

## CHAPTER 45

### ARTICLE I. SHORT-TERM RENTAL HOST LICENSE

#### **Sec. 45 -100. Purpose.**

It is the purpose of this Ordinance to regulate the use of and establish objective standards for privately owned residential property used as vacation homes and rented to transient occupants within the unincorporated area of Gilmer County so as to ensure that pertinent general safety concerns are addressed, that Accommodation Excise Taxes are properly collected and remitted to Gilmer County, to minimize the adverse effects of Short-Term Vacation Rental uses on surrounding residential properties and neighborhoods, and to preserve the character, integrity, and stability of residential neighborhoods in which Short-Term Vacation Rentals are located. This Ordinance is not intended to regulate bed and breakfast inns, hotels, motels, inns, hospitals, campgrounds, or long-term rental properties (rentals over 30 days)(all as defined by the Gilmer County Code of Ordinances).

#### **Sec. 45 -101. Definitions.**

As used in this article, the following terms shall have the meanings ascribed to them in this section:

*Bedroom.* A room that is intended primarily for sleeping as reflected on the building permit, environmental health, tax assessors records, or site inspection.

*County.* Unincorporated Gilmer County.

*Compensation.* Remuneration or anything of economic value that is provided, promised or donated primarily in exchange for services rendered. This includes, but is not limited to, voluntary donations, and fee-sharing.

*Director.* The Planning and Zoning Director or his or her designee.

*Good Neighbor Notification.* A notification identifying the local responsible party and their contact information for the Owner to surrounding properties annually. The person designated by the owner as the responsible party shall be available twenty-four hours per day, seven days per week for the purpose of responding within four hours to complaints related to the short-term rental and taking remedial action to resolve such complaints.

*Guest.* Any person or persons renting a short-term rental. *Owner. (Innkeeper)* Any person who, alone or with others, has title or interest in any residential structure, building, property, or portion thereof, with or without accompanying actual possession thereof, including any person who, as tenant, agent, executor, administrator, trustee, or guardian of an estate, has charge, care, or control of any short-term rental use.

*Person.* Any individual, firm, corporation, association, governmental entity, or partnership and its agents or assigns.

*Property Management Company.* A firm or business entity that manages short-term rental property for an owner.

*Responsible party.* An individual(s) with the legal authority to make and act on decisions of tenancy, building maintenance, complaints and repairs relating to applicable safety codes. The responsible party must be available as a point of contact for the short-term rental guest(s) for the duration of the stay in the short-term rental. The responsible party shall be available twenty-four hours per day, seven days per week for the purpose of responding within four hours to complaints related to the short-term rental and taking remedial action to resolve such complaints. The responsible party will also be the point of contact for the county.

*Short-term rental advertisement.* Any method of soliciting use of a lodging accommodation or any part thereof for short-term rental purposes.

*Short-term rental.* A lodging accommodation offered to transient guests for a period of time not to exceed 30 consecutive days.

*Short Term Rental Board.* There is hereby established a short-term rental board that is comprised of five (5) Gilmer County residents to include a representative of the Gilmer County Fire Department, a local property management company, a short term rental owner, and two county at large members. The governing authority shall establish powers, duties, rules and regulations governing short term rentals consistent with the provisions of this ordinance. The Short Term Rental Board shall meet at such times as may be deemed necessary or appropriate with adequate notice given with a minimum of four (4) times per year. All meetings shall be open to the public consistent with the Georgia Open Meetings Law.

*Short-term rental host. (Innkeeper)* Any person who is the owner of a lodging accommodation or any part thereof that is offered for short-term rentals for periods of 30 days or less and who is responsible for applying for a short-term rental host application and fee. All members of the same household will be included with the short-term rental host for any subsequent actions and decisions issued under Sec. 45-108.

*Short-term rental host (Innkeeper) registry.* A log of information maintained by the short-term rental host. This log will include the date, number of guests and length of stay rental fees collected and taxes collected and remitted to the county. The registry shall be kept for no less than 3 years and shall be available to the county upon request.

#### **Sec. 45 -102. License required.**

In order to operate or advertise as a short-term rental within the county all property management companies must have a valid occupational tax certificate (Chapter 50 Taxation, Article III). All owners of short term rentals must have a valid short-term rental host license issued pursuant to this article for each short-term rental.

#### **Sec. 45-103. License fee and license term.**

- (a) The annual fees for the issuance of a short-term rental host license shall be established by resolution and shall be set forth in the County Fee Schedule in Chapter 66, Article II, Section 66-40, Building permit fees.
- (b) A short-term rental host license must be obtained and appropriate fee(s) paid prior to operating a short term rental. The short-term rental host license expires on December 31 of each year and must be renewed annually. License fees for businesses started after January 1 may be prorated. The short-term host license is required for all short-term rentals in unincorporated Gilmer County.
- (c) Short-term rental host licenses are non-transferable.
- (d) This license applies to all short-term rentals in unincorporated Gilmer County.
- (e) Operation of a short-term rental business for more than 30 days without payment of the required short-term rental host license is a violation of this article, and the business will be given a warning and be required to pay a penalty of three times the required short-term rental host license fee due. If the short-term rental host license and the penalty are not paid within ten calendar days of the date of the warning, a citation will be issued.

#### **Sec. 45 -104. License investigation and issuance of short-term rental host.**

Each completed application for the issuance of a short-term rental license must be accompanied by verification that a current safety inspection by a qualified professional has been performed and any issues identified in that inspection have been addressed. Each renewal of a short term rental license must be accompanied by a certification by the owner that there has been no significant change in the safety aspects of the rental property since the original safety inspection.

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## **Sec. 45 -105. License applications.**

- (a) Short-term rental host license:
  - (1) Application for the issuance, renewal of a short-term rental host license shall be provided to the planning and zoning department on the form provided by the planning and zoning department and comply with requirements set out in this article.
  - (2) The applicant shall be the owner(s) of the property listed on the application to be used as a short-term rental. If applicant is a business entity, the name of the authorized agent shall be provided on the short-term rental host application.

## **Sec. 45 -106. Short-term rental host general provisions.**

- (a) All short-term rental hosts must comply with the following:
  - (1) Provide documentation and a signed declaration of compliance attesting to compliance with subsections (1) through (15);
  - (2) Provide local contact (responsible party) information to all short-term rental guests during a guest's stay. The person designated by the owner as the responsible party shall be available twenty-four hours per day, seven days per week for the purpose of responding within four hours to complaints related to the short-term rental and taking remedial action to resolve such complaints;
  - (3) Comply with all applicable laws, rules and regulations pertaining to the use and occupancy of a short-term rental;
  - (4) Post the following information in a conspicuous place within the short-term rental:
    - a. Contact information for the responsible party;
    - b. Street address;
    - c. Floor plan indicating fire exits and escape routes;
    - d. "In Case of Emergency", Dial 911;
    - e. Parking. All vehicles shall only be parked in the driveway and/or within the garage area of the short-term rental. Vehicles shall not be parked within the right-of-way of public or private easements, including grassy/unimproved areas;
    - f. Solid waste/trash. Trash and refuse shall not be left stored within public view, or in the public right-of-way, except in proper containers for purposes of collection by an authorized waste hauler;
    - g. Noise/Disturbing the Peace shall be prohibited as defined by state statute;
    - h. Disorderly conduct by rental guests is prohibited in accordance with applicable county ordinances;
    - i. Trespassing is prohibited;
    - j. The discharge of firearms, uncontained fires, the lighting of fireworks and all other activities which create a threat to the health, safety or welfare of other residents are strictly prohibited on the grounds of any short-term rental and neighboring properties;
    - k. Quiet hours shall be observed from 10:00 p.m. until 8:00 a.m. Sunday evening through Friday morning and from 11:00 p.m. until 8:00 a.m. Friday evening through Sunday morning;
    - l. House rules;

- (5) Working 10 year smoke detectors must be on all habitable floors. Working 10 year carbon monoxide detectors shall be placed in rentals where applicable per fire safety codes or recommendations;
- (6) Fire extinguishers shall be mounted in a conspicuous location;
- (7) Owners must certify that internet or cellular service is available in the rental unit, and, if not available, a dedicated telephone is available for emergency purposes;
- (8) Exterior signage shall be visible from the road which sets forth the assigned 911 address; and
- (9) Owners must affirm that they have adequate property and short term rental liability insurance that specifically covers short term rental use.
- (10) Establish a short-term rental account with Gilmer County's planning and zoning department (or designee) and renew short-term rental license each year;
- (11) Parties that do not use third party rental platforms (Airbnb, VRBO, HomeAway, etc.) that remit hotel/motel tax on the short-term rental owner's behalf are responsible for timely remitting all applicable hotel/motel tax proceeds through Gilmer County's Board of Commissioners Accounting Office (or designee);
- (12) Provide proof that the short-term rental host license number is included on any short-term rental advertisement;
- (13) Provide the planning and zoning department with a copy of "house rules" and post same "house rules" in a conspicuous place within short – term rental;
- (14) Certify that there are no unpaid financial obligations to Gilmer County other than current unremitted short term rental taxes; and,
- (15) Certify that there are no deed restrictions and/or covenants on a property that prohibits the use of the property as a short-term rental.

#### **Sec. 45-107. Neighbor Notification.**

Owner shall attest to distributing a Good Neighbor Notification letter to all adjoining property owners and property owners within 250 feet of the short-term rental's property boundary. Owner shall provide neighbors with any changes to contact information for the local responsible party within 7 days of the change.

#### **Sec. 45 -108. Violations/consequences.**

- (a) The planning and zoning director is authorized to issue a warning, suspend or revoke a short-term rental host license issued under the provisions of this chapter if the short-term rental host license is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building, structure, unit or portion thereof is in violation of any ordinance, or where the operation of the short-term rental is in violation of any state law or any ordinance, or regulation or any of the provisions of this article (the "violations").
- (b) Order of steps for handling violations.
  - (1) The planning and zoning director shall first issue a written warning to the short-term rental host, and their designated agent if applicable, for any violations. The short-term rental host shall have 30 days to correct or remedy the violations set out in the written warning.
  - (2) If the short-term rental host fails to correct or remedy the violations set out in the written warning within 30 days after the issuance of the written warning, then the planning and zoning director shall issue a citation for the violations that includes a fine in an amount to be set out by resolution and shall be set forth in the County Fee Schedule in Chapter 66, Article II, Section 66-40, Building permit fees. The citation shall set out a date for a hearing to be held by the Short-Term Rental Board. The Short-Term Rental Board shall either find that the violations in the citation were committed or dismiss the

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citation. If the Short-Term Rental Board finds that the violations in the citation were committed, then the short-term rental host will then have 30 days to correct or remedy the violations and pay the fine set out in the citation.

- (3) If the short-term rental host fails to correct or remedy the violations set out in the written warning and remit the scheduled fine within 30 days after the issuance of the citation, the planning and zoning director shall issue a written notice of suspension of the short-term rental host license for a 30-day period. The written notice of suspension shall set out a date for a hearing to be held by the Short-Term Rental Board. If the Short-Term Rental Board finds that the short-term rental host has failed to correct or remedy the violations and pay the fine per 45-108 (2), then the Short-Term Rental Board shall issue a suspension of the short-term rental host license for a 30-day period.
  - (4) If the short-term rental host continues to fail to correct or remedy the violations set out in the written warning and remit the scheduled fine within the 30 day suspension period, , then the planning and zoning director shall issue a written notice of suspension of the short-term rental host license for a period of 12 months. The written notice of suspension shall set out a date for a hearing to be held by the Short-Term Rental Board. If the Short-Term Rental Board finds that the short-term rental host has failed to correct or remedy the violations and pay the fine per 45-108 (2) and (3), then the Short-Term Rental Board shall issue a suspension of the short-term rental host license for a period of 12 months. Neither the owner/operator, nor any member of the owner/operator's household, may reapply for a short-term rental host license for the same property for a period of 12 months.
  - (5) If the short-term rental host continues to fail to correct or remedy the violations set out in the written warning and remit the scheduled fine within the 12 month suspension period, then the planning and zoning director shall issue a written notice to permanently ban the short-term rental host from being issued another short-term rental host license. The written notice to permanently ban shall set out a date for a hearing to be held by the Short-Term Rental Board. If the Short-Term Rental Board finds that the short-term rental host has failed to correct or remedy the violations and pay the fine per 45-108 (2) and (3) and (4), then the Short-Term Rental Board shall permanently ban the short-term rental host license from obtaining a Short-Term Rental License.
- (c) For a repeat violation of the same conduct in a 24 month period by a short-term rental host, the planning and zoning director shall proceed immediately to Sec. 45-108 (b)(2).

#### **Sec. 45 -109. Administrative appeal/judicial review.**

Any decision by the Short-Term Rental Board under Sec. 45-108 shall be appealable to the Gilmer County Board of Land Use Appeals. Any appeal must be received by the Gilmer County Board of Land Use Appeals within 30 days of the date of the decision by the Short-Term Rental Board.

Any decision by the Gilmer County Board of Land Use Appeals shall be appealable under the Superior and State Court Appellate Practice Act codified in O.C.G.A. § 5-3-1, et seq.

#### **Secs. 45-110 ---( ). Reserved.**