



BALDWIN COUNTY WORK SESSION

September 02, 2025

1601 N Columbia St, Suite 220

5:30 PM

AGENDA

CALL TO ORDER

ADMINISTRATIVE/FISCAL MATTERS

1. Short Term Rental
2. Alcohol License Applications

ADJOURNMENT

Sec. 16-75. Short-term rentals.

(a) *Definitions.*

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Bedroom means a room that meets applicable international code requirements to be used as a sleeping room or bedroom, and is used for a primary purpose other than as a sleeping room or bedroom.

Occupant means a person living in or using a short-term rental as a tenant, or someone who otherwise has occupancy of the short-term rental.

Owner means any person having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or code official of the estate of such person if ordered to take possession of real property by a court. The term "owner" does not include the holder of a nonpossessory security interest in the property.

Short-term rental means an accommodation for transient guests where, in exchange for compensation, a residential dwelling unit is provided for lodging for a period of time not to exceed 30 consecutive days. Short-term rental shall not include any residential dwelling unit not regularly offered for rental, which shall be defined as any residence offered for rental less than 14 days in any given calendar year. For the purposes of this definition, a residential dwelling shall include all housing types and shall exclude group living or other lodging uses.

Short-term rental agent means a person or organization designated by the owner of a short-term rental on the short-term rental certificate application who, in addition to all other requirements set forth herein, shall constitute the owner's 24-hour contact and person authorized to accept service of process for short-term rental purposes.

- (b) *Certificate required.* A separate short-term rental certificate shall be required for each residential dwelling operating as a short-term rental. No person shall rent, lease, or otherwise exchange for compensation all or any portion of a residential dwelling as a short-term rental, as defined in this section, without first obtaining a short-term rental certificate and complying with the regulations contained in this section. No short-term rental certificate under this section may be transferred, assigned, or used by any person other than the one to whom it is issued, or at any location other than the one for which it is issued. (c) *Number of certificates.* The county shall not issue more than 150 short-term rental certificates annually. Once the county has issued 150 certificates, no additional certificates shall be issued for that year.
- (d) *Expiration.* All short-term rental certificates shall expire annually on December 31. Short-term rental certificates shall not automatically renew. Instead, new applications for a short-term rental certificate, accompanied by a fee as set forth by the county board of commissioners' fee schedule, must be submitted annually. Applications to renew will be prioritized over new applications. An application following revocation of a short-term rental certificate shall be considered as a new application, rather than an application to renew.
- (e) *Distance Requirements.* No new short-term rental certificate shall be issued for a short-term rental with a boundary line located less than 500 feet from a boundary line of an existing short-term rental. This restriction shall only apply to applications for a new short-term rental certificate and not to applications to renew a short-term rental certificate.
- (f) *Application; fee.*

- (1) An application for a short-term rental certificate shall be submitted, under oath, on a form specified by the chief building official, or his/her designee, accompanied by a fee as set forth by the county board of commissioners' fee schedule, which shall include at a minimum the following information or documentation:
- a. The name, mailing address, telephone number, and email address of the owner(s) of record of the residential dwelling unit for which a certificate is sought. If such owner is not a natural person, the application shall identify all partners, officers, members, and/or directors of any such entity, including personal contact information;
 - b. The address of the unit to be used as a short-term rental;
 - c. The name, address, telephone number and email address of the short-term rental agent, which shall constitute the owner's 24-hour contact information and who shall:
 1. Keep his or her name and emergency contact phone number posted in a readily visible place in the short-term rental;
 2. Be reasonably available to handle any problems arising from use of the short-term rental;
 3. Appear at the short-term rental within two hours following notification from the chief building official, code enforcement officer, law enforcement officer, or his/her designee, of issues related to the use or occupancy of the property;
 4. Be designated by the owner as the person authorized to accept service of process on behalf of the owner of any notice of violation or citation related to the use or occupancy of the property; and
 5. Monitor the short-term rental for compliance with this section.
 - d. The owner's sworn acknowledgment that he or she has received a copy of this section, has reviewed it and understands its requirements;
 - e. The owner's agreement to ensure that occupants abide by the restrictions and regulations set forth in this section;
 - g. The maximum day or night occupancy for the residential dwelling which shall be two persons per bedroom plus two additional persons, up to a total maximum of 12 persons;
 - h. A vehicle parking plan specifying the number and location of parking spaces allotted to the property and indicating designated parking areas. The vehicle parking plan shall be sufficient to allow adequate parking for the maximum day or night occupancy of the rental unit, but in no event shall the vehicle parking plan provide for a parking capacity of more than one vehicle per bedroom plus two additional vehicles;
 - i. If the property has a dock on a lake, a docking plan specifying the number of boats or vessels allowed and location where such boats or vessels may be parked and tied to the dock. The docking plan shall be sufficient to ensure that no boats or vessels block water access to or otherwise interfere with another property owner's dock;
 - j. A copy of a sample rental agreement between the owner and occupant(s) which obligates the occupant to abide by all of the requirements of this section, and other Baldwin County ordinances, state and federal law, and providing that a violation of any applicable laws may result in the immediate termination of the agreement and eviction from the property, as well as potential liability for payment of fines levied;
 - k. Proof of the owner's current ownership of the short-term rental unit;
 - l. Proof of homeowner's insurance; and

- m. For short-term rental units located within a subdivision with an active HOA, a written approval from the HOA.
- (2) Registration under this Code section is not transferrable and should ownership of a short-term rental change, a new application shall be required, including application fee. In the event of any other change in the information or facts provided in the application, the holder of the short-term rental certificate shall amend the filed application without payment of any additional application fee.
- (g) *Review of application.* Review of an application shall be conducted by the chief building official, or his/her designee, in accordance with due process principles and shall be granted unless the applicant fails to meet the conditions and requirements of this chapter, or otherwise fails to demonstrate the ability to comply with local, state, or federal laws. Any false statements or information provided in the application are grounds for revocation, suspension and/or imposition of penalties, including denial of future applications. A short-term rental certificate shall not be issued unless the owner demonstrates compliance with the applicable codes.
- (h) *Right to inspect the premises.* By submitting an application for a short term rental certificate, all applicants shall agree to grant the county the right, with reasonable notice to the owner, to inspect the residential premises to determine compliance with this section. If the premises is found to be in violation of one or more of the provisions of applicable codes, the county shall provide written notice of such violation and set a re-inspection date for a violation to be corrected prior to issuance of a certificate.
- (i) *Payment of taxes.* Short-term rentals may be offered to the public for rental following issuance of a short-term rental certificate, receipt of an occupation tax certificate, and payment of any and all applicable state and county taxes. Any taxes owed to the county relating to the lodging of individuals shall be paid to Baldwin County Board of Commissioners at the business services department and any failure to remit the same or to register pursuant to this section shall be subject to the penalties included in chapter 50, article II of this Code of Ordinances. Should an owner fail to pay any taxes owed to the county by the date such taxes become due, the chief building official shall revoke the owner's short-term rental certificate and reject all applications for a short-term rental certificate submitted by the owner for a period of 12 consecutive months.
- (j) Regulations for short-term rentals owners, short-term rental agents, and occupants shall adhere to the following requirements:
- (1) Owners and short-term rental agents shall not allow occupants to violate any federal state, or local law, statute, rule or ordinances, including, but not limited to, sections 10-51, 25-19 and chapter 34-31 of this Code;
 - (2) Owners and short-term rental agents shall ensure occupants do not disrupt or interfere with rights of adjacent property owners to quiet enjoyment of their property;
 - (3) Owners and short-term rental agents shall ensure that day or night occupancy of the short-term rental never exceeds two persons per bedroom plus two additional persons per residential dwelling, up to a total maximum of 12 persons;
 - (4) Owners and short-term rental agents shall ensure that vehicle parking is consistent with the vehicle parking plan submitted with the short-term rental certificate application. Owners and short-term rental agents shall not allow occupants to park vehicles on any street or road in a manner which could cause safety issues, hinder access to such roadways, or be in violation of any laws, regulations, or ordinances. No person occupying a short-term rental shall park on any other person's property or block the driveway of any other person or property owner without permission to do so. Any law enforcement officer may impound any vehicle found parking in such a manner;
 - (5) Owners and short-term rental agents shall ensure that there are never more vehicles on the property of a short-term rental than the maximum number specified in the parking plan. Any law enforcement officer or code enforcement officer may order the owners or operators of the excess number of

vehicles to remove them from the property and any person refusing to do so may be cited for violating this section;

- (6) Owners and short-term rental agents shall ensure that all boats and vessels are docked in a manner consistent with the docking plan submitted with the short-term rental certificate application. Owners and short-term rental agents shall not allow occupants to dock or otherwise tie any boat or vessel to the dock of any other property owner without the permission of the property owner, or to block water access to another property owner's dock. Any law enforcement officer or code enforcement officer may order the owners or operators of the boats or vessels docked or moored in violation of this section to move their boat or vessel and any person refusing to do so may be cited for violating this section;
 - (7) Owners and short-term rental agents shall ensure that there are never more boats or vessels docked or moored on a body of water adjacent to the property than the maximum number specified in the docking plan. Any law enforcement officer or code enforcement officer may order the owners or operators of the excess number of boats or vessels to remove them from the dock and any person refusing to do so may be cited for violating this section;
 - (8) Owners and short-term rental agents shall ensure that no occupant goes upon any adjacent property without permission to do so;
 - (9) Owners and short-term rental agents shall ensure that any and all pets present at the property are leashed or contained at all times;
 - (10) Owners and short-term rental agents shall ensure that no occupant sublets the property or any rooms in the residential dwelling unit during rental;
 - (11) Owners and short-term rental agents shall ensure that all external lighting is directed within the parcel and does not impact adjacent properties;
 - (12) Owners and short-term rental agents shall ensure that the dwelling has at least one 95-gallon trash container or appropriate receptacle per four person occupancy limit;
 - (13) Owners and short-term rental agents shall ensure that all garbage and trash is stored in a trash container or appropriate receptacle and not be placed within or adjacent to any private or public right-of-way for a period of time greater than 48 hours;
 - (14) Owners and short-term rental agents shall place the short-term rental certificate near the front door of the residential dwelling in a conspicuous place; and
 - (15) Owners and short-term rental agents shall ensure that occupants do not use the property for any event typically held at an event venue including, but not limited to, weddings, concerts, and large parties.
- (k) *Enforcement.*
- (1) Complaints regarding a short-term rental may be provided in writing, by email, through the online code enforcement system, or by telephone to the code enforcement officer, which shall include a description of the complaint and the property address.
 - (2) Complaints shall result in a notice of the complaint being directed to the short-term rental agent and owner. The short-term rental agent shall be responsible for contacting the short-term rental occupant to correct the problem.
 - (3) If non-compliance with the provisions of this section occurs, the code enforcement officer or law enforcement officer shall conduct an investigation whenever there is reason to believe that an owner, short-term rental agent, and/or occupant has failed to comply with the provisions of this section. Should the investigation support a finding that a violation occurred, the code enforcement officer or law enforcement officer shall issue a citation providing written notice of the violation and intention to impose a penalty to the owner and short-term rental agent. The citation may be served on the owner

and/or short-term rental agent by personal service on the owner and/or short-term rental agent, and shall specify the facts which, in the opinion of the code enforcement officer or law enforcement officer constitute grounds for imposition of the penalties.

- (4) Citations resulting from the enforcement of this section shall be heard in the Magistrate Court of Baldwin County.

(I) *Violations; revocation.*

- (1) A short-term rental that is determined to be operating without the necessary short-term rental certificate shall subject the owner to a penalty of \$500.00. Each day the short-term rental is rented for accommodation without a certificate shall constitute a separate violation.
- (2) Each day a violation of the provisions of this section continues, after the code enforcement officer or law enforcement officer notifies the owner and/or short-term rental agent of a complaint, shall constitute a separate violation.
- (3) The penalties for violations of the provisions in this section shall be as follows:
 - a. For the first violation within any 12-month period, the penalty shall be a fine of not less than \$500.00, nor more than \$1,000.00;
 - b. For the second violation within any 12-month period, the penalty shall be a fine of \$1,000.00;
 - c. For the third violation within any 12-month period, the penalty shall be a fine of \$1,000.00; and
 - d. For any violation that occurs when more than a 12-month period has transpired, it shall start again as a first violation.
- (4) Upon a conviction of violation, the chief building official may revoke the owner's short-term rental certificate and reject all applications for a short-term rental certificate submitted by the owner for a period of 12 consecutive months.
- (5) Upon conviction of a third violation within any 12-month period, the chief building official shall revoke the owner's short-term rental certificate and reject all applications for a short-term rental certificate submitted by the owner for a period of 12 consecutive months.
- (6) Notice of revocation of the short-term rental certificate shall be provided by the chief building official to the owner and/or short-term rental agent by personal service, certified mail, or by statutory overnight delivery.
- (7) This code shall not apply to prevent new property owners from submitting an application for a short-term rental if the property is in compliance with all applicable ordinances and all code violations related to the property have been resolved.
- (8) Nothing in this section shall be construed to limit any action by the county health department to seek the remediation of any dangerous condition at the short-term rental or to take any action seeking to protect and preserve against any threat to public safety.

(I) *Appeal rights.*

- (1) A person aggrieved by the chief building official's decision to revoke, suspend or deny a short-term rental certificate may appeal the decision to the county manager.
- (2) The appeal must be filed with the county manager's office in writing, within ten days after receiving notice of the adverse action and it shall contain a concise statement of the reasons for the appeal. The county manager shall hold an administrative hearing in consideration of the appeal and issue a decision within 30 days of receipt of the appeal.

(m) *Conflicts.* Any ordinances or resolutions as adopted by this board which are in conflict with the ordinance from which this section is derived are hereby repealed and rendered ineffective.

(Ord. of 1-5-2021(3); Ord. of 02-06-2024 (1), § 1)