

Chapter 5, Article K is amended to read as follows:

Article K – Rental Housing Regulations

Sec. 5-2-120 Definitions.

- (a) Absentee landlord. An owner of a residential rental unit who does not maintain a primary residence or business office within Richland County or Lexington County, South Carolina, and who is therefore not reasonably available to manage the property or respond to issues in person. An owner shall also be considered an absentee landlord if the owner's mailing address for tax or official correspondence is not a physical address within Richland or Lexington County. Absentee landlords shall be required to designate a designated agent in charge in accordance with Sec. 5-2-123.
- (b) Occupant. A "family" as defined by the City's zoning ordinance.
- (c) Owner. Any person, firm, or corporation having legal or equitable title to the property.
- (d) Residential rental unit. That portion of a dwelling unit as defined by West Columbia's zoning ordinance for which payment or other consideration is being made to an owner, agent, or manager for the use and occupancy of that portion as a living facility. Hotels, motels, medical or long-term care facilities, inns, and bed and breakfast establishments are excluded from this definition.
- (e) Long-term residential rental unit. A residential rental unit that is leased, occupied, or intended for occupancy for a period of thirty (30) consecutive days or more and that is not advertised, marketed, listed, or operated as a short-term rental unit as defined by this Article.
- (f) Short-term rental unit. A residential rental unit, principal or accessory, that is rented in whole or in part to transient guests for less than thirty (30) consecutive days.
- (g) Designated agent in charge. A person designated by the owner of a residential rental unit or short-term rental unit who is responsible for the care, maintenance, and compliance of the property and who is authorized to act on behalf of the owner.
- (h) Group residential development. A residential development consisting of multiple dwelling units located on a single parcel or on contiguous parcels under common ownership, common management, or unified operational control, where individual dwelling units, buildings, or spaces may be leased or rented to separate households or occupants. This term includes, but is not limited to, apartment complexes, cottage developments, build-to-rent communities, townhome rental communities, manufactured home parks, mixed residential campuses, and similar residential developments operated as a unified rental enterprise.
- (i) Guest. A person who provides remuneration for lodging for a period of less than thirty (30) consecutive days.

(j) Verified violation. A violation of this Article confirmed by the city through investigation, inspection, citation, police report, code enforcement action, or other competent evidence.

Sec. 5-2-121 Rental permit required.

(a) It shall be unlawful to operate, lease, advertise, occupy, or offer for rent any residential rental unit within the City without the registration, permit, zoning approval, and business license required by this Article.

(b) Permits are non-transferable. Upon any change in ownership of a permitted dwelling unit, the new owner must obtain a new permit before operating any part of the dwelling unit as a rental.

(c) Permits and registrations issued pursuant to this Article shall follow the City of West Columbia business license renewal period of May 1 through April 30 and shall be renewed annually.

(d) A group residential development shall be treated as a single rental property regardless of whether individual units are occupied by separate tenants or households.

Sec. 5-2-122 Application.

(a) An application is required for initial permit issuance and permit renewal and must be submitted on a form provided by the city. (b) The residential rental unit application shall be complete and contain all information required by this Article prior to issuance of a registration or permit.

(c) The owner and/or designated agent in charge shall update all registration information within fourteen (14) days of any change.

Sec. 5-2-123 Property owner and designated agent in charge.

(a) A permit will not be issued to an absentee landlord unless a designated agent in charge is designated. The designated agent in charge must reside or maintain a business office within thirty (30) miles of the City.

(b) The designated agent in charge must be available to respond within forty-five (45) minutes.

(c) The owner and/or designated agent in charge shall maintain compliance with all City codes.

(d) The owner and/or designated agent in charge shall be responsible for compliance with zoning, nuisance, and property maintenance codes.

(e) The property owner and designated agent in charge shall be jointly and severally responsible for compliance with this Article.

(f) Failure of either the property owner or the designated agent in charge to comply with the requirements of this Article shall constitute a violation attributable to both parties.

Sec. 5-2-124 Acknowledgment of applicable codes.

The rental property owner and the designated agent in charge shall, at the time of registration, sign a form acknowledging the existence of and access to all City codes applicable to the rental, operation, and maintenance of residential rental units.

Sec. 5-2-125 Short-term rental regulations.

(a) Short-term rental units shall adhere to the following operational requirements:

- (1) Contact. The property owner must be willing to take phone calls at all times to address issues with the short-term rental; or the owner must provide the name, mailing address, and telephone number of a designated agent in charge 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.
- (2) The property owner and/or designated agent in charge shall provide and maintain an informational packet within the short-term rental unit, which shall include, at a minimum, the following:
 - (a) The name, address, telephone number, and email address of the property owner and/or designated agent in charge;
 - (b) The location of required parking spaces and applicable parking restrictions;
 - (c) Emergency contact information for local police, fire, and emergency services;
 - (d) The schedule and requirements for solid waste and recycling collection in accordance with City sanitation ordinances;
 - (e) A copy of the short-term rental unit permit; and
 - (f) A statement that occupants and guests are required to comply with all applicable provisions of this Article and all other applicable City ordinances; and
 - (g) A statement that the City's noise ordinance, including the quiet hours set forth in Sec. 9-2-6(2), shall be enforced and that any sound reasonably expected to create a nuisance or disturb neighboring properties is prohibited.
- (3) Maximum Occupancy. The maximum overnight occupancy of short-term rental shall not exceed two (2) persons per bedroom, excluding minor children under the age of five (5) per bedroom. Persons over the age of five (5) will be counted as an adult.

- (4) Minimum guest's age. The guest making the booking or reservation for an short-term rental unit shall be at least twenty-one (21) years of age.
- (5) Minimum stay duration. Short-term rental units shall not be rented or occupied for a period of less than two (2) consecutive nights.
- (6) Identity verification. The owner or designated agent in charge shall be responsible for determining that any guest occupying the short-term rental unit is listed in the booking or reservation for the short-term rental unit.
- (7) Determination of short-term rental offering. Any advertisement for an short-term rental unit by the owner or designated agent in charge is sufficient to determine that a dwelling unit is being offered as a short-term rental.
- (8) Permit Number. Any advertisement for a short-term rental, to include online listings, must include the current zoning permit number, as issued by the City within the description section of the advertisement.
- (9) Parking Spaces Required. Off-street parking shall be provided at a minimum ratio of one (1) parking space per bedroom for each short-term rental unit.
 - (a) The maximum number of vehicles permitted at a short-term rental unit shall not exceed the number of lawful off-street parking spaces available on the property;
 - (b) All required parking spaces shall be located on an approved driveway or other legally established parking surface;
 - (c) Parking within landscaped areas, unimproved surfaces, public rights-of-way, or grassy areas of the property shall be prohibited;
 - (d) Overnight street parking by guests of a short-term rental unit shall be prohibited;
 - (e) Vehicles associated with a short-term rental unit shall not impede traffic, block sidewalks, encumber access to adjacent properties, or otherwise create a public safety hazard; and
 - (f) The property owner and/or designated agent in charge shall provide guests with written parking instructions and the maximum number of permitted vehicles prior to occupancy.

- (10) Property Maintenance. Short-term rental units must be properly maintained and regularly inspected by the owner or designated agent in charge to ensure continued compliance with applicable City of West Columbia ordinances.
- (11) Business license required. The property owner and/or designated agent in charge of a short-term rental unit shall obtain a business license and comply with all business license and revenue collection laws of the City of West Columbia, Lexington County, and State of South Carolina.
- (b) Neighbor Notification. Neighbor Notification. The property owner and/or designated agent in charge of a short-term rental unit shall notify, in writing, the owner of each property immediately adjacent to the short-term rental unit and any official homeowners association (HOA) or property owners association (POA), if applicable. Notification shall include the address of the short-term rental unit and the name and contact information of the designated agent in charge. Updated notice shall be provided within fourteen (14) days of any change in the designated agent in charge.
- (c) Existing short-term rental units operating prior to the adoption of this Article may qualify as lawful nonconforming uses only if the property owner held a valid City of West Columbia business license, a rental registration, and the property met the definition of a short-term rental unit prior to the effective date of this Article. Any short-term rental unit operating without the required registration or business license prior to the effective date of this Article shall not acquire legal pre-existing nonconforming status by virtue of prior operation.
- (d) Issuance of short-term rental permit. Unless otherwise provided for by this Article, the city shall issue an STR permit, within 30 days from application submission to an applicant if the following criteria are met:
- (1) The city has determined that the STR application is complete and all permit fees have been paid;
 - (2) The city has determined that the use is permitted in the applicable zoning district, pursuant to the City of West Columbia Zoning Ordinance.
- (e) Violations. The following actions with respect to the operation of a short-term rental unit shall constitute a violation of this Article:
- (1) The advertisement or operation of a short-term rental unit without a zoning permit.
 - (2) Falsity of any certified statement in the short-term rental application or renewal application.

- (3) Failure to provide the required informational packet to guests shall constitute a violation of this Article.
- (4) Parking of vehicles associated with a short-term rental unit in violation of the parking requirements of this Article and the City of West Columbia Zoning Ordinance.
- (5) Violation of the City of West Columbia sanitation ordinances, including the improper placement or disposal of trash, refuse, or waste collection containers on adjacent property, in public areas, or outside approved waste collection containers.
- (6) Failure of the property owner or designated agent in charge to be available or respond as required by this Article.
- (7) Any activity that is so disruptive or disturbing to a neighbor or to the neighborhood that it is reported to the City of West Columbia Police Department, City of West Columbia Code Enforcement, or other authorized code enforcement division.
- (8) Failure of the short-term rental unit agent or designated agent in charge to timely appear to two or more complaints regarding violations may be grounds for penalties including but not limited to revocation of the permit as set forth in this chapter.
- (9) Advertising, listing, marketing, or operating a residential rental unit registered as a long-term residential rental unit as a short-term rental unit shall constitute a violation of this Article.
- (10) Failure to obtain or maintain a required business license, residential rental registration, zoning approval, or short-term rental permit shall constitute grounds for denial, suspension, or revocation of any registration or permit issued pursuant to this Article.
- (11) A violation of any local, state, or federal ordinance, law, or regulation, including any other provision of this Article.

Sec. 5-2-126 Inspections.

The City may inspect any residential rental unit or short-term rental unit to ensure compliance with this Article and all applicable City codes. Such inspection shall be conducted upon at least twenty-four (24) hours' notice to the property owner or designated agent in charge, unless otherwise permitted by law. Refusal to permit inspection shall constitute a violation of this Article.

Sec. 5-2-127 Permit and inspection fees.

(a) Applicability of fees. Fees imposed pursuant to this Section shall apply only to short-term rental units.

(b) Short-term rental permit. The annual fee for a short-term rental permit shall be one hundred fifty dollars (\$150.00) per dwelling unit.

(c) Annual renewal required. All short-term rental permits issued pursuant to this Article shall be renewed annually in accordance with the City of West Columbia business license renewal period.

(d) Initial compliance period. All short-term rental units shall have ninety (90) days from the date the City begins accepting applications to obtain the required permit and pay all applicable fees.

(e) Late fee. Any owner who fails to obtain the required permit and pay all applicable fees within the ninety (90) day compliance period, or who fails to renew a permit prior to its expiration, shall be subject to a late fee in the amount of one hundred dollars (\$100.00) per short-term rental unit.

(f) Failure to pay fees. Failure to pay any required fee under this Section shall constitute a violation of this Article.

Sec. 5-2-128 Revocation of short-term rental permit.

(a) The city may revoke a short-term rental permit for any of the following reasons:

- (1) Failure to comply with any provision of this article or other applicable local, state, or federal laws.
- (2) Providing false or misleading information on the permit application.
- (3) More than three (3) verified violations within a twelve (12) month period.

Sec. 5-2-129 Revocation and suspension procedures.

(a) Grounds for suspension or revocation. The City may suspend or revoke a short-term rental permit upon a finding that the owner, designated agent in charge, occupants, or guests have violated this Article.

(b) Written notice. The permit holder shall receive written notice describing the violation(s), the corrective action required, and the proposed suspension or revocation of the permit.

(c) Correction period. Unless otherwise stated in this Article or unless the violation presents an immediate threat to public health, safety, or welfare, the permit holder shall have ten (10) calendar days from receipt of written notice to correct the violation(s).

(d) Administrative review. The permit holder may appeal the suspension or revocation decision within ten (10) calendar days of receiving notice. Appeals shall be submitted in writing to the Zoning Administrator requesting that the appeal be heard by the Board of Zoning Appeals.

(e) Effect of revocation. Upon revocation, all short-term rental activity at the property shall immediately cease. The property shall not be eligible for a new short-term rental permit for a period of twelve (12) months from the date of revocation.

(f) Immediate suspension. Notwithstanding the provisions of this Section, the City may immediately suspend a short-term rental permit where necessary to protect public health, safety, or welfare.

(g) Revocation of a short-term rental permit for a property, or repeated violations of this Article, shall require the City to initiate suspension or revocation procedures for any business license held for the operation of short-term rental units within the City pursuant to the City's Business License Ordinance.

Sec. 5-2-130 Enforcement and penalties.

Any violation of this Article shall constitute a violation of the city's ordinances and may result in enforcement action by the City, including but not limited to permit denial, suspension, revocation, municipal citation, business license suspension or revocation, or any other remedy authorized by law. Each day a violation continues shall constitute a separate offense.