

(A) The requirements of this Section shall apply to the licensing of Vacation Rental of Dwelling Units in single family and duplex structures located within the corporate limits effective January 1, 2015;

(B) The requirements of this Section shall apply to the licensing of Vacation Rental of Dwelling Units in Multi-Family Structures located within the corporate limits effective January 1, 2016;

(C) The requirements of this Section shall apply to the licensing of Vacation Rental of all Dwelling Units located in the police jurisdiction of the City effective January 1, 2017.

It shall be the responsibility of the person intending to secure a license for the Vacation Rental of a Dwelling Unit to schedule an inspection of such Dwelling Unit in a timely manner so as to meet the foregoing phase-in schedule. Failure to schedule such inspection in a timely manner shall not relieve such person from the operation of this Section. No waivers of the requirements of this Section shall be granted.

(4) A rental unit inspection report or multi-family structure inspection report issued by the Building Official pursuant to this Section is not a representation, guarantee, or warranty of any kind by the City or Building Official of the fitness of the Dwelling Unit or Multi-Family Structure for occupancy, nor is it a representation, warranty, or guarantee of any kind by the City or Building Official that such Dwelling Unit or Multi-Family Structure is in compliance with City codes. No person shall rely on the rental unit inspection report or multi family inspection report as a representation of the condition of such unit. A statement in substantially this form shall appear on each inspection report issued by the Building Official.

Sec. 8-44. Licensing Of Dwelling Unit For Vacation Rental Subject To Suspense Upon Identification of Violations of City Codes.

A Dwelling Unit licensed for Vacation Rental and any Multi-Family Structure that contains a Dwelling Unit licensed for Vacation Rental shall at all times be maintained in a condition conforming to the requirements of the then current International Property Maintenance Code, the then-current Existing Building Code, and the then-current International Fire Code (hereinafter referred to as the Condition Codes).

(a) Immediate Hazard Conditions. If at any time the Building Official or his authorized agent identifies the existence of a condition in a Dwelling Unit licensed for Vacation Rental or in a Multi-Family Structure that contains a Dwelling Unit licensed for Vacation Rental that violates a requirement of any of the Condition Codes and that is immediately dangerous to the health or safety of the occupants, passersby, occupants in other dwelling units on the property, or nearby properties, the Building Official or his authorized agent shall issue an order suspending the license issued with respect to each Dwelling Unit affected by the violation. The suspension order shall be delivered to the designated Local Contact for the Dwelling Unit. Upon issuance of a suspense order, the licensee shall cause each such Dwelling Unit to be immediately vacated and shall discontinue the rental of each such Dwelling Unit until the condition of violation has been remedied to the satisfaction of the Building Official and the Building Official has issued an order rescinding the order of suspension.

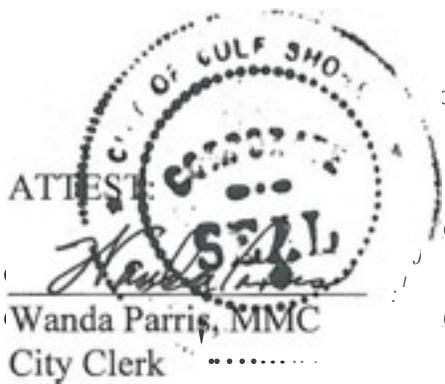
(b) Conditions Not Posing An Immediate Hazard. If at any time the Building Official or his authorized agent identifies the existence of a condition in a Dwelling Unit licensed for Vacation Rental or in a Multi-Family Structure that contains a Dwelling Unit licensed for Vacation Rental that violates a requirement of any of the Condition Codes and but that is not considered immediately dangerous to the health or safety of the occupants, passersby, occupants in other dwelling units on the property, or nearby properties, the Building Official or his authorized agent shall deliver a citation to the designated Local Contact for the Dwelling Unit requiring cure of the condition of violation within twenty-one (21) days from the date of citation. The licensee shall cause the condition of violation to be remedied within such period and shall schedule a re-inspection of the Dwelling Unit or Multi-Family Structure by the Building Official to occur within thirty (30) days from the date of citation. Upon failure of the licensee to document to the Building Official or his authorized agent the remedy of the condition of violation within such thirty (30) day period, the Building Official or his authorized agent shall issue an order suspending the license issued with respect to each Dwelling Unit affected by the violation. The suspension order shall be delivered to the designated Local Contact for the Dwelling Unit. Upon issuance of the suspension order, the licensee shall cause each such Dwelling Unit to be immediately vacated and shall discontinue the rental of each such Dwelling Unit until the condition of violation has been remedied to the satisfaction of the Building Official and the Building Official has issued an order rescinding the order of suspension.

(c) Appeal of Citation, Suspension Order, or Refusal To Issue Order of Rescission. Any person aggrieved by the issuance of a citation, suspension order, or refusal to issue an order of rescission by the Building Official may appeal such action or refusal to act by the Building Official in writing to the City Council for review at its next regular meeting or at a special meeting if called for the purpose of such review. The citation, suspension order, or refusal to issue an order of rescission shall remain in full force and effect pending such appeal; provided, however, that the Mayor for stated reasons found appropriate in the Mayor's determination and upon such conditions as the Mayor may determine in his or her discretion may by written order suspend the operation of a suspension order pending such appeal.

(d) Section operative upon enactment. The requirements of this Section shall be effective upon the date of its enactment and shall not be subject to the phase-in provisions of Section 8-43.

Sec. 8-45. Additional Business License Fee For Dwelling Units Licensed For Vacation Rental

In addition to the business license fee imposed under Section 8-35, effective with the license year beginning January 1, 2014, each business engaging in the Vacation Rental of a Dwelling Unit shall pay an additional business license fee of \$45.00 per year for each Dwelling Unit offered for rental ; provided , however, that this Section 8-45 shall not apply to Dwelling Units located in the police juri sdiction of the City until the license year beginning January 1,2016.



d.)

ce shall not be interpreted to repeal any other ordinance or any provision of the law of Alabama adopted by the City's Code of Ordinances.

Section 3. That the provisions of this Ordinance are severable and a determination of the invalidity of any portion of this Ordinance shall not affect the validity and enforceability of the remainder of the Ordinance.

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

ADOPTED this 12th day of November, 2013.

Robert Craft Mayor

CERTIFICATE

I, Wanda Parris, MMC, City Clerk of the City of Gulf Shores, Alabama, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 1738 (prepared by City Clerk), which Ordinance was duly and legally adopted at a rescheduled regular meeting of the City Council on November 12, 2013, and the same was duly published as required by law.

City Clerk