LEGAL NOTICE

TAKE NOTICE THAT THE FOLLOWING PROPOSED ORDINANCE WILL BE INTRODUCED FOR PASSAGE AT THE COUNCIL MEETING OF THE OXFORD CITY COUNCIL AT ITS REGULAR MEETING ON THE 28th DAY OF February 2023, AT OXFORD CITY HALL, 145 HAMRIC DRIVE EAST, BEGINNING AT 6:30 P.M. AT THE ABOVE TIME AND PLACE. ALL PERSONS IN OPPOSITION TO SAID PROPOSED ORDINANCE AND ALL PERSONS IN FAVOR OF SAID ORDINANCE WILL HAVE AN OPPORTUNITY TO BE HEARD AS TO THEIR POSITION PRIOR TO THE INTRODUCTION OF SAID PROPOSED ORDINANCE FOR PASSAGE BEFORE THE COUNCIL.

 PROPOSED ORDINANCE NUMBER 2023-

**AN ORDINANCE AMENDING CITY OF OXFORD**

 **ZONING ORDINANCE 2017-20**

**PROVIDING REGULATIONS TO ALLOW SHORT-TERM RENTALS**

**WITHIN THE CITY**

**NOW, THEREFORE BE IT ORDAINED** by the City Council of the City of Oxford, in regular meeting duly assembled, a quorum being present, as follows:

**AN AMENDMENT TO THE CITY’S ZONING ORDINANCE ADDING ARTICLE 13 to provide a set of use regulations and establish minimum standards for Short-Term Rental Dwellings within the City**

**Article 13. Section 13.01. SHORT-TERM RENTAL REGULATIONS**

**Scope, findings, and purpose.**

1. This Article applies to all Rentals of Short-term Rental Units within the city. Nothing in this Article affects the right of the city to impose or collect other applicable fees, charges, or penalties or take other appropriate action to remedy a violation of other ordinances or laws. The mayor and/or his designee has the authority to promulgate and adopt policies to carry out the provisions of this Article.
2. The city is committed to maintaining and preserving the quality of its residential character, the housing stock and existing communities, scenic beauty, and the natural resources that are the foundation of its economic strength and quality of life.
3. The purpose of this Article is to provide a set of use regulations that will allow Short-Term Rental Dwellings within the City Limits and establish minimum standards for their use while also minimizing incompatibility with surrounding residential areas. It is intended these additional protections will protect substantial investment, both private and public, while also promoting a mix of lodging options that will support the City’s tourism base and local economy.
4. The restrictions established in this Article are necessary to protect the public health, safety and welfare of the residents of the City and the integrity and residential character of the City's residential zoning districts.

**13.02 Definitions.** For the purposes of this Article, the following definitions shall apply unless the context clearly indicates a different meaning:

1. *“Dwelling”* shall mean any building, structure, or portion thereof which is permitted, designed, or used primarily for single-family residence.
2. *“Short-Term Rental”* shall mean the Rental of any Short-Term Rental Unit or any part thereof to a transient for overnight occupancy for a period less than 30 consecutive calendar days.
3. *“Short-Term Rental Manager* shall mean any person or entity that arranges a rental, cleaning, listing, advertising, or otherwise assist in the operation of Short-Term Rental for a profit. Short-Term Rental Manager does not include listing services or online platforms for Short-Term Rental listing.
4. *“Transient”* shall mean those persons (whether one or more) who reside, possess, or inhabit a Short-Term Rental Unit as defined in this Article.

 **13.03 Short-Term Rentals—Generally.**

1. The following sections notwithstanding no person or company shall operate a Short-Term Rental within the corporate limits of the City of Oxford without first filing for such designation with the Building Department of the City.
2. Any request for designation for Short-Term Rental filed with the Building Department must be approved by the City Council after being forwarded to the Planning Commission for consideration and recommendations.
3. It shall be unlawful for any person, company or entity to list, advertise, or hold out for rental any dwelling as a Short-Term Rental without first obtaining a business license and including said business license number on the advertisement or listing.
4. Name and telephone number of a local responsible party shall be conspicuously posted within the Short-Term Rental Unit. Responsible party shall answer calls 24 hours a day/7 days a week for the duration of each Short-Term Rental Period to address problems or complaints associated with the Short-Term Rental Property. Name and telephone number of a local responsible party shall also be provided to the City’s Building Department.
5. The Short-Term Rental Units shall adhere to all mandates and requirements as contained in the City’s Nuisance Ordinance (2015-05)
6. The Short-Term Rental shall comply with all applicable City regulations regarding garbage and trash.
7. Prior to the issuance of a business license, all Short-Term Rental Units must be inspected by the Fire Department to ensure fire code compliance. Each Unit shall be subject to subsequent inspections at any time by the Fire Department.

 **13.04 Annual Permit and Business License Required for all Short-Term Rentals.** An annual short-term permit and business license shall be issued by the City Building Department to any such operator complying with the provisions of this Section. Operator shall be required to obtain a Short-Term Rental Permit for each property on which Short-Term Rentals will occur. An operator shall be required to obtain only one business license to operate Short-Term Rentals within the City.

1. **Short-Term Rental Permit.**
	1. *Generally, Duration and Expiration of Permit*. The Building Department shall be responsible for the issuance of Short-Term Rental Permits only upon approval of the City Council. Each Short-Term Rental Permit will begin on the date of issuance and expire on December 31 of each year. No Permit Holder shall transfer the right to operate under any permit issued under this section to any person or entity by lease, agreement, contract, or any other agreement. No Permit issued under this section shall be operated or have any legal effect at any location other than those for which it is issued.
	2. *Permit Fee.* Each Short-Term Rental Permit application shall be accompanied by a nonrefundable fee of one hundred fifty dollars ($150.00) to help defray the City’s cost processing and reviewing the application.
	3. *Permit Requirements.* Applications for a short-term rental permit shall be on a form prepared by the Building Department and shall include a minimum of the following:
	4. Name of the Operator of the property to be utilized for short-term rental purposes and contact information therefore, including the owner’s cell phone number and email address if the Operator is a lessee in possession of the property;
	5. Physical address of the property to be utilized by the Operator for short*-*term rental purposes;
	6. Name of the emergency contact for the Operator of the short-term residential rental property who is able to respond on premises to complaints at any time during the day or night when the property is occupied by a Transient, including the emergency contact’s primary physical mailing address, cell phone number, and email address;
	7. Sworn statement acknowledging receipt of this article and that each of the following is true and accurate;
		1. The Short-Term Rental Unit has code compliant smoke detectors and carbon monoxide alarms installed, as required by the most currently adopted and applicable International Fire Code and International Building Code and as otherwise determined as necessary by the Fire Marshall or Chief and/or by the Building Department.
		2. The Short-Term Rental Unit has posted emergency contact information and diagram/floor plan indicating fire exits and escape routes displayed in a prominent location within the Short-Term Rental Unit.
		3. The Short-Term Rental Unit is in compliance with applicable provisions of the City’s minimum property maintenance, building, electrical, mechanical and plumbing codes.
		4. The property on which the Short-Term Rental Unit sits is in compliance with all the standards and requirements under the zoning ordinance.
		5. The Operator has made best efforts to notify the properties immediately adjacent to the desired Short-Term Rental of the application.
		6. The Operator’s signed acknowledgement that he/she has reviewed this Chapter and understands its requirements.
		7. The property has no outstanding taxes or municipal code violations present thereon; and
	8. A list of short-term rental online hosting platform(s) that will be used by the Operator to advertise or solicit the property for use as a short-term rental; and
	9. Such other information as deemed necessary by the Building Department or Planning Commission.
	10. *Documents required for Permit Process.* The following documentation shall be provided by an applicant along with the short-term rental permit application:
		* + 1. A copy of the applicant’s driver’s license or government issued identification.
				2. A copy of the deed evidencing ownership of the property on which the Short-Term Rental Unit sits or a copy of the legal instrument through which the applicant claims the right to possess the property as an Operator.
				3. A list of the short-term rental platform(s) that will be utilized to advertise or solicit the property for use as a short-term rental.
				4. A survey of the property illustrating the number and location of parking spaces allotted to the premises.
				5. A certificate of insurance evidencing current, valid liability insurance either showing:
		1. A rider on a homeowner’s policy that expressly covers short-term rentals and provides a minimum of one million dollars ($1,000,000.00) liability and personal injury coverage; and/or
		2. A commercial insurance policy covering short-term rentals at the permitted address that provides a minimum of one million dollars ($1,000,000.00) of liability and personal injury coverage. Said insurance shall indicate the policy shall not terminate or be cancelled prior to completion of the then current permit period without a thirty (30) day written notice to the City sent in writing to the City of Oxford, Alabama, ATTN: City Clerk, Main Street, Oxford, Alabama 36203.

 **13.05 Permitted and Conditional Uses**

1. Dwelling must meet all zoning requirements.
2. No commercial activities are allowed, such as large gatherings, concerts or weddings.
3. Occupancy is limited to the number of available parking spaces. Adequate parking should be available for every two adults counting toward the occupancy limit. Parking spaces must be provided on driveways or within a parking area on the property.
4. A short-term rental property shall not be rented for less than a one night’s stay.
5. Each owner shall maintain records as to the nights the premises is rented and shall submit to an audit prior to the business license being renewed.
6. All building and fire codes must be met.
7. In R1 residential areas, no two units shall be located within 1500 linear feet of each other.
8. Any dwelling that is located in an area subject to a homeowner’s association must be in compliance with the covenants of the homeowner’s association and any subdivision regulations.

 **13.06 Rental Lodging Tax Rates.** In accordance with Article III, Section 22-254 of the City’s Code of Ordinances every person in the City or its police jurisdiction who rents or furnishes any room, lodging, or accommodation as a short-term rental shall pay to the City a short-term rental lodging tax for each short-term rental location in an amount to be determined by the application of a rate of 8% of the charge for each room, lodging, or accommodation.

 **13.07 Payment Due Date; Delinquency.** Business License and short-term rental lodging tax levied under 13.06 shall be in additional any other license levied and shall be due and payable in monthly installments on or before the 20th day of the month next succeeding the month in which the license accrued. Licensee shall compute the amount of tax due and pay the same to the office of the finance director at the time of making the monthly report as required by Section 13.08.

 **Delinquency**-Any person who fails to pay the short-term lodging tax levied by Section 13.06 within the time required shall pay an additional tax equal to 10% of the amount of tax due as a penalty. Such penalties shall be assessed and collected as part of the short-term rental lodging tax.

 **13.08 Filing Statement.** On or before the 20th day of each month, every person upon whom a license is levied by Section 13.04 shall render to the finance director, on a form prescribed by the finance director, a true and correct statement showing the gross proceeds of such person’s business licensed for the preceding month, together with such other information that the revenue director may demand and require.

 Individuals utilizing a third party for lodging tax collections shall submit a transaction history detail provided by the third party that shows the dates booked, gross revenue and tax submitted.

 **13.09 Building Code Compliance Required.** Every premise in the City subject to an application for short-term rental business license pursuant to Section 13.04 must meet all building and fire codes and be equipped with required monitoring and safety equipment as set out below:

1. Any dwelling rented as a short-term rental as well as any guesthouse, which is a separate dwelling from the primary structure, must be equipped with the following safety equipment:
	* + 1. Smoke detectors and carbon monoxide detectors.
			2. Operable egress windows in sleeping areas.
			3. Proper hand and guardrails.
			4. GFIC protection where required by the Current National Electrical Code.
			5. Fire extinguishers.
			6. Properly displayed 911 address.
			7. Emergency lighting egress
	1. **Violations.**
		* 1. If after investigation the Chief of Police, Fire Chief, or the City Building Inspector determines that any provisions of this Article have been violated the Building Department will provide written notice to the Licensee of the Violations, any corrective actions required, and the due date for compliance, as applicable. The Building Department may approve an extension of the due date for compliance if substantial progress has been made toward compliance.
			2. If a violation has not been corrected by the due date for compliance the Building Inspector may temporarily suspend the business license of the licensee for unit or units where the violation has persisted until such time the violation is corrected.
			3. For persistent violations, the Building Inspector shall have the authority to request the Council revoke the business license of the licensee. In such case the Council shall hold a public hearing, after at least seven (7) days’ notice to the licensee. After which the Council may order the revocation for the suspension of the business license.
	2. **Enforcement Penalties.** A violation of the provisions of this Article shall be considered a misdemeanor offense. Any person committing a violation shall, upon conviction, be punished by a fine of not less than one hundred dollars ($100) and not more than five hundred dollars ($500).

This ordinance is effective and thereby in full force upon its approval and adoption by the City Council of the City of Oxford, Alabama and publication as required by law.

APPROVED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, 2023.

CITY COUNCIL OF THE CITY OF OXFORD, ALABAMA

Chris Spurlin, Council President; Phil Gardner, Charlotte Hubbard, Mike Henderson, Steven Waits, Councilmembers

Approved Alton Craft, Mayor; Attest: Alan B. Atkinson, City Clerk

Dated this 27th day of January, 2023.

The City of Oxford, Alabama, Alan Atkinson, City Clerk.