

AN ORDINANCE TO AMEND CHAPTER 34 - LICENSES AND TAXATION - OF THE MOBILE CITY CODE WITH REGARDS TO SHORT-TERM RENTALS

Sponsored by: Councilmembers Manzie and Gregory

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, as follows:

**Section One. Findings and Purpose.**

- a) The City Council desires to make it clear that any person or entity providing short-term rentals as referenced in this Ordinance is a “business” required to obtain a “business license” as defined in Article III of Chapter 34 of the Mobile City Code.
- b) The City Council desires to set forth requirements for how owners and/or managers of real property, who intend to rent said property on a short term basis, apply for and receive a business license.
- c) The City Council hereby finds that the City's regulation of short term rental uses is a valid exercise of the City's police power conferred by Code of Ala. 1975, § 11-45-1 and its licensing power conferred by Code of Ala. 1975, § 11-51-90, and furthers the legitimate governmental interests of the City.

**Section Two. Amendment of Article III, Chapter 34, of the Mobile City Code.**

That the Schedule of Licenses section set forth in Article III of Chapter 34 of the Mobile City Code titled “Business License Code and Schedule of Licenses,” is hereby amended to add an additional business activity category as follows:

721199	237.0A	Short-term rental – the rental of a dwelling unit, dwelling of any type, room, building, house or other structure or the part of a structure, including a manufactured home, that is or can be utilized as a transient sleeping place by one or more persons for less than one-hundred and eighty (180) consecutive days per rental period (excludes 721310, 721313, 721311 and 721111). Also excludes a rental between parties to the sale of such building, etc., where valid documentation of the sale is provided.	0.003259
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**Section Three. Amendment of and Addition to Chapter 34 of the Mobile City Code.**

That Chapter 34 of the Mobile City Code is hereby amended to add a new article entitled “Additional Requirements for the Issuance of a Business License to Provide a Short-Term Rental” set forth as follows:

### Section I. Definitions.

- a) “Business license” has the same meaning set forth in Sec. 34-43 of the Mobile City Code.
- b) “Dwelling” means a dwelling unit, dwelling of any type, room, building, house, or other structure or part of a structure, including a manufactured home, that is or can be utilized as a transient sleeping place by one or more persons.
- c) “Short-term rental” means the rental of a Dwelling for less than one-hundred eighty (180) consecutive days per rental period. Excludes a rental between parties to the sale of such Dwelling where valid documentation of the sale is provided.
- d) “Short-term rental manager” means any person or entity that arranges the rental, cleaning, listing, advertising, management, or otherwise assists in the operation of a Short-term rental for a profit. Short-term rental manager does not include listing services or online platforms for Short-term rental listings.

### Section II. Short-term rentals –Generally.

- a) A valid City of Mobile Business license must be obtained for each discrete Short-term rental location and the business license number must be stated on any advertisement or listing for each Short-term rental. Provided, however, that Short-term rentals containing multiple units within a single structure that can be rented separately shall only be required to obtain a single license for each structure.
- b) The name and telephone number of a local responsible party shall be conspicuously posted within each Short-term rental. The local responsible party shall answer and respond to calls twenty-four (24) hours a day, seven (7) days a week for the duration of each Short-term rental period to address problems or complaints associated with the Short-term rental.

### Section III. Building code compliance required; Safety features.

- a) Each Short-term rental must meet applicable building and fire codes and be equipped with the following safety equipment and features:
  - 1) Operational smoke and carbon monoxide detectors.
  - 2) One (1) 2.5 lb. Class A-B-C fire extinguisher per floor.
  - 3) Prominently displayed and legible 9-1-1 address on building exterior.

- b) To obtain a Short-term rental Business license or renewal thereof the person or entity applying for same must submit a notarized affidavit to the City of Mobile Revenue Department attesting that the requirements of the Section have been met.

Section IV. Designation of agent; Short-term rental managers.

- a) In order to be eligible for a Short-term rental Business license the person or entity desiring to offer a Short-term rental must be the owner of the Dwelling proposed to be covered under the license or possess a letter from the Dwelling's owner designating the person or entity as the owner's designated agent for such purpose.
- b) Any person or entity operating as a Short-term rental manager that is not also the owner of the property proposed to be covered under the license must obtain their own separate Business license pursuant to the Mobile City Code, and must be professionally licensed if required by Alabama law.

**Section Four. Existing Law.**

All other provisions and sections set forth in the Mobile City Code not specifically amended herein shall remain in full force and effect.

**Section Five. Severability.**

The provisions of this Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, that declaration shall not affect the part or parts that remain.

**Section Six. Effective Date.**

The Ordinance shall be effective within the corporate limits and police jurisdiction of the City of Mobile on January 1 of the first year following its enactment and publication as required by law.

ADOPTED:

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City Clerk