

ORDINANCE No. O-641-22

AN ORDINANCE THAT AMENDS A PORTION OF SECTION 24-2 – DEFINITIONS
AND COMPLETELY AMENDS AND REPLACES
SECTION 24-610 - SHORT-TERM RENTALS, TO CHAPTER 24 - ZONING, ARTICLE VIII – SUPPLEMENTAL
REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE, ALABAMA

WHEREAS, the City of Jacksonville, Alabama has determined that it is in the best interest of the City to amend a portion of Section 24-2 – *Definitions* and completely amend and replace Section 24-610 - *Short-Term Rentals*, to Chapter 24 - Zoning, Article VIII – *Supplemental Regulations*, of the Code of Ordinances of the City of Jacksonville, Alabama.

NOW, THEREFORE, “BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE, ALABAMA:

SECTION I (a). To amend a portion of Section 24-2 – *Definitions*, of The Code of Ordinances of the City of Jacksonville, Alabama, to change the definition of Short-term rental as follows:

Short-term rental means the rental of a dwelling or any portion thereof, for a period of less than 30 consecutive days.

SECTION I (b). To completely amend and replace Section 24-610 - *Short-Term Rentals*, to Chapter 24 - Zoning, Article VIII – *Supplemental Regulations*, of the Code of Ordinances of the City of Jacksonville, Alabama, to read as follows:

Section 24-610 – Short-Term Rentals.

The following regulations apply to the short-term rental of dwelling units in residential and nonresidential districts within the City of Jacksonville. For purposes of this Section, "Short-Term Rental" is also known as an "STR". This Section does not apply to the rental of a dwelling or any portion thereof for a period of 30 consecutive days or more, which shall be governed by Chapter 7 - *Businesses*, Article VII – *Residential Rentals*, of the Code of Ordinances of the City of Jacksonville, Alabama.

(1) – Licensing.

- (a) No person or entity shall offer, advertise, or rent a STR without first obtaining a valid and current STR Business License from the City. The STR Business License shall be obtained for each STR owned or operated by any person or entity. The STR Business License will not be issued until all provisions of this Section are satisfied.
- (b) To obtain a STR Business License, the owner or operator of a STR shall submit an application for a STR License on the form provided by the City. The application shall include the name and telephone number of the person designated as the emergency contact for the STR. The emergency contact must be able to answer calls 24 hours a day, seven days a week for the duration of each STR period, and he or she must be able to 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 also be able to respond on-site within 1 hour at the request of the

City. Prior to any change to the emergency contact, the owner or operator must submit the revised contact information to the Business License Division of the City's Finance Department.

- (c) Any person or entity granted a STR Business License must obtain and maintain vacation rental insurance, short-term rental insurance, or an equivalent form of insurance coverage in addition to their homeowners insurance. Proof of insurance must be provided prior to the City issuing a STR Business License. Proof of insurance must be resubmitted each year for renewal of the STR Business License.
- (d) Prior to receiving a STR Business License from the City, the owner or operator must deliver written notice to the owners of any properties adjoining the STR property, and provide a copy of said notice to the Business License Division of the City's Finance Department. The notice must contain the following information: (1) The names, addresses, and telephone numbers of the owner and operator of the STR and the emergency contact; (2) The telephone number for the public to report violations to the Code Enforcement Division of the City's Police Department; (3) The maximum occupancy of the STR unit as allowed in Subsection (3) herein.
- (e) The person or entity granted a STR Business License shall charge, collect, report, and remit to the City all lodging taxes as set-forth in Chapter 20 - *Taxation*, Article III - *Lodging Tax*, Section 20-56 - *Levy of Tax in the City* through Section 20-60 - *Article Cumulative to General License Code or Ordinance*, of the Code of Ordinances of the City of Jacksonville, Alabama.

(2) – Standards.

- (a) A STR shall be rented only for a lodging use. A STR shall not be rented for weddings, parties, concerts, or similar events and a STR shall not be used for such purposes of events during any rental period.
- (b) No person or entity shall display any on-premises signage legible from any public street right-of-way pertaining to any STR located in a residential or nonresidential district.
- (c) Each STR shall comply with all applicable laws, ordinances, regulations, and codes of the City, including, but not limited to, those governing building construction, fire safety, noise, and garbage collection and disposal.
- (d) Each STR must have adequate off-street parking (concrete or asphalt) and/or on-street parking to accommodate all renters and guest parking needs. No person shall park a recreational vehicle, bus, or trailer on the street or forward of the front building line.
- (e) No STR licensee, owner, or operator may prepare or serve food to any renter or guest. Cooking facilities are not permitted in any STR guest rooms. This does not apply to a Bed and Breakfast Home as defined in Section 24-2 – *Definition*, of the Code of Ordinances of the City of Jacksonville, Alabama.

- (f) A copy of the STR license, emergency contact information, and house rules, which must comply with this Section, shall be posted in a conspicuous place within the STR.
- (g) Upon notification that a renter or a renter's guest has violated any provisions of this Section or any noise, garbage, or other applicable provision of the laws, ordinances, regulations, and codes of the City, the owner, operator, or emergency contact must promptly notify the renter of the violation and take such action as is necessary to correct the violation, and prevent a recurrence.

(3) – Occupancy.

- (a) The maximum occupancy of a STR unit shall be limited to the number of occupants as specified in Section 24-69 – *Maximum dwelling unit occupancy*, of the Code of Ordinances of the City of Jacksonville, Alabama, for the zoning district in which the STR is located.
- (b) The owner or operator must, by written agreement with the renter, limit overnight occupancy of each STR unit to the maximum occupancy allowed by Subsection (3)(a) herein.

(4) – Certificate of Occupancy and Inspection Fees. (Reserved)

(5) – Violations.

- (a) If, after investigation, the Code Enforcement Division of the City's Police Department determines that any provisions of this Section have been violated, the Code Enforcement Division of the City's Police Department will provide written notice to the licensee of the violations, any corrective action required, and the due date for compliance, as applicable. The Code Enforcement Division of the City's Police Department may approve an extension of the due date for compliance if substantial progress has been made towards compliance.
- (b) In addition to the other remedies set out in this Section, the Code Enforcement Division of the City's Police Department 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.
- (c) If a violation has not been corrected by the due date for compliance, the Code Enforcement Division of the City's Police Department may cause the temporary suspension of the STR Business License for unit or units where the violation has persisted until such time as the violation is corrected.
- (d) When recurrent violations occur at an STR, including noise, occupancy, parking, and safety violations, the Code Enforcement Division of the City's Police Department may begin revocation proceedings through the City's Finance Manager as provided in Chapter 7 - *Businesses*, Article 1 - *In General*, Section 7-19 - *Procedure for Revocation or Suspension of License*, of the Code of Ordinances of the City of Jacksonville, Alabama.

(6) – Time for Compliance.

This Section and the provisions set forth herein shall apply to and govern all STR units within the City of Jacksonville, Alabama. Any current or future owners/operators of a STR within the City shall obtain the necessary STR Business License within thirty (30) calendar days of the effective date of the ordinance adopting this Section.

(7) – Enforcement and Penalties.

The violation of the provisions of this Section shall be an offense. Any person committing a violation shall, upon conviction, be punished by a fine as specified in Chapter 7 - *Businesses*, Article I - *In General*, Section 7-6 - *Unlawful to do Business Without a License*, of the Code of Ordinances of the City of Jacksonville, Alabama.

Section II. 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 paragraphs and sections, since the same would have been enacted by the municipal council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section III. Effective upon adoption of this Ordinance to the extent that all other Ordinances or parts of Ordinances of the City of Jacksonville, Alabama conflicting herewith or inconsistent with the provisions in this Ordinance are hereby repealed to the extent of such conflict.

Section IV. This Ordinance shall become effective immediately upon its publication as required by law.

PASSED AND ADOPTED this the 8th day of August, 2022.

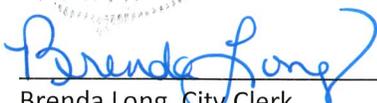

Approved by Johnny L. Smith, Mayor

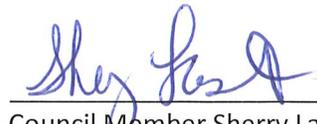

Council President Tony K. Taylor


Council Member Coty Galloway


Council Member Andrew Green


Council Member Terry Wilson


Brenda Long, City Clerk


Council Member Sherry Laster



Sec. 24-31. Designated.

For the purpose of this chapter, the city is hereby divided into the following types of zoning districts and overlay districts:

Zoning Districts

R-1	Single-family residential district
R-2	Two-family residential district
R-3	Multi-family residential district
RIP	Residential, institutional, and professional business district
B-1	Local shopping business district
B-2	General business district
M-1	Light industry manufacturing district
M-2	General industry manufacturing district

Overlay Districts

PSOD	Public square overlay district
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(Ord. No. O-614-20 , Exh. A, 1-13-2020)

Sec. 24-69. Maximum dwelling unit occupancy.

(a) The maximum number of occupants permitted to reside in a dwelling unit in a particular zoning district shall comply with the following table, except as specified otherwise in this chapter for a bed and breakfast home and accommodations noted in section 24-69(d).

Zoning District	Number of Occupants
R-1 single-family residential or a planned unit development (PUD) designated for single-family residential	One family and 1 unrelated individual, 3 unrelated individuals where at least one of them is an owner of the property, or 2 unrelated individuals where neither of them is the owner of the property
R-2 two-family residential or a planned unit development (PUD) designated for two-family residential	One family and 1 unrelated individual or 3 unrelated individuals
R-3 multi-family residential or a planned unit development (PUD) designated for multi-family residential	One family and 2 unrelated individuals or 4 unrelated individuals
All other zoning districts. Except, a planned unit development (PUD) within these zoning districts shall be as per the R-1 district as set	One family and 2 unrelated individuals or 4 unrelated individuals.

forth in this subsection (a).	
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(b) For the purposes of this section, the definition of one of the unrelated individuals residing with a family may include the minor children of such unrelated individual residing with him or her.

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(c) For the purposes of this section, a person shall be considered an occupant of a dwelling unit if he or she stays overnight in the dwelling unit for more than seven days within a 30-day period.

(d) Notwithstanding the occupancy limits stated herein, a request for reasonable accommodation may be made by any person with a disability or handicap, or by an entity acting on behalf of a person or persons with disabilities or handicaps, seeking equal access to housing under the Rehabilitation Act, the Americans With Disabilities Act, the Federal Fair Housing Amendments Act, the regulations as to housing of mentally retarded or mentally ill persons in multi-family zone under Code of Ala. 1975, § 11-52-75.1, as amended, or similar state and federal statutes, under the following procedure:

(1) Application. Requests for reasonable accommodation shall be submitted on an application form provided by the building inspector, or in the form of a letter to the building inspector, and shall contain the following information:

- a. The applicant's name, address and telephone number.
- b. The street address or tax assessor's parcel number of the property for which the request is being made.
- c. The current actual use of the property.
- d. The law, provision, regulation or policy from which reasonable accommodation is being requested.

(2) Additional information. The following information shall be submitted with the application:

- a. A statement from the applicant describing the basis for the claim that the individual (or group of individuals, if application is made by an entity acting on behalf of a person or persons with disabilities or handicaps) is considered disabled or handicapped under the law.
- b. A statement as to why the requested accommodation is financially, therapeutically, or otherwise necessary to afford a handicapped or disabled person equal opportunity to use and enjoy the dwelling.
- c. Documentation supporting the financial, therapeutic, or other necessity for the accommodation.

(3) Upon the filing of the application, together with all information required above, the building inspector shall render a decision on the request within 14 days of the receipt of the application and all required information. In the event the request is denied, the applicant may appeal that decision to the board of adjustment and appeals in accordance with section 24-704(d)(1), powers and duties - administrative review and section 24-705, actions on appeal, of this Code.

(Ord. No. O-614-20 , Exh. A, 1-13-2020)

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