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Shelby Cnty Judge of Probate, AL
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ORDINANCE NO. 2022-001

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE TOWN OF INDIAN SPRINGS VILLAGE, ALABAMA.

WHEREAS, in Resolution No. 111521-001 the Town Council of the Town of Indian Springs Village, Alabama (the “Town Council”), initiated and petitioned for amendment of the regulations of the Zoning Ordinance for the Town of Indian Springs Village, Alabama, which was originally adopted by the Town Council on July 21, 2015, and amended over time (as amended, the “Indian Springs Village Zoning Ordinance”);

WHEREAS, following the adoption of Resolution No. 111521-001 and following the satisfaction of any publication or posting requirements provided by the Indian Springs Village Zoning Ordinance and State law, the Indian Springs Village Planning and Zoning Commission (the “Planning and Zoning Commission”) considered said Resolution at a regularly scheduled meeting, held a public hearing on the proposed amendment, and made advisory recommendations to the Town Council concerning the proposed amendment;

WHEREAS, upon receipt of the report of the Planning and Zoning Commission of the proposed zoning amendment, on behalf of the Town Council, the Town Council gave a “first reading” of the proposed amendment at the next regularly scheduled Town Council meeting and set same for a public hearing following the satisfaction of any publication or posting requirements provided by the Indian Springs Village Zoning Ordinance and State law;

WHEREAS, in accordance with the notice given, the Town Council held a public hearing on the proposed amendment at a regularly scheduled Town Council meeting;

BE IT ORDAINED by the Town Council of the Town of Indian Springs Village, Alabama, as follows:

Section 1. The Town Council hereby finds that the public necessity, convenience, safety, and general welfare warrant amendment of the zoning regulations as provided herein.

Section 2. Article 7 of the Indian Springs Village Zoning Ordinance is hereby amended to protect the public health, safety, welfare, and the existing community standards in the Town of Indian Springs Village by adding the following Section:

SECTION 13.0- SHORT-TERM RENTALS

13.1 Intent and Purposes.

- A. The Town of Indian Springs Village is committed to maintaining and preserving the quality of its residential character, the housing stock and existing residential communities, scenic beauty, and the natural resources that

are the foundation of its economic strength and quality of life.

- B. The rental of residences for temporary occupancy has been identified as a community concern due to the potential for increased traffic, noise, high occupant turnover, and density in residential districts.
- C. The number of occupants occupying short-term rentals has the potential to negatively impact the health and safety of residential neighborhoods and nearby residential properties.
- D. The purpose of this ordinance is to safeguard the peace, safety, and general welfare of the residents of Indian Springs Village, and their visitors and guests, by eliminating noise, vandalism, overcrowding, high occupancy turnover, diminution of neighborhood character, and other effects that have become associated with the short-term rental of residential dwellings.
- E. The restrictions established by this ordinance are necessary to protect the integrity and residential character of the town's residential neighborhoods and the health and safety of the residents of Indian Springs Village.
- F. This ordinance is required to prohibit the rental of residences and the promotion of advertisement of short-term rentals of residences for periods less than thirty (30) consecutive days, in order to protect the health, safety, and welfare, and the existing community standards in the Town of Indian Springs Village relating to residentially zoned property.

13.2 Definitions. For the purpose of this article, the following definitions shall apply:

- A. "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 Indian Springs Village Zoning Ordinance. 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.
- 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 hotels, motels, or other structures designed primarily for transients.

- C. “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.
- D. “Enterprise.” Any corporation, association, firm, partnership, LLC, or other legal entity.
- E. “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.
- F. “Family.” One (1) or more persons occupying a dwelling and living as a single housekeeping unit, all of whom are related to each other by birth, adoption, or marriage.
- G. “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.
- H. “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.
- I. “Person.” Any individual or group of individuals, enterprise, managing agency, rental agent, operator, or any entity.
- J. “Remuneration.” Compensation, money, or other consideration given in return for occupancy, possession, or use of real property.
- K. “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.

- L. "Rental." An arrangement between a transient and an operator whereby rent is received in exchange for the right to possess a residential structure.
- M. "Residence." Any dwelling, dwelling unit, or structure (in whole or in part) located in any residential zoning district as defined in the Indian Springs Village Zoning Ordinance and the Indian Springs Village Official Zoning Map, including detached single-family dwellings, attached single family dwellings, duplexes, multi-family dwellings, and accessory structures.
- N. "Short-term." A period of less than thirty (30) consecutive days in duration.
- O. "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.
- P. "Transient." Those who reside, possess, or inhabit a residence (or portion thereof) as defined by this article for a period of less than thirty (30) consecutive calendar days, counting portions of calendar days as full days.

13.3 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 thirty (30) consecutive days in duration to any transient.

13.4 Advertisement of Short-Term Rentals of Residences Prohibited. It shall be unlawful for any person to advertise, solicit, or facilitate the rental for a duration less than thirty (30) 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.

13.5 Vesting.

- A. Existing short-term rentals (previously licensed by the Town of Indian Springs Village and operating in accordance with the terms of the Town's municipal code at the time of business license issuance) as of the effective date of this Ordinance shall be considered vested short-term rentals only



as related to contracts entered into prior to November 16, 2021. Rental/lease agreements that were entered into prior to November 16, 2021, as evidenced by a written and validly executed rental agreement or contract provided to the Town Clerk no later than thirty-days following the effective date of this Ordinance shall be considered vested.

B. Vesting shall:

- a. Apply only to date-specific contracts entered into in accordance with the terms of the Town's municipal code at the time of license issuance;
- b. Not apply to renewals of existing rental agreements or contracts which are at the option of either of the parties.

C. A vested contract/lease transferred to a subsequent owner shall continue to be vested but shall not be transferred to a different short-term rental property.

Section 3. All ordinances or parts of ordinances heretofore adopted by the Town Council of the Town of Indian Springs Village, Alabama, that are inconsistent with the provisions of this ordinance are hereby expressly repealed.

Section 4. 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.

Section 5. This Ordinance shall become effective immediately upon its adoption as publication as provided by law.



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ADOPTED: This the _____ day of _____, 2022.

Herb Robins

Herb Robins
Council Chairman Pro Tem

ADOPTED: This the 19 day of January, 2022.

Brenda Bell Guercio

Brenda Bell-Guercio
Mayor

ATTESTED: This the 19 day of January, 2022.

Joan Downs

Joan Downs
Town Clerk

CERTIFICATION OF TOWN CLERK

STATE OF ALABAMA)
SHELBY COUNTY)

I, Joan Downs, Town Clerk of the Town of Indian Springs Village, Alabama, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance duly adopted by the Town Council of the Town of Indian Springs Village, Alabama, on the 19th day of January, 2022.

The above and foregoing ordinance was published on the 20th day of January, 2022, by posting copies thereof in four public places within the Town:

1. Indian Springs Village Town Hall,
2. Oak Mountain Elementary School,
3. North Shelby County Fire Station No. 1, and
4. North Shelby County Fire Station No. 2.

Witness my hand and seal of office this 19th day of January, 2022.

Joan Downs, Town Clerk
Joan Downs, Town Clerk