

**AN ORDINANCE AMENDING ORDINANCE NO. 734-07 THE BUSINESS LICENSE CODE OF THE
CITY OF HELENA BY ADDING SHORT TERM RENTAL**

Section 1. Ordinance No. 734-07, Section 22, is hereby amended to add the following to the list of License Classification Codes:

721199 Short-term rentals in Residential areas, 721191 Bed and Breakfast, and 721110 Hotel and Motel (as defined in Art. XXIX of the Zoning Ordinance of the City of Helena, Alabama Schedule EE"

Section 2. Ordinance No. 734-07, Section 23, is hereby amended to add the following as Schedule EE Rentals – Short Term:

"Schedule "EE" – Short Term Rentals

(1) No non-owner occupied short-term rental business shall operate in the city without having first obtained business license from the City of Helena.

Business license required for operation of a short-term rental will be business license code as follows 721199 Short Term Rentals in Residential Areas, 721191 Bed and Breakfast, and 721110 Hotel and Motel are subject to Ordinance 734-07 Amended in relation to due date, penalties, and issuance fees.

Property owners who own multiple short term rental units may acquire a single business license for multiple dwelling locations which are owned by the same entity.

Business license annual fee for short term rentals will be as follows:

Property owners of non-owner occupied property who own one (1) to ten (10) short-term rental units shall be assessed a \$300 annual business license fee (base fee). Property owners shall be assessed an additional thirty dollars (\$30) per unit in addition to the base fee, for each additional unit in excess of ten (10) units.

(2) In order for a short-term business license to be issued or renewed, the following conditions must be met:

- 2.1. Every person or entity who wishes to obtain a license to conduct a short-term rental business must provide proof of the following insurance coverage:
 - A. A rider on a homeowner's policy that expressly covers short term rentals and provides a minimum of one million dollar (\$1,000,000.00) liability and personal injury coverage; or
 - B. A commercial insurance policy covering short term rentals at the permitted address that provided a minimum of one million dollar (\$1,000,000.00) liability and personal injury coverage.

Insurance required above shall be without prejudice to coverage otherwise existing and shall provide that the policy shall not terminate or be cancelled prior to the completion of the permit period without forty-five (45) days written notice to the city at address shown in the permit agreement.

- C. Each short-term rental unit must be equipped with the following safety equipment:
 - (i) Operable smoke and carbon monoxide detectors.
 - (ii) Operable egress windows in sleeping areas.
 - (iii) Proper hand and guardrails.
 - (iv) GFCI protection where required by the current National Electrical Code.
 - (v) Fire extinguishers to include: 20lb Class K in Kitchen, 10LB ABC in Living area, and additional extinguishers upstairs area if applicable
 - (vi) Prominently displayed 9-1-1 address and emergency evacuation plan.
 - (vii) Emergency egress lighting with auxiliary power.
- D. All short term rental units must meet applicable building and fire codes.
- E. Each single-family dwelling or dwelling unit shall be inspected by a licensed home inspector. An inspection report must be completed on the form established by the city's building official.
- F. The person or company desiring to operate a short term rental business must be the owner of the property proposed to be covered under the license or have a completed "designation of agent" form from the property's owner.

Any person or entity operating as a short-term rental manager must be professionally licensed in the state of Alabama in compliance with Ala. Code § 34-27-30.
- G. Any person or entity who owns 10 or more short term rental properties shall ensure that at least 10% of the total number of available properties accessible to mobility impaired guests.

2.2 **License Renewal.**

Before a short-term business license may be considered for renewal, the owner must meet the requirements listed below in addition to the requirements listed in Section 2.1:

- A. The property owner shall ensure that all properties remain compliant with the requirements listed in Section 2.1. An inspection report performed less than thirty-six (36) months prior must be kept on file with revenue division. Prior to each renewal, the property owner shall certify that no changes affecting the prior inspection have been made.
- B. The property owner or short term rental manager shall submit copies of any and all official documents filed with the Department of Housing and Urban Development (HUD) regarding violations of Section 804 of the Fair Housing Act (42 U.S.C. 3604) to the Building Inspection Clerk.

2.3 **Suspension and Revocation.**

- A. Denial or Revocation of Permit.
 - (i) Upon the filing of a complaint regarding a Short Term Rental Property permit, the compliance officer shall notify the permit holder in writing of such complaint. Complainants shall be notified that any false complaints made against a short-term rental unit provider are punishable as perjury.
 - (ii) If the compliance officer determines that three violations of the municipal code have occurred as a direct result of the operation of the short-term rental unit, the permit to operate a Short Term Rental Property may be revoked.
 - (iii) Before revoking any permit, the compliance officer shall give the permit holder 15 days written notice of the alleged violation(s).
 - (iv) Any denial or revocation of a Short Term Rental Property permit may be appealed to the municipal board of adjustments.
 - (v) Once a Short Term Rental Property permit has been revoked, no new permit shall be issued to the applicant for a period of one year.
 - (vi) The penalty for operating a Short Term Rental Property without a permit shall be:
 - a. A \$50 fine. Each day of operation without a permit shall constitute a separate offense.
 - b. A 1-year waiting period before the property becomes eligible for a Short Term Rental Property permit.
- B. If the person or company fails to meet the requirements set forth in Section 2.1 (G) of this ordinance, the entity shall be granted a provisional business license, which shall be revoked if the person or business owner fails to provide the necessary modifications to make the unit mobility-accessible within 90 days of the issuance of the provisional business license.

- C. If the person or company has violated Section 804 of the Fair Housing Act, the entity's short term business license shall be suspended for ninetyeth (90) day.

If no additional violations of Section 804 of the Fair Housing Act are recorded within ninetyeth (90) day following the last day of the suspended license, the license shall be renewed.

If any additional violations of Section 804 of the Fair Housing Act are recorded within ninetyeth (90) day following the last day of the suspended license, the license shall not be renewed or revoked.

Section 3. Severability: Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 4. This Ordinance shall become effective October 1, 2021 upon its enactment and publication as required by law.


ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HELENA, ALABAMA ON THE 23rd DAY OF AUGUST 2021.

[Seal]



Attest:


Amanda Traywick, City Clerk

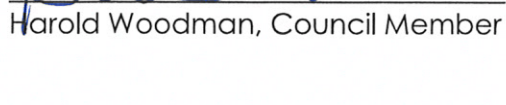

J. Brian Puckett, Mayor


Leigh Hulsey, Council Member


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Alice Lobell, Council President


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