

City Code – Title 12, Chapter 23 – Short-Term Rentals

Sec. 12-23-1 Purpose

The purpose of this chapter is to establish the permitting process and regulate the operation of short-term rentals in the City of Birmingham. The regulations in this chapter are designed to safeguard the peace, safety and welfare of the residents and visitors of the City.

Sec. 12-23-2 Applicability

The provisions of this chapter shall apply to all short-term rentals within the City limits. For the purposes of this chapter, an applicant, short-term rental manager or short-term rental owner shall be jointly and severally liable for complying with the provisions of this chapter, any other applicable ordinance and the permit system granted for the operation of the short-term rental.

Sec. 12-23-3 Definitions

For the purposes of this chapter, the following words and phrases shall be defined as follows:

Short-term rental: The transient use of any dwelling or any part of a dwelling for overnight occupancy for less than 30 consecutive days

Short-term rental manager: Any person or entity that arranges the rental, cleaning, listing, advertising, or otherwise assists in the operation of a short-term rental. Short-term rental manager does not include listing services or online platforms for short-term rental listings.

Short-term Rental Platform: Any marketplace that facilitates short-term rentals, through advertising, matchmaking or other means, from which the platform derives revenues, including booking fees or advertising revenues, from or maintaining the marketplace.

Short-term rental unit: Any building, structure, or portion thereof that is used for short-term rentals. A short-term rental unit does not include rooms rented at hotels, motels, or communal living facilities.

Transient: A person (s) occupying a dwelling for less than thirty (30) days.

Sec. 12-23-4 General Requirements/Regulations

- (a) It shall be unlawful for any person to operate a short-term rental within the city, except in compliance with this chapter and this section.
- (b) No person or entity shall operate a short-term rental in the city without the owner of the property first having obtained a permit issued by the Department of Planning, Engineering and Permits (PEP). The permit must be renewed annually (January). At the time of annual renewal, the applicant must either update the application or affirm that all application information is accurate and up to date.
- (c) No person or entity shall operate a short-term rental in the city without the owner of the property first having obtained a city of Birmingham business license.

- (d) Any advertising or description of the short-term rental on any short-term rental platform, internet website or mobile app must include an image of the approved permit or a link to the image of the approved permit.
- (e) Parking shall be in accordance with Title 1, Chapter 5 of the City of Birmingham Zoning Ordinance. No recreational vehicles, buses or trailers shall be visible on the street or property in conjunction with the short-term rental.
- (f) The permittee shall be responsible for collecting and remitting all applicable taxes and fees required by state law or city code, including the application of a City of Birmingham business license.
- (g) Signage shall comply with Title 1, Chapter 7 of the City of Birmingham Zoning Ordinance.
- (h) All occupants shall abide by the City noise ordinance in Title 11, Chapter 8, Article B of the city code.
- (i) All garbage and other solid waste shall be handled in compliance with the City's solid waste ordinance, Title 4, Chapter 3, of the City code, as amended by Ordinance No. 23-118.

Sec. 12-23-4 Restrictions

- (a) The short-term rental unit must not change the residential character of the premises that it occupies or adversely affect the character of the surrounding neighborhood.
- (b) Non-resident employees shall not work or congregate on the premises in conjunction with a short-term rental except in the case of emergency repairs, general maintenance or routine housekeeping.
- (c) The maximum number of occupants permitted in a short-term rental property at any one time shall not exceed more than twice the number of bedrooms plus two (2).
- (d) Simultaneous rental to more than one individual or party under separate contracts shall not be allowed.
- (e) The short-term rental owner shall not receive any compensation to permit occupancy of a short-term rental for a period of less than two (2) consecutive nights. The maximum stay for any guest shall be thirty (30) consecutive days.
- (f) No food shall be prepared for or served to the transient in the short-term rental for a party or other special event.
- (g) Cooking facilities are not permitted in any bedroom. For the purposes of these regulations, cooking facilities include any refrigerator more than seven (7) cubic feet; any stovetop range that operates on 220-volt electric service; any appliance that operates on natural gas; or any cooktop, whether integrated into a countertop or a separate appliance, which contains more than two (2) cooking surfaces or burners. This shall not prohibit cooking facilities within a one-room studio short-term rental that contains a sleeping area, living area and kitchen/eating area in one consolidated room.
- (h) No commercial events, special events, parties, weddings, receptions, concerts or large gatherings shall be allowed in a short-term rental.
- (i) The principal renter of the short-term rental shall be at least twenty-one years of age.
- (j) Accessory dwelling units may not be used as a short-term rental.
- (k) The permittee shall allow the City, upon 24-hour notice, to inspect the short-term rental for compliance with these regulations.

Sec. 12-23-5 Permit & License Required

(a) It shall be unlawful to operate a short-term rental within the city without first obtaining a permit from the Department of Planning, Engineering and Permits and a business license from the Finance Department. A valid permit under this chapter is required for the issuance of a business license.

(b) Permit Application:

The owner or short-term rental manager shall apply for a short-term rental permit by submitting to the city an application in a form prescribed by the Director of the Department of Planning, Engineering and Permits that includes the following information:

- a. Name, telephone number, address and email of the property owner
- b. Driver's License or State Identification Card of applicant
- c. Proof of ownership (Deed or current tax notice)
- d. Name, telephone number and email of local responsible party (The local responsible party must reside within a 50-mile radius of the subject property and be available twenty-four hours a day while the property is being rented.)
- e. Site plan showing the entire property, including the location and number of off-street parking spaces available for use by the renter and location of trash enclosures.
- f. Location of all smoke detectors (required to be in each bedroom, hallway in immediate vicinity of bedrooms, each floor of home, including basement), carbon monoxide detectors (within 15 feet of bedroom entrance or within 15 feet of a bed not in an enclosed bedroom and centrally located on a wall or ceiling but not directly in front of a door to a bathroom or adjacent to a cooking appliance) and fire extinguishers.
- g. Proof of liability insurance – Liability coverage shall have limits of not less than one million dollars per occurrence.
- h. Homeowners Association Statement – A statement that the applicant has confirmed that operating the proposed short-term rental would not violate any Homeowners Association agreement or by-laws, Condominium Agreement, Covenants, Codes, or any other agreement governing and limiting the use of the short-term rental property (if applicable).
- i. Information booklet provided to renters including a copy of the approved permit, business license, contact information for the local responsible party, local noise ordinance, trash schedule, location of fire extinguishers and escape routes, maximum occupancy, location for off-street parking and pet policy.
- j. Properly displayed 911 address on the exterior of the structure
- k. A non-refundable application fee of \$250 for the initial permit. A non-refundable fee of \$100 shall be required for each renewal thereafter. A late fee of \$10 shall be required for renewal applications submitted after expiration of the permit.
- l. List of short-term rental platforms that will be used to advertise the property as a short-term rental

(c) Issuance of Permit

- (1) Upon receipt of a complete application and payment of the required fee, the Director of the Planning, Engineering and Permits shall cause an investigation of the property with compliance with this chapter and shall issue a permit upon demonstration of compliance.
 - (2) The permit shall not be issued if there are any open code enforcement violations or any code enforcement violations within the past two (2) years.
 - (3) The approved permit must be visibly posted in the short-term rental property.
- (d) Renewal; transfers
- (1) The short-term rental permit shall become effective on the date of issuance and expire on December 31st each year.
 - (2) An application for annual permit renewal shall be submitted in the form prescribed by the Director of Planning, Engineering and Permits no later than November 30th of the year in which the permit shall expire and shall include payment of the appropriate fees. Applications received after the permit expires (December 31st) shall include payment of the required late fee.
 - (3) If a permittee fails to apply for renewal within ninety (90) days after the expiration of the permit, all operations shall cease and a new application and review shall be required to resume operations.
 - (4) The permit shall not be transferred or assigned to another individual, entity or address.

Sec. 12-23-6 Suspension or Revocation of the Permit

- (a) Suspension
- (1) Upon receipt of a complaint of a violation of Section 12-23-4(h) of a party or other event causing disturbance to the neighborhood, documented and verified by the Birmingham Police Department, the Director of Planning, Engineering and Permits shall issue a warning to the permittee and require a plan of corrective action to avoid future violations at the short-term rental.
 - (2) Upon receipt of complaint of a second violation of Section 12-23-4(h) of a party or other event causing disturbance to the neighborhood, documented and verified by the Birmingham Police Department, the Director of Planning, Engineering and Permits may suspend a permit for up to 90 days if he or she determines that the permittee failed to comply with the rules and regulations of this chapter. Written notice of suspension shall be made by the Director to the permittee.
 - (3) Upon receipt of a third complaint of a violation of Section 12-23-4(h) of a party or other event causing disturbance to the neighborhood, documented and verified by the Birmingham Police Department, the Director of Planning, Engineering and Permits shall refer the matter to the City Council for revocation.
 - (4) The Director of Planning, Engineering and Permits may suspend a permit for up to sixty (60) days if he or she determines that the permittee fails to comply with other rules and regulations set out in Section 12-23-4. Written notice of suspension shall be made by the Director the permittee.

- (5) An appeal to the City Council for a suspension of more than ten (10) days may be made by filing a letter requesting a public hearing with the City Clerk within three (3) days of receiving the suspension order. The hearing shall be set for the next council meeting following receipt of the appeal letter.
 - (6) Whenever any permit has been suspended, the applicant shall cease operation of the short-term rental. It shall be unlawful for any person to operate a short-term rental after the effective date of the suspension of the applicable permit.
- (b) Revocation
- (1) The City Council may revoke any permit issued pursuant to this chapter if the permittee or any officer, director, agent, member or employee of the permittee violates this chapter or any rule promulgated hereunder.
 - (2) Notice shall be given in writing to the permittee by mail to the address of record of the permittee or by personal delivery and by posting a notice at the property subject to the permit at least ten (10) days prior to the hearing. Such written notice shall set out the offense or violation giving rise to the request for revocation of the permit and the date and time at which the City Council hearing will be held.
 - (3) The council shall hold a public hearing on the revocation on the date and time stated in the notice of revocation. The permittee may be represented at the council hearing by an attorney and may present witnesses concerning the charges. At the hearing, the council of the City shall hear all evidence offered by any party and all evidence that may be presented bearing upon the question of revocation. The licensee or applicant shall have the right to introduce witnesses and evidence on his or her behalf. The council shall hear all witnesses and evidence on his or her behalf. The council shall hear all witnesses and evidence relevant to the revocation or the continuation of the permit.
 - (4) A permittee whose permit is revoked for any reason is ineligible to apply for a permit for 12 months after the revocation.
 - (5) It shall be unlawful for the permittee or any officer, director, agent, member or employee of the permittee to operate the short-term rental after the effective date of revocation.
 - (6) Revocation of the business license granted pursuant to the permit required by this chapter shall be considered at the same time as the revocation of the permit and shall be done in accordance with Section 3A-1-133 of the General Code of the City of Birmingham.
 - (7) Nothing in this section shall prevent moving directly to revocation proceedings in the event of violence occurring at the permitted property or evidence of the operation of the short-term rental.

Sec. 12-23-7 Violations

- (a) It shall be unlawful for any person to operate any short-term rental within the City of Birmingham without a valid permit or to fail to perform any duty required by this chapter, or to do any action prohibited by this chapter. Violations are punishable as provided in Section 1-1-6 of the General Code of the City of Birmingham.
- (b) It shall be unlawful for any transient occupant of a short-term rental to violate any applicable ordinance or regulation of the City during their stay. Violations of City

ordinances by transient occupants of a short-term rental including, but not limited to, noise ordinance, solid waste, and parking violations, shall be enforceable by the Birmingham Police Department or applicable Code Enforcement Official under the respective ordinances addressing the violations.

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