

**TOWN OF TALLULAH FALLS  
STATE OF GEORGIA  
PLANNING & ZONING COMMISSION MEETING  
TOWN HALL, 255 MAIN STREET, TALLULAH FALLS, GA  
NOVEMBER 13, 2019, 6:00 PM**

**AGENDA**

- I. Call to Order
- II. Approval of the Agenda (O.C.G.A. § 50-14-1(e)(1))
- III. Approval of the Minutes (O.C.G.A. § 50-14-1(e)(2))
  - Meeting October 23, 2019
- IV. New Business
  - Discuss Updates to the Official Zoning Map
  - Discuss Short-Term Rental Ordinance
- V. Adjournment

**TOWN OF TALLULAH FALLS  
STATE OF GEORGIA  
PLANNING & ZONING COMMISSION MEETING  
TOWN HALL, 255 MAIN STREET, TALLULAH FALLS, GA  
October 23, 2019, 6:00 PM  
MINUTES**

The Meeting of the Planning & Zoning Commission for October 23, 2019 was called to order at 6:00 PM by Chairman Knighton.

PRESENT: Commissioner Van Knighton, Chairman  
Commissioner Mike Early, Vice Chairman  
Commissioner Tresa Dyer, Secretary  
Commissioner Keith Knudsen  
Commissioner Barbara Rice

OTHERS PRESENT: Public at Large

A motion was made by Chairman Early to adopt the agenda as presented. The motion was seconded by Commissioner Rice and was unanimously approved.

A motion was made by Chairman Knudsen to adopt the minutes from the September 11, 2019 meeting as presented. The motion was seconded by Chairman Early and was unanimously approved.

The first order of business for tonight's meeting was to review the Camping Ordinance Draft 4. A motion was made by Commissioner Early and seconded by Commissioner Knudsen to forward the following recommendations to Tallulah Falls City Council:

The Planning and Zoning Commission for the Town of Tallulah Falls, GA have the following recommendations in reference to Draft 4 of the Code Ordinances for Camping:

In Section 1, we recommend amending the definition of camping accessories to clarify the use of hammocks and cooking equipment to allow for personal use by the property owner not be subject to the time limits of said items.

In Section 2, we recommend that the phrase "vacant land" either be stricken from the description or amended to allow for personal use of said vacant land, with the limitation that is allowed any other camping activity (ex. Time limitations, maintained in a clean and sanitary manner, etc.).

The last order of business was discussion of the Future Land Use Map. Commissioner Early presented a PowerPoint of historical zoning to help clarify past and present maps for the Commission. After discussion, the motion was made by Commissioner Early to table this item to

allow for further research before a recommendation is made to City Council. This motion was seconded by Commissioner Dyer and motion passed.

The next scheduled meeting of the Planning and Zoning Commission will be Wednesday, November 13, 2019 at 6:00 PM.

**There being no further business before the Commission, a motion was made by Commissioner Rice to adjourn the meeting. The motion was seconded by Chairman Knudsen and unanimously approved.**

The meeting adjourned at 7:30 PM.

---

*Van Knighton, Chairman*

---

*Tresa Dyer, Secretary*

# Official Zoning Map of the Town of Tallulah Falls, Georgia

## Zoning

-  **A, Agricultural**
-  **BD, Business District**
-  **FH, Flood Hazard Area**
-  **HB, Highway Business**
-  **R-1, Single Family Residential**
-  **R-2, Multiple Family Residential**
-  **SL, Sensitive Land Area**

NOTE: FH District Boundaries correspond to "A" zones indicated on Flood Insurance Rate Map (FIRM) Community Panel Number 130380 0005A, effective August 13, 1982.

This is to certify that this is the Official Zoning Map referred to in Article IV of the zoning ordinance, Town of Tallulah Falls, Georgia.

Date of Adoption: September 3, 1992

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Attest: Town Clerk

Amendments included through September 18, 1997

NOTE: THIS MAP WAS COMPILED FROM RABUN AND HABERSHAM COUNTY TAX MAPS AND PROPERTY PLATS SUPPLIED BY THE TOWN OF TALLULAH FALLS. IT IS TO BE USED FOR ZONING PURPOSES ONLY.



1000 0 1000 2000 3000 Feet



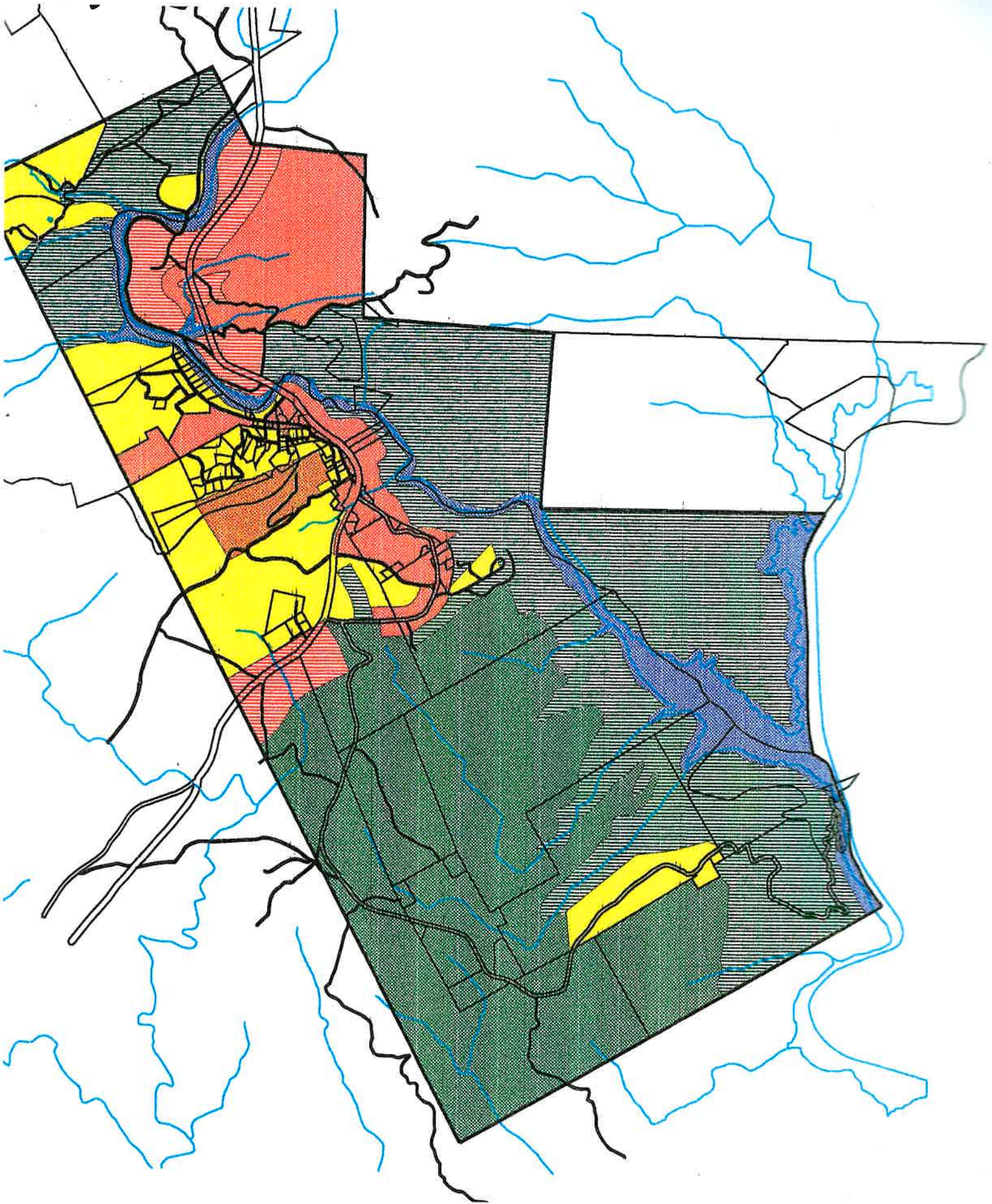
Georgia Mountains Regional Development Center  
PO Box 1720  
Gainesville, Georgia 30503  
(770) 538-2626  
Map Prepared By: FDJ, November, 1999

Existing Map



500





## ARTICLE VII. - SHORTTERM RENTALS

## Section 700. - Purpose.

The purpose of this article is to establish regulations for the use of a residential structure or any part thereof as a shortterm rental in White County while minimizing the negative, secondary effects on surrounding properties, to ensure proper safety precautions are in place, and to facilitate the collection and payment of hotel/motel taxes as allowed by state law and county code.

(Res. No. 2019-09, 6-4-19)

## Section 701. - License required.

- (a) It is unlawful for any person to operate or advertise as a shortterm rental within the county without a valid business occupational tax license, and authorization to collect hotel/motel tax.
- (b) Shortterm rental properties that have a current occupational tax license and are remitting hotel/motel taxes in White County prior to June 4, 2019 will be grandfathered in from having to apply for conditional use permits in the A-1, R-1, or R-2 Districts.

(Res. No. 2019-09, 6-4-19)

## Section 702. - Permitted uses.

- (a) Shortterm rentals are allowed as a permitted use in R-3 Residential District (Seasonal).
- (b) Shortterm rentals are allowed as a conditional use in A-1 Agricultural/Forestry, R-1 Residential Single-Family and R-2 Residential Multi-Family districts. Shortterm rental properties in A-1, R-1 and R-2 will have to acquire a conditional use permit through the process outlined in this ordinance, obtain an occupational tax license and hotel/motel tax authorization certificate, prior to renting the property.
- (c) Shortterm rentals are prohibited in C-1 Community Commercial; C-2 Highway Business and I Industrial districts.
- (d) Conditional use permits for shortterm rentals will not be issued to property owners in subdivisions, zoned R-1, unless shortterm rentals are specifically allowed by the subdivision or homeowners association covenants - or with a signed majority of the homeowners in the subdivision if there is no homeowners association.

(Res. No. 2019-09, 6-4-19)

## Section 703. - Applications.

- (a) Shortterm rental conditional use permit applications have to comply with section 1804 of this

appendix and in addition:

- (b) Acknowledge that the applicant will keep the total number of guests to that number which can safely stay in the premises and that the applicant may be subject to the State of Georgia's fire safety code regulations.
- (c) Certify that there are no deed restrictions and/or covenants on a property that prohibits the use of the property as a shortterm rental.
- (d) Certify that the owner has commercial or specific shortterm rental insurance for the property.
- (e) Attest by owner or third party inspector that shortterm rentals meet applicable International Building Code, International Fire Code regulations and NFPA 101 Life Safety Codes.

(Res. No. 2019-09, 6-4-19)

#### Section 704. - Shortterm rental requirements.

This section applies to all shortterm rental properties in White County, Georgia and is in addition to any rules that the property is subject to via any land covenants, homeowner association covenants, subdivision rules, etc.

- (a) *Parking.* Vehicles shall not be parked on the county right-of-way so as to hinder access to such and shall not be parked along any roadways which would cause safety issues, hinder access to such roadways or be in violation of any laws, subdivision rules, etc.
- (b) *Solid waste/trash.* Trash and refuse shall not be left or stored in such a way that would cause safety issues, hinder access to the public right-of-way, violate subdivision rules, etc.
- (c) *Noise.* Shortterm rentals shall not violate any noise or sound regulations, subdivision rules, etc.
- (d) *Hours of operation.* Check-in/departure and other rental-related activities should occur between 6 a.m. and 10 p.m.
- (e) *Additional information.* Shortterm rental owners or responsible parties must provide the White County Clerk's office with the following information:
  - 1. Full contact information for a local contact (responsible party) who is available 24 hours a day to respond within two hours to any complaint about the property or guest behavior.
  - 2. The 911 address for all properties owned/operated by the occupational tax license owner or responsible management company.
  - 3. Certify that there are no unpaid financial obligations to White County.
  - 4. Rental management companies shall either list each property separately on the monthly lodging tax form that is submitted to the White County Clerk's office, or provide a separate lodging tax form for each property to the White County Clerk's office.
  - 5. Business occupation tax certificate and hotel/motel tax authorization certificate must be prominently displayed at the property.

(Res. No. 2019-09, 6-4-19)

Section 705. - Violations.

All violations will be dealt with in accordance with article XXI of this appendix.

(Res. No. 2019-09, 6-4-19)



ORDINANCE NO. 2016-07B  
AN ORDINANCE TO AMEND THE CODE OF ORDINANCES  
PERTAINING TO SHORT TERM RENTAL PROPERTIES  
FOR THE CITY OF TYBEE ISLAND, GEORGIA

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is authorized under Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, and welfare of the citizens of Tybee Island, Georgia,

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is the Mayor and Council thereof;

WHEREAS, the governing authority desires to adopt ordinances under its police, zoning, and home rule powers;

WHEREAS, the City of Tybee Island desires to create a new ordinance to be Chapter 34, Article VII, Sections 34-195 through 34-200 of the Code of Ordinances pertaining to short term rental properties;

WHEREAS, the City is a popular tourist destination;

WHEREAS, the City's tourist industry has continued to grow; and,

WHEREAS, the following extensive debate and review on the matter of short term vacation rentals, the City Council has determined that the regulation of short term rental properties is appropriate in order to protect the health, welfare and safety of the general public and the citizens, residents and visitors to the island.

NOW, THEREFORE, it is hereby ordained by the governing authority of the City of Tybee Island in open meeting that the following shall be known as the "Tybee Island Short-Term Rental Ordinance" and shall be referred to herein as "this Ordinance:"

## CHAPTER 34

### ARTICLE VII

#### **Sec. 34-195. Purpose and Intent**

(a) The purpose of this Article is to establish regulations for the use of residential dwelling units as short-term vacation rentals and to ensure the collection and payment of hotel/motel fees and occupation tax certificate fees.

(b) "Short-term Vacation Rental" means an accommodation for transient guests where, in exchange for compensation, a residential dwelling unit is provided for lodging for a period of time less than thirty consecutive days. Such use may or may not include an on-site manager. For the purposes of this definition, a residential dwelling shall include all housing types and shall exclude bed and breakfast accommodations as they are defined by the City of Tybee's Land Development Code. This is also identified as "STVR".

(c) An Owner shall be required to designate an agent for any short-term vacation rental unit, whose responsibility it will be to comply with the requirements of this section on behalf of the Owner. The Owner may be the agent.

(d) "Short-term vacation rental agent" is a local contact person designated by the owner who shall be available at all times to respond to complaints regarding the condition, operation, or conduct of occupants of the STVR. Such person is customarily present at a location within the City for purposes of transacting business, and is responsible for taking remedial action to promptly resolve issues.

(e) The Owner or agent shall not be relieved of any personal responsibility or personal liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the residential dwellings unit as a short-term vacation rental unit.

#### **Sec. 34-196. Application**

(a) Within 90 days of the effective date of this Ordinance, no person shall rent, lease or otherwise exchange for compensation all or any portion of a dwelling unit as a short-term vacation rental, as defined in Sec. 34-195, without the owner or rental agent first obtaining an occupation tax certificate and registering each STVR with the City.

(b) The City must be notified in writing within seven days when there is a change in property ownership, management, agent, or emergency contact. Failure to do so will void any registration.

(c) Registrant for a short-term vacation rental shall submit, on an annual basis a registration for a short-term vacation rental to the City of Tybee Island. The registration shall be furnished on a form specified by the City Manager, accompanied by a non-refundable registration fee as established by City Council and on file with the Clerk. Such application should include:

- (1) The complete street address of the STVR;
- (2) Ownership, including the name, address, e-mail and telephone number of each person or entity with an ownership interest in the property;

- (3) The number of bedrooms, the maximum occupancy and the number and location of off-street parking spaces on the premises and any off-premises parking applicable;
  - (4) The name, address and telephone number of a short-term vacation rental agent or local emergency contact if applicable; and,
  - (5) Any other information that this Chapter requires the owner to provide to the City as part of the registration for a short-term vacation rental. The City Manager or his or her designee shall have the authority to obtain additional information from the applicant as necessary to achieve the objectives of this Chapter.
  - (6) The emergency contact number required by subsection 34-200.
- (d) The registration form pursuant to this Code section shall be processed, and added to a database to be kept by staff listing STVR unit information and any citations that occur. The City shall notify the owner and agent of any instances that result in a citation for a code violation or other legal infraction.

**Sec. 34-197. Registration Fee/ Renewal**

- (a) The short-term vacation rental application shall be accompanied by an initial registration fee and subject to an annual registration fee every January 1 thereafter, as established by the Mayor and City Council.
  - (1) The 2016 rental registration fee shall be \$0.00 per rental unit.
  - (2) The annual registration fee thereafter shall be \$25.00 per rental unit. A registration fee is valid from the date the completed registration is filed with the City and payment of the registration fee has been made. Renewals are due not later than January 1 of the upcoming year.
- (b) Each property shall be issued a registration number.
- (c) Failure to register as prescribed by this law will result in a fine of \$100 for each month that the unit continues to operate without registration.

**Sec. 34-198. Good Neighbor Policy**

The City shall make available on its website a list of STVR good neighbor policies which STVR agents are encouraged to share with their clients.

**Sec. 34-199. Signs**

All one and two family STVR units shall post a sign visible from the street listing emergency contact name and phone number. Such sign shall not exceed 24" x 24". Multifamily units shall post a sign visible from outside the unit listing emergency contact name and phone number. Such signs shall not exceed 8 ½" x 11". Variances to this sign rule may be administered by staff.

**Sec. 34-200. Emergency Contact**

Not later than January 01, 2017, all STVR units shall be furnished with a telephone that is connected to a landline or similar type connection, including a voice over internet protocol, in order that 911 dispatch will be able to readily identify the address and location from where the call is made when dialed.


**Sec. 34-201 Compliance**

(a) It shall be the responsibility of the owner or agent to pay all required taxes required by Chapter 58, Article IV Room excise tax.

It is the intention of the governing body, and it is hereby ordained, that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Tybee Island, Georgia, and the sections of this ordinance may be renumbered if necessary to accomplish such intention.

This Ordinance shall become effective on 26 day of May, 2016.

ADOPTED THIS 26 DAY OF May, 2016.

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

FIRST READING: 2/11/16  
SECOND READING: 5/26/16  
ENACTED: 5/26/16

EMH/Tybee/Ordinances/2011/28-2015 - Short term rentals 09.28.15  
EMH/Tybee/582-Short Term Rental Properties/28-2015  
EMH/Tybee/Ordinances/2016/2016-07-A short term rentals formerly 28A-2015 02.04.16

CITY OF CLAYTON

AN ORDINANCE TO ADOPT REGULATIONS APPLYING TO SHORT-TERM RENTALS; TO PROVIDE REQUIREMENTS FOR PROPER LICENSURE AND TAXATION IN ACCORDANCE WITH THE LAWS OF THE STATE OF GEORGIA AND THIS CITY; TO PROVIDE PROPER LIFE AND SAFETY STANDARDS AND REQUIREMENTS;

WHEREAS, The Constitution of the State of Georgia provides in Article IX, Section 2, Paragraph 3 that the governing authority of the City may adopt reasonable Ordinances To protect and improve public health, safety, and the welfare of the citizens of the City Of Clayton; and

WHEREAS, the duly elected governing authority for the City of Clayton, Georgia is the Mayor and City Council; and

WHEREAS, the governing authority desires to create and adopt rules to regulate short-Term rentals within the City; and

WHEREAS, the requirements contained herein are appropriate for short-term rentals to provide for the regulation, taxation, and the safety of the occupants of short-term rentals and to provide for the peace, safety and tranquility for the neighborhoods;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF CLAYTON, GEORGIA THAT THE CODE OF ORDINANCES OF THE CITY OF CLAYTON BE AMENDED TO INCLUDE ARTICLE II, DIVISION I, SECTIONS 46-49 THROUGH 46-67 SHORT-TERM RENTALS AS HEREAFTER PROVIDED IN EXHIBIT "A".

(EXHIBIT “A”)

ARTICLE II  
DIVISION I  
SECTIONS 46-49 THROUGH 46-67  
**SHORT-TERM RENTAL ORDINANCE**

**Sec. 46-49**

**Purpose and Intent**

- (a) The purpose of this Article is to establish regulations for the use of rental dwelling units as short-term rentals and to ensure collection and payment of required excise and occupational tax fees.
- (b) The owner shall be required to designate an agent for any short-term rental unit, whose responsibility it shall be to comply with the requirements of this Article on behalf of the owner. The owner may be the agent.
- (c) The owner or agent shall be required to display At least one (1) legible copy of the “notice to be posted” as defined in Sec. 46-58 and to be conspicuously mounted in an area that should be easily observed by all occupants.
- (d) An emergency evacuation plan shall be posted that shall be legible and conspicuously mounted as defined in Sec. 46-51.
- (e) The owner or agent shall not be relieved of any personal responsibility or personal liability for violation with any applicable Code contained in the Code of Ordinances, or any rule or regulation pertaining to the use and occupancy of the unit as a short-term rental.
- (f) This Article is not intended to regulate hotels or inns, but is not limited to boarding, lodging or rooming houses, or units located within structures that are commercial in nature.

**Sec. 46-50**

**Applicability**

- (a) It shall be unlawful for any owner of any property within the incorporated limits of the City of Clayton to rent or operate a short-term rental of property contrary to the procedures and regulations established in this Article, other provisions of Code, health department requirement(s), requirement(s) of the City of Clayton for water, sewage or sanitation, or any other applicable State law or rule.
- (b) The restrictions and obligations contained in this Article shall apply to short-term rentals at all times during which real properties are marketed and used as short-term rentals.
- (c) The allowance of short-term rentals pursuant to this Article shall not prevent enforcement of additional restrictions that may be contained in restrictive covenants or other private contractual agreements or arrangements.



**Sec.46-51**

**Definitions**

***Bedroom occupancy standard*** means the reasonable occupant limit for a bedroom and shall be based on 50 square feet allowed for each occupant, the number of permanently erected bed or sleeping device(s), emergency egress capacity and the configuration of the entire unit and structure.

***Code compliance verification form*** means a document executed by the Zoning Administrator that certifies that the short-term rental complies with the safety provisions of this Article and applicable Codes at such short-term rental location. No person shall allow occupancy or possession of any short-term rental unit if the premises are in violation of any applicable zoning, building, residential, health, water or sewer or life safety code(s) or provisions thereof.

***Curtilage*** means an area of land attached to a house, building or structure and forming one enclosure along the boundary.

***Designated responsible person*** means an individual designated to care for and responsible for a short-term rental unit that is a minimum age of 18 years of age, and is an individual that knowledgeable and perceptive of the responsibilities and availability needed for that designation to ensure compliance with the laws, Codes and rules and regulations of the City and State.

***Emergency evacuation diagram*** means a diagram that is conspicuously and permanently affixed to the walls of a structure that reflects the actual floor arrangement of the structure and defines the exit locations, such diagram shall be posted in multiple locations within the structure and upon each floor. The diagram shall be large enough to be clearly visible to occupants and shall define the present location of the posting, show orientation to the North by arrow, mark egress paths that are available from that present location and throughout the structure, show location of extinguishers and define exterior paths that will take occupants a safe distance from the structure to a gathering location.

***Health department*** means the department of the government of the State of Georgia or Rabun County which focuses on issues related to the general health and disease protection for the community.

***License or licensure*** means permission issued by the City of Clayton to allow an activity or business.

***Managing agency or agent*** means a person, firm or agency representing an owner(s) of a short-term rental(s), or a person, firm or agency that owns a short-term rental.

***Owner*** means a person or entity that holds legal and/or equitable title to private property.

***Reasonable period of time*** means a period of time not to exceed 14 calendar days.

**Responsibly prudent business practices** shall mean an individual who uses good judgement or common sense in handling practical business matters.

**Short-term rental** means a period of 30 days or less.

**Sec. 46-52 Property owner(s), local contact person and responsible person**

**(a) Property owner(s):**

- (1) The owner(s) and/or local contact person shall use reasonably prudent business practices to ensure the short-term rental is used in a manner that complies with all applicable Codes, laws and rules and regulations pertaining to the use and occupancy of the short-term rental unit, and shall further use reasonably prudent business practices to ensure occupants and/or guests of the rental do not create disturbances, engage in disorderly conduct or violate any City Code, law or rule or regulation pertaining to the use and occupancy of the subject short-term rental unit.

**(b) Local contact person:**

- (1) Each owner of a short-term rental shall designate a local contact person who has access and authority to assume management of the short-term rental and take remedial measures while the short-term rental is being rented or occupied by an occupant and/or guest. An owner of a short-term rental may designate himself or herself as the local contact person;
- (2) The local contact person shall be at least 18 years of age;
- (3) There shall be only one (1) designated contact person for a short-term rental at any given time;
- (4) The local contact person shall be required to respond to the location of the short-term rental 24 hours a day, 7 days a week, regardless of holidays and within one (1) hour after being notified by the City of Clayton Police or other law enforcement agency of the existence of a violation of this Article or any other provision of this code, the Code of Ordinances or state law. Or any disturbance or complaint requiring immediate remedy or abatement regarding the condition, operation, or conduct of occupants of the short-term rental;
- (5) An owner may retain a managing agent, managing agency, operator or representative to serve as a local contact person to comply with the requirements of this Article if such individual or agency representative lives a maximum of twenty-five (25) miles from the subject rental unit. This shall include without limitation, the permitting of the short-term rental, the management of the short-term rental and compliance with the conditions of the short-term rental Ordinance. The owner of the short-term rental is responsible for compliance with this Article and all other Codes and rules and regulations, to include the failure of an agent, representative, operator, or local contact person to comply with this Article that shall be deemed as a violation, either by fault or failure, by the owner; and
- (6) The owner shall immediately notify the City of Clayton Zoning Administrator in writing upon a change of the local contact person or the local contact persons contact number in such case the short-term rental license will be revoked. A newly, revised business short-term rental license shall be required and shall not extend beyond the expiration date of the original short-term rental license and will be issued for a fee of \$25.00 and must be posted in the short-term rental within three (3) days of any change of local contact person information and before any occupants shall rent or occupy the short-term rental unit.

Failure to post the information in a legible manner and in a conspicuous location within seven (7) days, or before the short-term rental unit is rented or occupied again, unless such time limit is extended for extenuating circumstances by the City. If extenuating circumstances occur the owner shall ensure the contact information is provided to the Police Department who shall be responsible for responding to incidents and complaints at the short-term rental location. Failure or refusal to comply with this requirement shall be reason for suspension of the license granted pursuant to this Article for a period not to exceed 30 days for the first offense.

**(c) Responsible person:**

Every short-term rental shall be rented to a designated responsible person. The owner of the short-term rental is responsible for compliance with the provisions of this Article, and the failure to designate a responsible person prior to the occupancy of the short-term rental shall be deemed refusal to comply by the owner.

**Sec. 46-53 Occupational license for short-term rental and transferability**

**(A) Required occupational licensure and short-term rental:**

(1) It shall be unlawful for any owner, individual, business organization or partnership within the incorporated limits of the City of Clayton to rent or operate a short-term rental unit, building or structure without proper licensure or contrary the procedure and regulations established in this Article, other provisions of Code or any applicable State Law.

(2) The owner shall pay the required occupation tax as defined in Sec. 12-175 and shall comply with all applicable provisions of Article II of Chapter 12 of the Code of Ordinances for occupation licenses and regulations;

(3) The owner shall be required to report and pay all excise fees monthly by the 20<sup>th</sup> day of the following month on each location, unit, area, space, room, building or structure at the fee percentage approved by the City Council as defined Article V of Chapter 12 of the Code of Ordinances and O.C.G.A §§ 48-13-51.

(4) No person, individual, agency or local contact person of a short-term rental shall rent, lease, allow the occupation of or otherwise exchange for compensation all or any portion of such short-term rental without first obtaining an occupational license for short-term rental and providing for excise fees from the City Clerk;

(5) An occupational license shall be required for each short-term rental location used for the purpose of short-term rental unless multiple units are collectively of a single land parcel.

(6) An occupational license for short-term rental application shall be denied if the applicant has had a prior short-term rental for the same location or land parcel revoked within the previous 12-month period;

(7) An owner, or their designated representative of a short-term rental unit shall submit an application for an occupational license for short-term rental with the required information update to the City on an annual basis. The application shall be furnished on a form specified by the City, accompanied by a non-refundable permit fee as established by the City Council;

(8) Such application shall include:

(a) The complete street address and parcel code of the short-term rental;

(b) Ownership information including the name, address, email and phone number of each person or entity with an ownership interest in the rental location;

- (c)The name, address, 24-hour contact number, email of the local contact person for the rental;
- (d)The number of bedrooms and square footage of the short-term rental. This information shall be used to determine the maximum occupancy of the rental;
- (e)A completed Code compliance verification form (executed by the Zoning Administrator), certifying that the rental satisfies the fire and safety requirements to include extinguisher requirements, detectors, egress and all fire and safety requirement(s) as adopted by the City;
- (f)A completed health department approval form as may be required for large or multiple rental units;
- (g)Acknowledgement that the owner and local contact person have read all requirements of this Article and other applicable Codes pertaining to the operation of the short-term rental;
- (h)Acknowledgement that the owner or local contact person understands that the “Notice to be Posted” located in Sec. 46-58, an emergency escape route diagram permanently affixed as defined in Sec. 46-51, and the local contact 24/7 contact number shall be posted before licensure and shall be maintained in compliance with this Article;
- (i)A copy of the insurance policy for the short-term rental property (that contains a rider specifically for short-term or rental property) and such policy shall not contain an expiration that shall occur during the period of the short-term licensure. If the carrier for such insurance is changed during the period of licensure, the owner or designated representative shall within 5 days provide the updated information to the City. If the owner or representative shall fail, regardless of the reason, to provide the updated insurance information to the City the short-term rental licensure shall be revoked;
- (9) Any false or inaccurate information provide in the application shall be grounds for denial or revocation of the license, including denial of future applications.

**(B) License fee(s)/renewal**

- (a)The short-term rental license application shall be accompanied by an initial license application fee of \$150 and be subject to an annual renewal fee of \$100 every year or the required fee as amended by the City Council, thereafter;
- (b)All licensure granted by this Article shall expire on December 31st of each year. Renewal applicants shall file a renewal application accompanied by the required fee with the City Clerk on or before the second Tuesday in December of each year without penalty. If an application is received after the second Tuesday in December, a new application and new application fee shall be required, as renewal eligibility will not be considered past this date.
- (c)The short-term rental license is non-transferrable and should ownership of the rental property change, a new license shall be required.

**Sec. 46-54**

**License conditions**

All short-term rental license issued pursuant to this Article are subject to the following standard conditions:

- (a)The owner or local contact person shall, by written agreement with the responsible person, limit overnight occupancy of the short-term rental to the maximum allowable occupancy authorized by the Zoning Administrator;

(b) Any advertising of the short-term rental shall conform to information included in the short-term rental license and the requirements of this Article, and shall include notification of the maximum allowable occupancy, maximum number of vehicles that shall be parked on the short-term rental property;

(c) The number of overnight occupants shall not exceed the occupancy allowed under the “*bedroom occupancy standard*” as defined in Sec. 46-51 plus two additional persons per rental unit complying with building code, life and safety code and environmental health requirements. Exceeding the maximum occupancy authorized by the Zoning Administration shall be a serious violation of the life and safety requirements of this Article and shall require that the police department, law enforcement, fire department or the Zoning Administrator to remove and banish all individuals that exceed the maximum allowable occupants for the structure or unit. The public safety officer or employee that observes this violation shall report it to the Zoning Administrator who shall document such occurrence and provide for possible action as defined in Sections 46-62 through 46-65. Violation of this Section can result in the revocation of short-term rental license.

(d) A bedroom or sleeping quarters shall be a room that is designed to be, complies with the building code requirements to be used as a bedroom or sleeping quarters and no other primary purpose. Every sleeping quarters shall have the required alarms(s) for the structure (fire, CO), and an emergency escape or exit complying with the requirements of the life and safety code.

(1) Each bedroom or sleeping quarters shall have at least one (1) operable window or door for emergency escape that opens directly to the exterior of the structure and provides a path or means of escape to a safe distance as defined in Sec. 46-61;

(2) Bedroom or sleeping quarter shall comply with all current requirements of the Code or Ordinances or adopted codes;

(3) Each short-term rental unit shall have a minimum ceiling height of eight (8) feet;

(4) The owner or local contact person shall, by written agreement with the responsible person, limit daytime occupancy of the short-term rental to the authorized occupants designated upon the short-term rental permit, with the number of additional visitors not to exceed twenty (20) guests. In no case shall the daytime occupancy of a short-term rental exceed twenty (20) persons total. Daytime guests shall not be allowed on the premises of a short-term rental between the hours of 10:00 pm and 7:00am;

(5) The owner or local contact person shall, by written agreement with the responsible person, ensure that no motor homes, campers, tents or temporary sleeping structures or devices be occupied or erected on the short-term rental property. Vehicles such as motor homes, travel trailers or campers are permitted to be parked upon the rental property;

(6) Prior to permitting occupancy of a short-term rental by a transient occupant(s), the owner or local contact person shall:

(a) Obtain the name, address and a copy of a valid government issued identification of the responsible person;

(b) Provide information about the short-term rental regulations to the responsible person; and

(c) Provide and require that such responsible person execute a formal acknowledgement that he or she is legally responsible for compliance by all occupants and/or guests at the rental property with all applicable Codes and this Article. This information shall be maintained by the owner or local contact person for a period of





- (1) Please respect the neighborhood and your neighbors right to quiet enjoyment of their home. Sounds, animals or things that interfere with the peace and disturb the quiet of the neighborhood are a violation of Law. Loud music or noise are prohibited anytime. Quiet time: 9pm to 7am;
- (2) Animals may run at large within the curtilage of the short-term rental property but are required to be on a leash if they leave the property. The Police Department and Animal Control will seize animals at large;
- (3) No motor homes, campers, tents or temporary sleeping structures shall be occupied or erected on this property;
- (f) Notification that the failure to comply with the occupancy or parking requirements of the short-term rental is a violation of this Article and Law;

**Sec. 46-59**

**Occupancy**

The number of overnight occupants at the short-term rental shall comply with Sec. 46-54 (c), City Code and NFPA 101 the Life Safety Code.

(a) Exceeding the maximum occupancy authorized by the Zoning Administrator shall be a serious violation of the life and safety requirements of this Article and shall require that any police officer, law enforcement officer, Zoning Administrator or a member of the fire department to remove and banish all individuals that exceed the maximum allowable occupants for the structure or unit. The public safety officer or employee that observes this violation shall report it to the Zoning Administrator in a reasonable period of time, who shall document such occurrence and provide for possible action as defined in Sections 46-62 through 46-65. Violation of this Section can result in revocation of a short-term rental license.

**Sec. 46-60**

**Life and Safety Inspection**

All short-term rental units or locations shall be required to obtain a fire and life safety inspection yearly for licensure.

Short-term rental units or locations may be inspected periodically or upon complaint for fire and safety requirements as a term of licensure. Failure of the licensee or the local contact person to permit inspection or to mitigate all deficiencies of inspection shall result in suspension of short-term rental licensure until such point as the inspection is permitted or those deficiencies observed are mitigated. Fire and life safety requirements shall require that the owner or local contact person suspend rental or occupation of the unit until such time as the unit or structure shall comply with those requirements.

**Sec. 46-61**

**Life and safety minimum requirements**

The licensee shall provide all fire and safety requirements as defined in City Ordinance, NFPA 101 the Life Safety Code and the requirements of the Georgia Safety Fire Commissioner as defined in Chapter 120 and O.C.G.A §§ Title 25 Chapter 12

The following shall be provided:

(a)Every sleeping quarters or bedroom shall be provided an operating fire detector that complies with the aforementioned code(s);

(b)Every unit or structure that utilizes fossil fuels or other substances that may cause carbon monoxide to collect within the short-term rental shall provide operational CO detectors as recommended by manufacturer;

(c)Each sleeping quarters or bedroom shall be equipped with at least one (1) operable window or door that opens directly to the exterior of the structure:

The window shall have a clear opening of not less than 5.7 ft<sup>2</sup>. The width shall not be less than 20" inches, and the height shall not be less than 24" inches and shall comply with applicable code. The bottom of the window opening shall not be more than 44" inches above the floor;

(d)The door shall be the size and type that complies with applicable code;

(e)The door or window shall be operable from the interior and shall not require the use of tools, keys, special effort or strength and shall provide a full, clear opening;

(f)The window or door shall discharge to the exterior of the structure and shall provide a clear, level path to the public way or a place of safety that is distant to the structure;

(g)All floors above, or below main level shall provide means of egress or escape that complies with Code(s);

(h)Each short term rental unit shall provide an approved fire extinguisher that complies with Code as to the type and weight and be located no more than eight (8) feet from a cooking area, fireplace, gas stove /fireplace or logs or any other device or area that provides the use of flame or extreme heat. Additionally a extinguisher shall be located upon each floor of the rental property, that is fully charged, satisfies expiration requirements and meets all NFPA standards including those as set forth in NFPA 10: Standard for Portable Fire Extinguishers;

(i)Private swimming pools shall comply with the current International Swimming Pool and Spa Code and Georgia State Law;

(j)The owner and/or local contact person shall maintain 9-1-1 numbering upon the structure and at the roadway entrance to the property that has a minimum 4"-inch lettering, reflective and two-sided signage that is visible from both directions of travel upon the City Street, to assist emergency responders to locate the rental.

**Sec. 46-62**

**Suspension or revocation of short-term rental license**

Immediate suspension, revocation or forfeiture of a short-term license issued by the City of Clayton shall occur only after notice and opportunity for a hearing before the City Council except in events that may be construed as life-threatening or a danger to human

life. The procedure set forth in Sections 46-65 and 46-66 and only upon the following occurrences:

(a) Any short-term rental license issued under this Ordinance for the operation of a short-term rental shall be immediately revoked in the case of bankruptcy, receivership or levy of legal process upon the owner or subject short-term rental property.

(b) A short-term rental license shall be immediately suspended or revoked by the City Council upon learning that an applicant furnished fraudulent or untruthful information in the application for permit, or omits information required in the application for permit, or fails to pay all fees, taxes, utilities (water-sewer) or other charges imposed under the provisions of this Article or City Codes.

(c) A short-term rental license may be suspended by the Zoning Administrator for a violation of the fire or the life safety requirements of this Article. Such violation shall be such that an unsafe condition exists where a fundamental safety precaution or device defined in this Article or adopted Codes is rendered inoperable or does not exist.

**Sec. 46-63**

**Violation of this Article**

Except when defined in this Article requiring an appearance before City Council, Penalty(s) for violation of this Article shall be at the discretion of the Municipal Judge who possess the authority to fix punishment in accordance with the City Charter, the City Charter, Ordinances and State Law or by a Court of Competent Jurisdiction.

**Sec. 46-64**

**Civil Penalty**

The City Council shall possess the authority to impose a civil penalty against any entity that is licensed for short-term rentals and may include up to suspension or revocation of licensure or additionally fine and forfeiture as determined for violations of this Article. Civil penalties shall not relieve the owner, individual, business organization or partnership from mitigating specified violations and may include fines and penalties as may be prescribed by the Municipal Court or a Court of Competent Jurisdiction.

**Sec. 46-65**

**Enforcement**

(a) Penalties, including notice of code violation or citation may be imposed and the short-term rental licensure may be suspended or revoked in the manner provided in this subsection:

(b) Any complaints or response by a City agency or other agencies as defined herein regarding short-term rental shall result in a notice of the complaint and shall be directed to the local contact person or owner if the local contact person cannot be determined or located and such notice may be made electronically or in writing. The local contact person or owner is required to visit the short-rental location and shall ensure that compliance is obtained within one (1) of verbal or written notice. Additionally, notice may be delivered by emergency dispatch verbally to the owner or local contact person requiring the appropriate individual to respond to the short-term

rental location or both as may be required by police officer, law enforcement, fire department or the Zoning Administrator;

- (c) The Zoning Administrator or designee shall conduct an investigation whenever there is a reason to believe that the owner or local contact person is unsuccessful either by failure or refusal to comply with the provisions of this Article. The investigation may include an inspection of the premises, review of response and incident report(s), online searches, citations or notice(s) or interview and documentation of community members affected by the even to include photographs, sound recordings and video all of which may constitute evidence of a violation of this Article, Code or State Law. Should the investigation support a finding that a violation occurred, the Zoning Administrator shall issue written notice of the violation and the advance of the accusation to the City Council or Municipal Court as may be deemed appropriate. The notice shall be served by certified mail or personally, and shall specify which, in the opinion of the Zoning Administrator constitute grounds for the imposition of penalties or that the short-term rental licensure should be suspended or revoked.

**Sec. 46-66**      **Hearing on denial, suspension or revocation**

Upon receipt of such notice, that shall contain a specific date, time and place of hearing the owner or local contact person may appear in person to present evidence either to deny, confirm or mitigate the accusation. A decision of the City Council or Municipal Court may be appealed to the Superior Court of Rabun County.

**Sec. 46-67**      **Severability Clause**

Should any word, phrase, sentence, paragraph or Section of this Article, or the application thereof to any person, individual, business organization or partnership or circumstance shall be held invalid by a Court of Competent Jurisdiction, such invalidity shall not affect the other provisions of this Article. This Article is hereby declared severable.

Any modification of Federal or State Law or regulation which would effect a change in the provisions of this Article are hereby incorporated herein by reference made a part hereof.

This Article shall take effect and shall be enforced from and after the date of adoption.