

SECTION 8.8 SHORT-TERM & LONG-TERM RENTALS

Short and Long Term rentals are permitted in all zoning districts on Dauphin Island, with the exception of the Conservation Park (CP) and Central Business (CB) zoning districts. Short Term Rental Overlay Districts (STROD) and associated maps are established to provide a limit (cap) on the number of available Short-Term Rental licenses in historically full-time residential areas. All properties zoned R-1 and V will be included in one of the three overlay districts identified. This will limit STR density in highly residential areas based on real world conditions. Properties included in these overlay districts are identified in Article 4 of this Ordinance.

The STRODs are divided into three (3) separate overlay districts due in part to the difference in the number of Short-Term Rental licensees permitted in each district.

- Short-Term Rental Overlay District 1 (STROD1)
- Short-Term Rental Overlay District 2 (STROD2)
- Short-Term Rental Overlay District 3 (STROD3)

The cap number will be determined initially, by the Town Council based on licenses issued, and will be reviewed on an on-going basis to determine if adjustments are needed. The overlay districts will encompass three areas of the Island. All condos, gated communities, and multi-family areas are excluded from any overlay district. The three districts are mapped separately because they have different historic residential and rental densities. Properties included in these districts are identified in the maps in Article 4 of this Ordinance.

It is the desire of Town officials to offer property owners on Dauphin Island the option of using their properties for temporary lodging purposes, if so desired, providing all applicable regulations are met. It is equally important to Town officials that the quality of life of residents, property owners, and guests of Dauphin Island is not disrupted due to the creation of temporary lodging accommodations in the residential neighborhoods of the Island.

§ 8.8.1 PURPOSE AND INTENT

It is the purpose and intent of this section of this Ordinance to protect the residents and their quality of life and property values and to implement rationally based, reasonably tailored regulations to ensure the integrity and residential atmosphere of the neighborhoods are protected; to allow homeowners the opportunity to use their property for temporary and seasonal accommodations to transient guests; and to monitor and provide reasonable means for citizens to mitigate impacts created by occupancy of rental units.

The purpose of the Short-Term Overlay Districts is to limit short-term rental densities in highly residential use areas based on real world conditions, and to manage minimum lodging stays and parking standards due to the environmental dynamics of the West End, see *Article 4, Section 4.11.7 of this Ordinance*.

§ 8.8.2 LICENSE REQUIRED

A Dauphin Island Rental Business License is required. Every dwelling unit used for any period of time as a lodging or residential rental shall be required to have a Rental Business License.

No person and /or property owner shall rent, lease, or otherwise exchange for compensation all or any portion of his/her dwelling unit as rental without first obtaining a business license from the Town of Dauphin Island and complying with the regulations contained in this section.

The new or renewed business license must be obtained on an annual basis prior to January 31 to remain current and compliant.

Note: Rental units of 180 continuous days or longer are not required to pay lodging tax, however a Rental Business License is required.

The following items are required at time of Rental Business License application:

- Rental Business License application <https://www4.citizenserve.com/dauphinisland>
- Application for review
- Proof of ownership (copy of deed or property tax statement)
- Agreement or contract to act as agent (If Applicable)
- Acknowledgement of Short-Term Rental Compliance Program

§ 8.8.3 Short-Term Rental Compliance Program

A Short-Term Rental (STR) Compliance Program is being implemented by the Town of Dauphin Island for the purpose of ensuring that the quality of life of residents of Dauphin Island is not disrupted due to the creation of temporary lodging accommodations in the residential neighborhoods of the Island.

There shall be no additional fees other than a Rental Business License, required for inclusion of any dwelling unit in the STR Compliance Program.

The STR Compliance Program will facilitate the timely and accurate collection of lodging tax revenue while providing additional flexibility and methods for lodging tax payment. This program will also provide for rental activity monitoring, a 24-hour hotline for complaints, and comprehensive management of STR activity on Dauphin Island.

§ 8.8.3.1 Requirements of the STR Compliance Program

The following items are required for each Short-Term Rental application:

1. The name and address of the owner(s) of record of the dwelling unit for which the license is sought. Proof of ownership required.
2. The address of the property or dwelling unit to be used as a rental;
3. The name, address, telephone number, and email address of the rental management / operating entity if different than the owner.
4. The name, phone number, and email for a local point of contact that is available at all times.
5. The owner's signed acknowledgement that he or she has received a copy of this section, has reviewed it and understands its requirements.
6. A building floor plan showing all bedrooms with dimensions.

7. A parking plan showing the number of parking spaces on the property or, if located on the court streets of the west end, the maximum number of vehicles allowed to park on side streets. All STR's are permitted a maximum number of vehicles based on the maximum occupancy of adults divided by two. (see *Article 4, Section 4.11.7*, for additional rules regarding parking).
8. The owner's signed acknowledgement that he or she shall require a mandatory minimum stay applicable to the overlay district in which the STR is located each time the STR is rented and/or leased for compensation.
9. Signed acknowledgement that the property manager has received the safety checklist and agreement to complete the safety inspection.
10. An example rental agreement, which shall consist of the form of document to be executed between the owner and occupant(s) and which shall contain the following provisions:
 - The occupant(s)' agreement to abide by the Dauphin Island "Good Neighbor Policy".
 - The occupant(s)' acknowledgement and agreement that violation of the agreement of this section may result in immediate termination of the agreement and eviction from the short or long-term rental unit by the owner or agent, as well as the potential liability for payments of fines levied by the Town.

§ 8.8.4 Local Contact Responsibilities

The owner of a Short-Term rental shall designate a rental agent or local point of contact in the STR Compliance Program. The duties and responsibilities of the Local Point of Contact are to:

1. Appear on the premises of any short or long-term rental unit within two hours maximum following notification from the Town and / or it's representatives of issues related to the use or occupancy of the premises and resolve the issue. This includes, but is not limited to, notification that occupants of the short or long-term rental unit have created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of the Town of Dauphin Island Ordinances or other applicable laws pertaining to noise, disorderly conduct, overcrowding, illegal consumption of alcohol or use of illegal drugs. Failure of the agent to timely appear to two (2) or more complaints per property regarding violations may be grounds for penalties as set forth in this section;
2. Receive and accept service of any notice of violation related to the use or occupancy of the premises; and
3. Monitor the rental unit for compliance with this section.

§ 8.8.5 ITEMS REQUIRED FOR RENTALS

All Rental units must be properly maintained and regularly inspected by the owner and/or agent to ensure continued compliance with applicable zoning, building, health and life safety code provisions.

The following information must be posted inside every short-term rental:

1. IN CASE OF EMERGENCY DIAL 911

- 2. The name, telephone number and email address of the local contact;
- 3. The maximum occupancy of the unit. Note* Every bedroom shall contain not less than 70 square feet and every bedroom occupied by more than one person shall contain not less than 50 square feet of floor area for each occupant thereof (+2 children age 12 & under);
- 4. The maximum number of vehicles that may be parked at the unit or on side streets as permitted for properties on the court streets located south of Bienville and west of Sehoj Street based on the formula of maximum adult occupancy divided by two.
- 5. Fire & Police phone numbers (non-emergency)
- 6. The Dauphin Island “Good Neighbor Policy”
- 7. Trash collection times and return of empty cans
- 8. Rip Current Information

§ 8.8.6 SAFETY INSPECTIONS REQUIRED FOR SHORT AND LONG-TERM RENTALS

Safety Inspection Policy located at <https://www.townofdauphinisland.org/rentallicenses>

§ 8.8.7 SUSPENSION AND / OR REVOCATION OF LICENSE

A dwelling unit licensed for short or long term rental and any multi-family structure that contains a short or long term rental shall at all times be maintained in a condition conforming to the requirements of the then-current International Property Maintenance Code, the then-current existing building code, and the then-current International Fire Code (herein after referred to as the Condition Codes).

(1) Immediate Hazard Conditions

If at any time the building official or his authorized agent identifies the existence of a condition in a dwelling unit licensed for short or long term rental or in a multi-family structure that contains a dwelling unit licensed for short or long term rental that violates a requirement of any of the Condition Codes and that is immediately dangerous to the health or safety of the occupants, passersby, occupants in other dwelling units or nearby properties, the building official or his agent shall issue an order suspending the license of each dwelling unit affected by the violation. The suspension shall be delivered to the local contact for the dwelling unit. Upon issuance of a suspension order, the licensee shall cause each such dwelling unit to be immediately vacated and shall discontinue the rental of each such dwelling unit until the condition of the violation has been remedied to the satisfaction of the building official and the building official has issued an order rescinding the order of suspension.

(2) Conditions not Posing an Immediate Hazard

If at any time the building official or his authorized agent identifies the existence of a condition in a dwelling unit licensed for short or long term rental or in a multi-family structure that contains a dwelling unit licensed for short or long term rental that violates a requirement of any of the Condition Codes but that is not considered immediately dangerous to the health or safety of the occupants, passersby, occupants in other dwelling units or nearby properties, the building official or his agent shall deliver a citation to the local contact for the dwelling unit requiring cure of the condition of the violation within twenty-one (21) days from the date of citation. The licensee shall cause the condition of

violation to be remedied within such period and shall schedule a reinspection of the dwelling unit by the building official to occur within thirty (30) days from the date of citation. Upon failure of the licensee to document to the building official or his authorized agent the remedy of the condition of violation within such thirty-day period, the building official or his authorized agent shall issue an order suspending the license issued with respect to each dwelling unit affected by the violation. The suspension order shall be delivered to the designated local contact for the dwelling unit. Upon issuance of the suspension order, the license shall cause each such dwelling unit to be immediately vacated and shall discontinue the rental of each such dwelling until the condition of violation has been remedied to the satisfaction of the building official and the building official has issued an order rescinding the order of suspension.

(3) Appeal of Citation, Suspension Order, or Refusal to Issue Order of Rescission

Any person aggrieved by the issuance of a suspension order, or refusal to issue an order of rescission by the building official may appeal such action or refusal to act by the building official in writing to the Town Council for review at its next scheduled date or at a special hearing if called for the purpose of such review.

§ 8.8.8 COMPLIANCE & PENALTIES FOR SHORT OR LONG-TERM RENTALS

1. To ensure the continued application of the intent and purpose of this Ordinance, the Town of Dauphin Island shall notify the owner of a short or long-term rental unit of all instances in which nuisance behavior of the rental guest or the conduct of his or her short or long-term rental unit agent results in a citation for a code violation or other legal infraction as identified in section 8.8.5, #2.
2. The Town of Dauphin Island Building Official shall maintain for each short-term or long-term rental a record of all warnings, citations, code violation charges, and/or convictions occurring at or relating to a short or long term rental unit.
3. If a short or long-term rental unit owner has been cited and found to be in violation of any zoning, building, health, or life safety code provision, the owner must demonstrate compliance with the applicable code prior to being eligible to receive a short or long-term rental license.
4. Violations of this Ordinance are subject to the following fines, including zoning violations which may be combined with any other legal remedy available to the Town and may be in addition to any related municipal offense tickets and / or court fees
 - First Warning (in writing)
 - 2nd Violation Event / Date -- \$250.00 Fine and / or imprisonment
 - 3rd Violation Event / Date -- \$500.00 Fine and / or imprisonment
 - 4th Violation Event / Date within any 12-month period -- \$500.00 Fine and / or imprisonment, mandatory court appearance and loss of license for one calendar year
5. Any person aggrieved by a Town Official's decision to revoke, suspend, or deny a short or long-term rental license may appeal the decision to the Town Council. The appeal must be filed with the Town of Dauphin Island in writing, within thirty (30) calendar days after the adverse action and it shall contain a concise statement of the reasons for the appeal.

§ 8.8.9 SHORT-TERM RENTAL TAXES

Short-term rental unit owners are subject to State lodging tax, County lodging tax, and Town

lodging taxes including but not limited to the hotel/motel tax, and are liable for payment thereof as established by state and county law and the Town Ordinance. The Town may seek to enforce payment of all applicable taxes to the extent provided by law, including injunctive relief.

§ 8.8.10 SHORT-TERM RENTAL OVERLAY DISTRICTS REGULATIONS

The following regulations and procedures apply to the Short-Term Rental Overlay District 1 (STROD1) and Short-Term Rental Overlay District 2 (STROD2).

§ 8.8.10.1 Licensing Procedure

The current number of Short-Term Rental (STR) licenses within STROD1 and STROD2 are calculated from license data and mapped by Town Staff. The number of allowed STR Licenses (cap) allowed per district will be determined by the council based on market conditions on the following criteria: To preserve the quality of life of full-time residents and promote a safe environment for residents and visitors, improve the market availability of sustainable long-term rentals, and support the viability of STR’s by matching demand with the availability of STR units. Other factors will include the availability of lodging in commercial and multifamily areas as well as impacts to economic sustainability and budgetary considerations.

Maximum license caps are set as follows for the respective Short-Term Rental overlay districts.

Initial license cap numbers are as follows:

Short-Term Rental Overlay District 1 (STROD1): maximum 90 licenses

Short-Term Rental Overlay District 2 (STROD2): maximum 70 licenses

Short-Term Rental Overlay District 3 (STROD3): No maximum

Example 1 (Cap exceeded)

In STROD1, the current number of licensed STRs is:	94
The rental license cap in STROD1 is:	90
Available Licenses	(0)
Waiting list:	3

In this example, 5 licenses must stop being active* before the first license on the waiting list can be issued.

Example 2 (Cap not met)

In STROD1, the current number of licensed STRs is:	85
The rental license cap in STROD1 is:	90
Available Licenses	5
Waiting list:	3

In this example, there are 5 available licenses. The three applications on the waiting list will be filled and two more will be available.

If there are more legally licensed STRs than the declared cap, the excess licensed STRs will be allowed to operate. As STR units leave the program (by attrition, sale, or removal from the program for non-compliance), new rental licenses will not be issued in that district until the total number of licenses falls below the cap currently in effect.

A “waiting list” will be generated and maintained by the Building Department as license requests are received in excess of the allowed number of licenses per district. Available licenses will be issued to waiting list participants in the order that completed applications are received.

The initial cap numbers will be set as part of the Ordinance. If the number of allowed rentals is to be changed, it will require a public hearing. The Council will make a review of the program on an on-going basis and, if deemed appropriate, set the new number prior to the license renewal period. The council could also choose to reopen the issue at any time and modify the cap number per district.

§ 8.8.10.2 Parking

The maximum number of vehicles permitted at any Short-Term Rental shall be based on the formula of one (1) parking space for every two adult occupants 18 years and older. In STROD3, due in part to the sensitive nature of the environment in this area and changing conditions caused by wind and wave action, special parking allowances are provided. Specific parking allowance standards are set as follows for the respective STR Overlay Districts.

- STROD1: maximum of one (1) parking space for every two adult occupants 18 years and older;
- STROD2: maximum of one (1) parking space for every two adult occupants 18 years and older;
- STROD3: parcels located south of Bienville Boulevard, with addresses on the “court streets”, all located west of Sam Houston Street (St. Denis Court thru Ponce de Leon Court), will be allowed to park along the adjacent court street (parking permit required) as space is available and not to exceed the maximum parking number of spaces allowed for STRs (maximum of one (1) parking space for every two adult occupants 18 years and older). Parking is prohibited along Bienville Boulevard.

§ 8.8.10.3 Minimum Stays

A minimum consecutive stay shall apply to all Short-Term Rentals in the STRODs.

Required minimum nightly stays are set as follows for the respective STR Overlay Districts.

- STROD1: required minimum three (3) night consecutive stay;
- STROD2: required minimum three (3) night consecutive stay;
- STROD3: required minimum two (2) night consecutive stay.

Active STR License:

*NOTE: A license will be deemed “inactive” if it is surrendered or if no realistic rental activity is documented within a 6-month period as determined by the Building Official.