

Title 5, Chapter 2, Article K is amended to read as follows:

Article K – Rental Housing Regulations

Sec. 5-2-120 Definitions.

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

- (a) Absentee landlord. The owner of a residential rental unit who:
 - (1) Is identified as the owner of record on the most recent real property tax notice issued by the Lexington County Assessor's Office; and
 - (2) Resides outside of Richland County or Lexington County or, if the residential rental unit is managed through a business office, the business office is located outside of Richland County or Lexington County; or
 - (3) Has a real property tax notice that is addressed to a post office box, regardless of the county of residence of the owner.
- (b) Owner. Any person, firm, or corporation having legal or equitable title to the property.
- (c) 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 as a living facility. Hotels, motels, medical or long-term care facilities, inns, and bed and breakfast establishments are excluded from this definition.
- (d) 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.
- (e) Short-term rental unit. A residential rental unit, principal or accessory, that is rented in whole or in part to guests for less than thirty (30) consecutive days.
- (f) Designated agent in charge. A person designated by the owner of a residential rental unit who is responsible for the care and maintenance of the property and compliance with the City's ordinances and who is authorized to act on behalf of the owner.
- (g) 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.

- (h) Guest. Any person who occupies or stays overnight at a short-term rental unit, whether or not such person is the person who makes the reservation or provides remuneration for the lodging. All guests shall be counted toward the maximum occupancy permitted for the short-term rental unit.
- (i) Bedroom. A room within a short-term rental unit that is designated, designed and used as a sleeping area rather than a living, dining, or common space. The room must meet building and safety codes and be primarily used for sleeping and typically contains at least one window, a door, a closet, and a bed or other sleeping furniture.
- (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 Requirements.

- (a) It shall be unlawful to operate, lease, advertise, occupy, or offer for rent any residential rental unit within the City without the rental registration and business license required by this Article. In addition, the owner of a short-term rental unit shall obtain the short-term rental permit and zoning approval required by this Article.
- (b) The owner of a residential rental unit shall obtain and maintain a valid City of West Columbia business license. Any person, firm, or entity engaged in the business of managing residential rental property on behalf of a owner shall also obtain and maintain a City of West Columbia business license.
- (c) Permits and registrations issued pursuant to this Article are non-transferable. Upon any change in ownership of a residential rental unit, the new owner shall obtain the required registration, permits, and business license, as applicable, before renting the unit.
- (d) 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.
- (e) 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 registration or permit issuance and annual 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, when applicable, the 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) An absentee landlord shall designate a designated agent in charge. The designated agent in charge shall reside or maintain a business office within thirty (30) miles of the City.
- (b) The owner and, when applicable, designated agent in charge shall be responsible for ensuring compliance with all applicable City codes, including zoning, nuisance, property maintenance, and building codes.
- (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) When a designated agent in charge is designated pursuant to this Article, the owner and designated agent in charge shall be jointly and severally responsible for compliance with this Article.

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

The owner and, when applicable, 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 Inspections.

- (a) The City reserves the right to inspect residential rental units. Nothing in this section shall limit or otherwise affect the City's authority to inspect property or investigate violations as otherwise authorized by law.

(b) Basis for inspections. Inspections may be made to obtain and maintain compliance with City ordinances and the standards of this Article based upon one of the following:

- (1) A complaint received by the building department or forwarded to the building department by another City department, indicating that there is a potential violation of a City ordinance;
- (2) A report or observation of a residential rental unit that is unoccupied and unsecured or damaged by fire;
- (3) The registration, re-registration, and certification of a residential rental unit as required by this Article;
- (4) The need to determine compliance with a notice or an order issued by the City;
- (5) An observed condition or condition reasonably believed to exist deemed dangerous to human life or public welfare;
- (6) Requirements of law where a residential rental unit is to be demolished by the City or where ownership is to be transferred to the City.

(c) Inspection procedures.

- (1) If a basis for inspection is established under subsection (a) of this Section and entry into the interior of a residential rental unit is necessary to conduct the inspection, the owner and/or the designated agent in charge shall be notified in writing by the Building Department of the desired time and place of the inspection. Nothing in this subsection shall limit or otherwise affect the City's authority to conduct exterior inspections, observations, or investigations as otherwise authorized by law.
- (2) In the event that the alleged violation appears to be a clear and imminent threat to human life, safety or public welfare as determined by the Building Department, the owner and/or designated agent in charge will be contacted, to schedule an immediate interior inspection. If code violations are found to exist, immediate compliance with adopted building, property maintenance, zoning or other applicable codes, will be required.

- (3) If an interior inspection confirms a violation that does not constitute a clear and imminent threat to human life, safety or public welfare, the owner will have seven (7) calendar days to correct such violation, unless otherwise authorized in writing by the City. Following the correction period, a reinspection or written verification from owner and/or designated agent in charge that the violation has been corrected, will be required.

Sec. 5-2-126 Long-term residential rental requirements.

- (a) Long-term residential rental units shall be registered annually with the City.
- (b) The owner of a long-term residential rental unit shall obtain and maintain a valid City of West Columbia business license.
- (c) Any person, firm, or entity engaged in the business of managing a long-term residential Rental unit on behalf of an owner shall obtain and maintain a City of West Columbia business license.
- (d) Long-term residential rental units shall comply with all applicable City ordinances, including zoning, nuisance, property maintenance, and building codes.
- (e) Long-term residential rental units shall be subject to the inspection requirements of this Article.
- (f) A residential rental unit registered as a long-term residential rental unit shall not be advertised, listed, marketed, or operated as a short-term rental unit unless all requirements applicable to a short-term rental unit under this Article and the City of West Columbia Zoning Ordinance have been satisfied.

Sec. 5-2-127 Short-term rental regulations.

- (a) Short-term rental units shall adhere to the following operational requirements:
 - (1) Contact. The owner and/ or designated agent shall be available by telephone at all times during the occupancy of the short-term rental unit. The owner shall ensure that either the owner or the designated agent in charge is available to physically respond and be present at the short-term rental unit within forty-five (45) minutes when requested by an authorized City official to address a complaint, emergency, or violation associated with the short-term rental unit. A designated agent in charge shall also be authorized to accept service of process on behalf of the owner.

- (2) The 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 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 permit;
 - (f) A statement that guests and visitors are required to comply with the 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 unit shall not exceed two (2) persons per bedroom, excluding minor children under the age of five (5). Persons age five (5) and older shall be counted toward the maximum occupancy.
- (4) Minimum guest's age. The person entering into the rental agreement for a short-term rental unit shall be at least twenty-one (21) years of age. The owner and, when applicable, the designated agent in charge shall verify the age of the person entering into the rental agreement.
- (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 a short-term rental unit by the owner or designated agent in charge is presumed to establish that a residential rental unit is being offered as a short-term rental unit.
- (8) Permit Number. Any advertisement for a short-term rental, to include online listings, must include the short-term rental unit permit number, as issued by the City within the description section of the advertisement.
- (9) Parking Spaces Required.
 - (a) Off-street parking shall be provided at a minimum ratio of one (1) parking space per bedroom for each short-term rental unit.
 - (b) 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;
 - (c) All required parking spaces shall be located on an approved driveway or other legally established parking surface;
 - (d) Parking within landscaped areas, unimproved or grassy surfaces, or public rights-of-way of the property shall be prohibited;
 - (e) Overnight street parking by guests of a short-term rental unit shall be prohibited;
 - (f) 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
 - (g) The 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 the owner or designated agent in charge shall be responsible for ensuring continued compliance with all applicable City ordinances.

- (11) Business license required. The owner of a short-term rental unit shall obtain and maintain a valid City of West Columbia business license. Any person, firm, or entity engaged in the business of managing a short-term rental unit on behalf of an owner shall also obtain and maintain a City of West Columbia business license. The owner and/or any person, firm, or entity engaged in the business of managing the short-term rental units shall comply with all applicable business license, tax, and revenue collection requirements of the City of West Columbia, Lexington County, and State of South Carolina.
 - (12) Neighbor Notification. The owner and/or designated agent in charge of a short-term rental unit shall notify, in writing, the owner(s) of each property adjacent to the short-term rental unit, as well as the owner(s) of any property directly across the street from the short-term rental unit. Notification shall also be provided to any official homeowners association (HOA) or owners association (POA), if applicable. Notification shall include the address of the short-term rental unit and the name and contact information of the owner and/or designated agent in charge. Updated notice shall be provided within fourteen (14) days of any change in the owner and/or designated agent in charge. Proof of compliance with the notification requirements of this subsection shall be provided to the City upon request.
- (b) Existing short-term rental units operating prior to the adoption of this Article may qualify as lawful nonconforming uses only if the owner held a valid City of West Columbia business license, a rental registration, and the residential rental unit met the definition of a short-term rental unit prior to the effective date of this Article. The owner shall provide documentation reasonably requested by the City to establish eligibility for lawful nonconforming status. 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. Any lawful nonconforming short-term rental unit shall be subject to the provisions governing nonconforming uses under the City of West Columbia Zoning Ordinance.
- (c) Issuance of short-term rental permit. Unless otherwise provided in this Article, the City shall issue a short-term rental permit if the following criteria are met:
- (1) The City has determined that the short-term rental 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.

- (3) The applicant and short-term rental unit have satisfied all other applicable requirements of this Article.
- (d) Violations. The following actions with respect to the operation of a short-term rental unit shall constitute a violation of this Article:
 - (1) Advertising, offering for rent, or operating a short-term rental unit without a short-term rental permit or required business license.
 - (2) Providing false or misleading information in the short-term rental permit application or renewal application.
 - (3) Failure to provide the required informational packet to guests.
 - (4) Parking of vehicles associated with a short-term rental unit in violation of the parking requirements of this Article.
 - (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 owner or designated agent in charge to be available or respond as required by this Article.
 - (7) Any activity associated with the operation or use of a short-term rental unit that violates the City's noise, nuisance, or other applicable ordinances and is verified by the City of West Columbia Police Department, City of West Columbia Code Enforcement, or other authorized City official ("verified violation").
 - (8) A violation of any applicable local, state, or federal law or regulation related to the ownership, operation, occupancy, or use of the short-term rental unit.

Sec. 5-2-127 Permit and inspection fees for short-term rental units.

- (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 short-term rental 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. Property owners operating short-term rental units shall have ninety (90) days from the effective date of this Article 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.

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 short-term rental permit application.
- (3) More than three (3) verified violations within a twelve (12) month period.
- (4) Failure to correct a violation within the time required by the City pursuant to this Article.

Sec. 5-2-129. Notice and correction of violations.

- (a) When a violation of this Article involves an ongoing condition capable of correction, the City may provide written notice to the owner and, when applicable, the designated agent in charge identifying the violation, the corrective action required, and the time within which the corrective action shall be completed.
- (b) A violation consisting of an act or occurrence that has already taken place shall not require a correction period.
- (c) Correction of a violation or condition shall not prevent the underlying violation from being considered a verified violation for purposes of this Article.

- (d) Nothing in this Section shall require the City to provide a correction period before taking enforcement action for failure to obtain or maintain a registration, license, permit, or other approval required by this Article.
- (e) If another provision of this Code establishes a specific correction or compliance period for the violation, that period shall apply.

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 grounds for suspension or revocation exist pursuant to this Article.
- (b) Written notice. The owner shall receive written notice of the City's decision to suspend or revoke the short-term rental permit. The notice shall state the grounds for the suspension or revocation and advise the owner of the right to appeal. A copy of the notice shall also be provided to the designated agent in charge, if applicable.
- (c) Administrative review. The owner may appeal a decision to suspend or revoke a short-term rental permit in accordance with the appeal procedures set forth in the City of West Columbia Business License Ordinance. The appeal shall be heard by the City Council or its designee, as provided therein.
- (d) 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.
- (e) 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.

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.