

## ARTICLE IX. SHORT TERM RENTALS

### **Sec. 5-400. Scope of Article.**

Unless otherwise specified, the requirements and provisions of this section shall apply to owner-occupied and non-owner-occupied short-term rentals (collectively called "short-term rentals"). This section does not apply to hotels, motels, bed and breakfast establishments, or inns that are subject to and compliant with the City's business license and other applicable Code requirements. This section also does not apply to longer-term rentals subject to the City's rental housing regulations.

### **Sec. 5-401. Definitions.**

Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings shown in this section. Where terms are not defined, through the methods authorized by this section, such terms shall have ordinarily accepted meaning such as the context implies.

*Dwelling* means any structure or series of multiple related structures that legally may be used for habitation by humans. For purposes of this article, the term "dwelling" includes single-household structures, two-household structures (duplexes), and townhouses.

*Owner-occupied* means a dwelling is owner-occupied if a dwelling owner uses the dwelling, or part thereof, as his or her primary residence. To qualify as a resident(s) of a property, the person(s) shall use that property as their legal voting address, South Carolina driver's license address, South Carolina identification card address. The property shall also be the four percent homeowner's assessment ratio address. The owner shall reside on the property at least 183 days each year.

*Non-owner-occupied* means a residential dwelling unit that is not owner-occupied that is used and/or advertised through an online marketplace for rent for transient occupancy by guests.

*Responsible party* means both the short-term rental property owner and a person (property manager/agent) designated by the owner to be called upon and be responsible at all times during the period of a short-term rental and to answer for the maintenance of the property, of the conduct and acts of occupants of the short-term rental property and in the case of the property manager/agent, to accept service of legal process on behalf of the owner of the STR property. The responsible party shall reside within 15 miles of the City.

*Short-term rental (STR)* means the rental or lease for valuable consideration of a residential dwelling unit, or portion thereof, for a duration of less than 30 consecutive days.

*Short-term tenant* means any person, other than a legal owner, who pays a fee or other compensation to occupy a dwelling of less than 30 consecutive rental days.

## **SEC. 5-402. SHORT-TERM RENTAL REGULATIONS**

Non-owner-occupied short-term rentals are not allowed in residential districts as defined in Sec. 17-3.2.

The following regulations apply to both owner-occupied short-term rentals and non-owner-occupied short-term rentals.

- (a) **Determination of Short-Term Rental Offering:** Any online advertisement posted by the owner is sufficient to determine that a unit is being offered as a rental.
- (b) **Business License Required:** The owner offering a dwelling for short-term rental shall comply with all business license and revenue collection laws of the City of Columbia, Richland County, and State of South Carolina.
- (c) **Insurance:** The record owner of the subject property must keep in full force and effect during all times the STR is operated a general liability policy with a company authorized to do business in the State of South Carolina insuring against personal injury (including death) and property damage with limits of no less than \$1,000, 000.00 per occurrence.
- (d) **Peaceful Enjoyment by Neighbors:** The STR use shall create no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, unhealthy or unsightly condition, traffic, or parking problems.
- (e) **Safety Inspection:** An initial safety inspection shall be conducted by the City. Additional inspections for compliance with the regulations in this section may be performed by the City if deemed necessary and with 24-hour notice to the permit holder.
- (f) **Records Required:** The property owner shall maintain records for two years demonstrating compliance with these provisions, including but not limited to information demonstrating residency if required, the number of days per calendar year the residential unit has been rented as a STR, and compliance with the insurance requirement in this section. These records shall be made available to the City upon request.
- (g) **Contact:** The property owner must be willing to take phone calls at all times if needed to address issues with the short-term rental use; or the owner must provide the name, mailing address, and telephone number of a designated responsible party who lives within a 15-mile radius of the City limits, who is willing to take phone calls at all times if needed to address

issues with the short-term rental use, and who is authorized to accept service of process on behalf of the owner of said unit.

(h) Registrations are non-transferrable: If ownership of a registered dwelling changes, the new owner must complete a new registration form before renting out any part of the dwelling for a STR and must pay the annual fee.

(i) Minimum Rental Age: The short-term tenant shall be at least twenty-one (21) years old.

(j) Minimum Rental Duration: The short-term rental shall not be available for rent for a period of less than overnight.

(k) Simultaneous Owner-Occupied Rentals: Owners of owner-occupied duplex properties or properties with accessory dwelling units may apply for one permit per parcel. The STR permit will allow the property owner to rent either the primary residence or the accessory dwelling unit as a short-term rental. The simultaneous rental of the primary residence and the accessory dwelling unit is prohibited.

#### **SEC. 5-403. SHORT-TERM RENTAL PERMIT**

(a) Each STR is required to obtain a permit. Applications for a permit shall be on a form provided by the City of Columbia. Permits must be renewed on an annual basis as detailed below:

(1) The STR permit requires the following for issuance:

- a. The approved application; and
- b. The STR permit registration fees.

(2) The STR permit application and registration fees shall be paid at the time the application is submitted and must be renewed July 1 of each year. Permit renewal and associated fees not submitted and paid by July 15 will result in loss of the STR permit.

(3) The owner of a rental dwelling already registered with the City shall re-register within 60 days after any change occurs in the registration information. A new owner of a registered dwelling shall be required to re-register the dwelling by submitting a new STR application and review fee. Upon approval, the STR permit fee will be paid.

(4) Inaccurate or incomplete registration information. It shall be a violation of this subchapter for an owner to intentionally provide inaccurate information for the registration of rental dwellings, or to fail to provide information required by the application form.

(b) An application must be submitted annually to the City. The STR application shall contain the following information:

- (1) The address of the rental dwelling;
- (2) The total number of individual rental dwelling units;
- (3) The number of bedrooms in each rental dwelling unit;
- (4) The number of parking spaces provided on site for each rental dwelling;
- (5) The maximum overnight occupancy of each rental dwelling, which shall not exceed two persons per bedroom, plus two;
- (6) The names, mailing addresses, business phone numbers, personal phone numbers, and business addresses of the owner and any responsible party;
- (7) The address where the owner will accept notices and orders;
- (8) An affidavit signed by the property owner certifying the property complies with all fire and building ordinances;
- (9) Certification that the owner has read applicable city and state regulations, including, but not limited to, those regarding taxes, noise, trash, parking, alcohol, animals, and litter.
- (10) Certification that the owner is aware that penalties may be assessed for violations by tenants.
- (11) Copy of general liability insurance.

(c) At the time of the application, the permit registration fee shall be paid. These fees described below are established by City Council and may be changed from time to time. The fee includes the following:

- (1) Non-refundable application fee: \$50.
- (2) Owner-occupied STR: Non-refundable STR permit registration fee is \$100.00
- (3) Non-owner-occupied STR: Non-refundable STR permit registration fee is \$500.00 per location.

#### **SEC. 5-404. LIFE, SAFETY, AND SANITATION REQUIREMENTS.**

For purposes of this article, the following standards apply to short term rentals and must be met prior to being issued a registration:

(a) *9-1-1 numbers* - Minimum three inches tall and readily visible and legible from the street.

(b) *Trash cans and storage of solid waste* - One roll cart and recycling bin with a designated storage location for the roll cart behind the front building line.

(c) *Environmental* - Property exteriors shall comply with the International Property Maintenance Code.

(d) *Doors and windows* - Individual dwelling units must have access directly to the outside or to a common corridor. Sleeping rooms must have at least one operational window.

(e) *Stairs, rails, porches, decks* - A graspable handrail is required for four or more stairs whether indoors or out. Guardrails are required on decks over 30 inches above grade, must be a minimum of 36 inches in height and not have any openings between pickets or rails that exceeds four inches. Porches and decks shall not have apparent structural damage or broken or missing rails or steps. No exposed risers are allowed on stairs over 30 inches in height whether indoors or out.

(f) *Swimming pools/spas* - Swimming pools and spas shall be enclosed and include a self-closing and self-latching gate of 48 inches minimum height.

(g) *Electrical service and electrical hazards* - Electrical service shall be provided through the public service provider. All bathrooms, exterior outlets, non-dedicated kitchen outlets within six feet of kitchen sink shall be ground-fault protected. Missing or cracked plates on switches or outlets shall be repaired.

(h) *Ceilings* - Habitable spaces and hallways must have a clear ceiling height of not less than seven feet. Ceilings shall not have any apparent visual defects, evidence of mold or mildew, or holes with exposed wiring or insulation.

(i) *Walls* - Walls shall not have any apparent visual defects, evidence of mold or mildew, or holes with exposed wiring or insulation.

(j) *Floors* - Floors shall not have any apparent visual defects, evidence of mold or mildew, or soft spots.

(k) *Sink* - In kitchen with hot and cold running water. Hot water to be at least 85 degrees and not to exceed 120 degrees.

(l) *Stove or range* - Stoves and ranges shall be free of apparent hazards. Combustible material must be at least 30 inches above the heat source. Anti-tip device must be installed for freestanding units.

- (m) *Toilet* - Flushing and leak free in a room affording privacy.
- (n) *Wash basin* - Operational and leak free equipped with hot and cold running water. Hot water to be at least 85 degrees and not to exceed 120 degrees.
- (o) Tub or shower - Must be operational and equipped with hot and cold running water in a room affording privacy. Hot water to be at least 85 degrees and not to exceed 120 degrees.
- (p) Ventilation in bathroom - Bathrooms must have a window or mechanical ventilation and not have an evidence of mold or mildew.
- (q) Smoke detectors - Every bedroom and adjoining hallway as well as the common area shall be equipped with an operational, approved listed smoke detector. In units containing more than one story, detectors are required on each story.
- (r) Fire extinguisher - Minimum five-pound ABC fire extinguisher that is fully charged and not past expiration date.
- (s) Fire Protection Sprinkler System - A non-owner-occupied STR must be equipped with a fire protection sprinkler system
- (t) Evacuation plan - Each room used for sleeping shall have an evacuation plan posted on the door.
- (u) Heating equipment - Operational heating facilities capable of maintaining a room temperature of 70 degrees.
- (v) Evidence of infestation - Premises shall appear free of rats, mice, roaches, or other vermin.
- (w) Interior stairs and common halls - Stairs and halls shall not have apparent damage or missing rails or steps. No exposed risers are allowed on stairs over 30 inches in height whether indoors or out.
- (x) Carbon Monoxide Detector - Carbon Monoxide Detector will be required and properly installed in all units that have attached garage and/or gas appliances.

## **SEC. 5-405. VIOLATIONS**

STR owners are ultimately responsible for the conduct of their occupants, tenants, and guests, regardless of whether the owners are present at the dwelling.

Violations include, but are not limited to:

- (a) Lying and/or providing false information about a dwelling or short-term rental to the City;

(b) Failure to have a valid registration for any dwelling at a time when it is used in whole or in part as a short-term rental;

(c) Violation of any part of this article;

(d) Violation of any applicable ordinance or laws by owners, operators, lessors, agents, occupants, tenants, or guests of short-term rentals (examples include, but are not limited to, violations of ordinances and laws concerning excessive noise, disorderly conduct, littering, underage drinking, drug offenses, public drunkenness, traffic and parking, and all other criminal and nuisance offenses).

(e) Depending on severity, as determined by the Chief of Police or designee, violations of this article may result in immediate revocation of the registration of a dwelling or dwellings. Absent the need for immediate revocation, a formal written warning shall be issued for a first violation in a 12-month period. However, if there is an additional violation at the same dwelling within the 12-month period immediately following a warning, registration for that dwelling shall be revoked.

(f) If it is determined that a dwelling's registration for short-term rentals should be revoked, a revocation hearing notification will be sent to the property owner(s) at the contact address provided in the registration application. Notice shall include the time and place for the hearing, which shall take place before the City Manager for the purpose of determining whether to revoke registration. The City Manager shall render a final decision within 10 days.

#### **SEC.5-406. SEVERABILITY**

The provisions of this article are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this article. It is hereby declared that the intent of the council is that this article would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.