

**ORDINANCE NUMBER 3204**

**AN ORDINANCE DEFINING SHORT-TERM RENTALS AND PROHIBITING SAID USE IN DWELLINGS AND/OR DWELLING UNIT**

**WHEREAS**, The City of Vestavia Hills is committed to maintaining and preserving the quality of its residential neighborhoods, scenic beauty, and the natural resources that are the foundation of its economic strength and quality of life; and

**WHEREAS**, The rental of residences for short-term occupancy has been identified as a community concern due to the potential for increased traffic, noise, and population density; high rate of occupant turnover; and general diminution of residential neighborhood character; and

**WHEREAS**, the allowance of short-term rentals in residential neighborhoods has the potential to negatively impact the health, safety, and general welfare of property owners, residential neighborhoods, and nearby residential properties; and

**WHEREAS**, The restrictions established by this ordinance are necessary to protect the integrity and residential character of the city's residential neighborhoods, and promote the health, safety, and general welfare of the residents of Vestavia Hills; and

**WHEREAS**, This ordinance is required to prohibit the short-term rental of residences and the promotion and advertisement of short-term rentals of residences for periods of less than ninety (90) consecutive days, in order to protect the public health, safety, and welfare, and maintain the existing community standards in the City of Vestavia Hills relating to residentially zoned property;

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, AS FOLLOWS:**

**ARTICLE I. DEFINITIONS:** For the purposes of this article, the following definitions shall apply:

1. "Advertise" or "advertisement." Any written, electronic, or oral publication, dissemination, solicitation, or circulation which is intended to directly or indirectly induce any person to enter into an agreement for the rental of a residence in violation of this article or other applicable provisions of the Zoning Ordinance of the City of Vestavia Hills. This definition includes but is not limited to mailings, print advertisements, internet listings, e-mail publications, Facebook publications, or other oral, printed, or electronic means.
2. (b) "Dwelling." A building containing one or more dwelling units. For a part of a building to constitute a separate dwelling unit it must be separated from the remainder

- of the building by one or more party walls. The word "dwelling" shall not include boarding houses, rooming houses, tents, hotels, mobile homes or other structures designed or used primarily for transients.
3. " Dwelling unit." Any building or any part of a building used or designed as a separate residence for a family, including an apartment or one or more rooms forming a single residential unit.
  4. "Enterprise." Any corporation, association, firm, partnership, LLC, or other legal entity.
  5. "Facilitate." A person, operator, or enterprise "facilitates" if, acting with knowledge that an operator, managing agency or rental agent is committing or intends to commit the offense of renting a residence in violation of this article, the person or enterprise knowingly provides the operator, managing agency or rental agent with means or opportunity for the commission of said offense.
  6. "Managing agency" or "rental agent." A person, operator, enterprise, or agency representing the owner of the residence, or a person, enterprise or agency owning more than one residence.
  7. "Operator." A person or enterprise who is owner or proprietor of a residence, whether in the capacity of owner, lessee, sub-lessee, mortgagee in possession, licensee, managing agency, rental agent, or any other capacity. Where the operator performs his or her functions through a managing agency of any type or character, or where the operator performs his or her functions through a managing agency or the rental agent, the operator has the same duties as its principal.
  8. "Person." Any individual or a group of individuals, enterprise, managing agency, rental agent, operator, or any entity.
  9. "Remuneration." Compensation, money, or other consideration given in return for occupancy, possession, or use of real property.
  10. "Rent." The consideration or remuneration charged whether or not received, for the occupancy or possession of space in a residence, valued in money, whether to be received in money, goods, labor, or otherwise, including all receipts, cash, credits, property or services of any kind.
  11. "Rental." An arrangement between a transient and an operator whereby rent is received in exchange for the right to possess a residential structure.
  12. "Residence." Any dwelling, dwelling unit, or structure (in whole or in part) located in any residential zoning district as defined in the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, including detached single-family dwellings, attached single family dwelling, duplexes, and multi-family dwellings.
  13. "Short Term Rental" shall mean the rental of any Residence or any part thereof to a Transient for overnight occupancy for a period less than ninety (90) consecutive calendar days, counting portions of calendar days as full days.
  14. "Solicit" A person "solicits" if, with the intent to promote or facilitate the short-term rental of a residence in violation of this article, or if such person commands, encourages, requests or solicits another person to engage in conduct which would constitute a violation of this article.
  15. "Transient." Those who reside, possess, or inhabit a residence (or a portion thereof) as defined by this article for a period of less than ninety (90) consecutive calendar days, counting portions of calendar days as full days.

**ARTICLE II. PROHIBITED RENTAL DURATION:** It shall be unlawful for any Person to rent or possess to rent for any type of remuneration, any residence, as defined by this article, for a period of time of less than Ninety (90) consecutive days in duration to any transient.

**ARTICLE III. ADVERTISEMENT OF SHORT-TERM RENTALS OR RESIDENCES PROHIBITED.** It shall be unlawful for any person to advertise, solicit, or facilitate the rental for a duration less than ninety (90) consecutive days of any residence as defined by this article. Such activity is prohibited, whether by mailings, print advertisements, internet listings, or any other means for communicating such advertisement.


**ARTICLE V. REPEALER.** All ordinances or parts of ordinances heretofore adopted by the City Council of the City of Vestavia Hills, Alabama that are inconsistent with the provisions of this ordinance are hereby expressly repealed.

**ARTICLE VI. SEVERABILITY.** If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

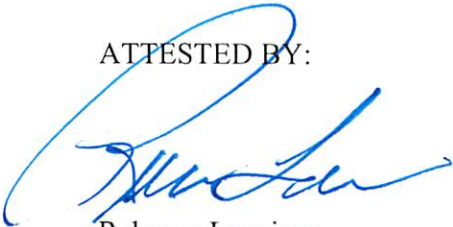
**ARTICLE VII. FINES AND PUNISHMENT.** It shall be unlawful to violate any of the terms and provisions of this ordinance. Any person, firm or corporation violating any of the said terms and provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fines and penalties as allowed by the State of Alabama for a misdemeanor violation for each such offense. Each day any violation of this ordinance shall continue shall constitute a separate offense.

**ARTICLE VIII. EFFECTIVE DATE.** This ordinance shall become effective immediately upon adoption and posting/publication as provided by law.

**DONE, ORDERED, ADOPTED and APPROVED** this the 11<sup>th</sup> day of December, 2023.

  
Ashley C. Curry  
Mayor

ATTESTED BY:

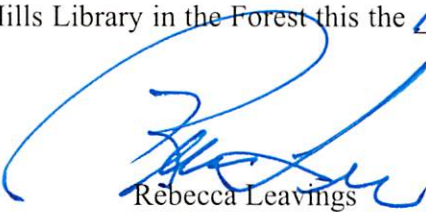


Rebecca Leavings  
City Clerk

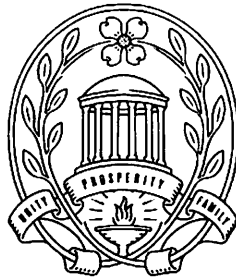
**CERTIFICATION:**

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance Number 3204 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 11<sup>th</sup> day of December, 2023 as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills New Merkel House, Vestavia Hills Civic Center and Vestavia Hills Library in the Forest this the 13<sup>th</sup> day of Dec, 2023.



Rebecca Leavings  
City Clerk



**CITY OF VESTAVIA HILLS  
CITY CLERK  
INTER-DEPARTMENT MEMO**

**December 11, 2023**

**To:** Jeff Downes, City Manager

**Cc:**

**From:** Rebecca Leavings, City Clerk

**RE:** Ordinance Number 3204 - An Ordinance defining Short-term rentals and prohibiting said use in dwellings and/or dwelling units

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**Background:**

Short-term rentals have been opening in various parts of the City and becoming a frequent complaint from area residents. The City issued a report many years ago addressing said businesses, however, the existing ordinances never gave a clear definition of a short-term rental or remedies for compliance. This ordinance clearly defines a short-term rental and prohibits this type of business in dwellings within the City.

**Recommendation:**

**Fiscal Impact:**

**Attachments:**

1. Ordinance 3204