
TOWN OF MORRIS
ORDINANCE 2023-18

AN ORDINANCE PROHIBITING SHORT-TERM RENTALS

AN ORDINANCE OF THE TOWN OF MORRIS, ALABAMA

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MORRIS, ALABAMA AS FOLLOWS:

WHEREAS, it is the desire of the Town of Morris, Alabama to prohibit Short-term Rentals within the Town limits of Morris.

- (a) The Town of Morris 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 Morris, 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 Morris.
- (f) This ordinance is required to prohibit the rental of residences and the promotion and advertisement of short-term rentals of residences for periods of less than 30 consecutive days, in order to protect the public health, safety, and welfare, and the existing community standards in the Town of Morris relating to residentially zoned property.

Definitions.

For the purposes of this ordinance, the following definitions shall apply:

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 zoning ordinance of the Town of Morris. 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.

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 boarding houses, rooming houses, tents, hotels, mobile homes, or other structures designed or used primarily for transients.

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.

Enterprise. Any corporation, association, firm, partnership, LLC, or other legal entity.

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.

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.

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.

Person. Any individual or a group of individuals, enterprise, managing agency, rental agent, operator, or any entity.

Remuneration. Compensation, money, or other consideration given in return for occupancy, possession, or use of real property.

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.

Rental. An arrangement between a transient and an operator whereby rent is received in exchange for the right to possess a residential structure.

Residence. Any dwelling, dwelling unit, or structure (in whole or in part) located in any residential zoning district as defined in the zoning ordinance and zoning map of the Town of Morris, including detached single-family dwellings, attached single family dwelling, duplexes, and multi-family dwellings.

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.

Transient. Those who reside, possess, or inhabit a residence (or a portion thereof) as defined by this article for a period of less than 30 consecutive calendar days, counting portions of calendar days as full days.

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 30 consecutive days in duration to any transient.

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 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.

Violations and penalties.

Violations of this article shall constitute a misdemeanor, and, upon conviction, shall be punished as provided in Ordinance 2023-19. Each day that any violation continues shall be a separate offense punishable as described herein, as an additional violation for each day such violation continues to exist.

Civil penalties.

A violation of any portion of this article constitutes a public nuisance per se. The town, as an additional or alternate remedy, may institute equitable or injunctive proceedings in a court of competent jurisdiction to abate uses prohibited by this article. Said petition shall be verified by the mayor, city clerk, police officer, or any other governing official or employee of the city authorized to enforce the provisions of this article.

Additional remedies for violation of this article.

Additionally, any violation of any provision of this article shall authorize, in addition to any other fines, penalties, remedies, or violations provided for in this article, the issuance of a UNIFORM NON-TRAFFIC CITATION (UNTCC) pursuant to ordinance 2023.19.

Any recipient of a UNTCC issued for the violation of any provisions of this article may, within seventy-two (72) hours from the receipt of such UNTCC, present such UNTCC to the police officer or any officer of the city responsible for the enforcement of the provisions who issued such UNTCC, or the chief of police or his designee and shall provide evidence that the alleged violations as reflected in the UNTCC have been abated within seventy-two (72) hours of receipt of the same by the recipient, and upon investigation, such officer who issued the UNTCC or the chief of police or his designee may, after inspection, void the citation prior to the presentation to the municipal court.

Prosecution unaffected.

The adoption of this article shall not in any manner affect the prosecution of any act illegally done contrary to the provisions of any ordinance now or heretofore in existence, and every such prosecution, whether begun before or after the enactment of this article shall be governed by the laws under which the offense was committed; nor shall the prosecution or the right to prosecute for the recovery of any penalty or for the enforcement of any obligation or restriction of the city be in any manner affected by the adoption of this article; nor shall any civil action or cause of action existing prior to or at the time of the adoption of this article be affected in any manner by its adoption.

This ordinance shall become effective immediately upon its reading in Town of Morris current council meeting adopting the amendment and posting 30 days as prescribed by law.

Adopted and approved this 28th day of November, 2023.

Joe Pylant
Joe Pylant, Mayor

ATTEST:

Christy Robbins
Christy Robbins, Town Clerk

CERTIFICATION

I, Christy Robbins, Town Clerk of the Town of Morris, do hereby certify that the above and foregoing ordinance was duly adopted by the Town of Morris, Alabama, on the 28th day of November, 2023, and was published and advertised by posting copies of the same in four (4) conspicuous places within the Town of Morris, Alabama, one of which was the office of the Mayor on the 28th day of November, 2023.

Christy Robbins