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FIRST READING February 12, 2019
ADVERTISED _____
PUBLIC HEARING _____
PASSED _____

AN ORDINANCE NO. **BR2019-04**

AN ORDINANCE TO ESTABLISH GUIDELINES AND RULES GOVERNING SHORT-TERM RENTALS, TO PROVIDE FOR THE USE OF CERTAIN FORMS AND TO ESTABLISH FEES; FOR ESTABLISHING STANDARDS FOR CONSIDERATION OF APPLICATIONS AND FOR OTHER PURPOSES;

WHEREAS, the City Council and Mayor of the City of Blue Ridge, Georgia, desires to establish certain safeguards related to the operation of short-term rentals within the City; and

WHEREAS, the City Council any Mayor of the City of Blue Ridge, Georgia, finds that the provisions contained herein shall promote the health, safety, and welfare of the residents of the City and those who visit the City and utilize short-term rentals;

NOW, THEREFORE, BE IT ORDERED, AND IT IS HEREBY ORDAINED by the Council of the City of Blue Ridge, Georgia, as authorized by the City Charter and general law, enacts the following:

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SECTION 1.
SHORT TITLE

This ordinance shall be titled the "City of Blue Ridge Short Term Vacation Rental Ordinance."

SECTION 2.
DEFINITIONS

For the purpose of this ordinance, the following terms, phrases, words and derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely dicta.

- A. *Short term vacation rental.* 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 not to exceed 30 consecutive days. Short term vacation rental shall not include any residential dwelling unit not regularly offered for rental, which shall be defined as any residence offered for rental less than fourteen (14) days in any given calendar year. For the

47 purposes of this definition, a residential dwelling shall include all
48 housing types and shall exclude group living or other lodging uses.

49
50 **SECTION 3**
51 **REGULATIONS FOR SHORT TERM VACATION RENTALS**
52

53 Short term vacation rentals may be offered to the public for rental following
54 issuance of a short term vacation rental certificate, receipt of an occupation tax
55 certificate, and payment of any and all applicable State and City taxes. Any taxes
56 owed to the City shall be paid and any failure to remit the same or to register
57 pursuant to this ordinance shall be subject to the penalties set forth in the City of
58 Blue Ridge, Georgia's Code of Ordinances. Owners shall also insure occupants do
59 not disrupt or interfere with rights of adjacent property owners to quiet enjoyment
60 of their property and shall adhere to the following requirements:

61 A. Owners shall not allow occupants to violate any federal, state, or local law,
62 statute, rule or ordinances.

63 B. Owners shall not allow overnight occupancy to exceed the maximum
64 capacity as identified in the rental certificate application.

65 **SECTION 4**
66 **APPLICATION; FEE**
67

68 A. An application for a short term vacation rental certificate shall be submitted,
69 under oath, on a form specified by the City Clerk or City Attorney, or their

70 designee, accompanied by a \$25.00 non-refundable application fee as set
71 forth by the City Council, which shall include at a minimum the following
72 information or documentation:

73 1. The name, address, telephone and email address of the owner(s) of
74 record of the dwelling unit for which a certificate is sought. If such
75 owner is not a natural person, the application shall identify all
76 partners, officers and/or directors of any such entity, including
77 personal contact information;

78 2. The address of the unit to be used as a short term vacation rental;

79 3. The name, address, telephone number and email address of the short
80 term vacation rental agent, which shall constitute his or her 24-hour
81 contact information and who shall:

82 a. Be reasonably available to handle any problems arising from
83 use of the short term vacation rental unit;

84 b. Appear on the premises within 24 hours following notification
85 from the City Clerk, Police Chief or the City Attorney, or
86 his/her designee, of issues related to the use or occupancy of the
87 premises.

88 c. Receive and accept service of any notice of violation related to
89 the use or occupancy of the premises; and

90 d. Monitor the short term vacation rental unit for compliance with
91 this ordinance.

92 4. The owner's sworn acknowledgment that he or she has received a copy
93 of this section, has reviewed it and understands its requirements;

94 5. The owner shall state the maximum occupancy for the residence,
95 which shall be the same number as advertised and marketed to
96 potential renters by or on behalf of the owner;

97 6. The owner's agreement to use his or her best efforts to assure that use
98 of the premises by short term vacation rental occupants will not
99 disrupt the neighborhood, and will not interfere with the rights of
100 neighboring property owners to the quiet enjoyment of their
101 properties;

102 7. A copy of an agreement between the owner and occupant(s) which
103 obligate the occupant to abide by all of the requirements of the
104 ordinance, and other City ordinances, state and federal law, and that
105 such a violation of any of these rules may result in the immediate
106 termination of the agreement and eviction from the premises, as well
107 as potential liability for payment of fines levied;

108 8. Proof of the owner's current ownership of the short term vacation
109 rental unit; and

110 9. Proof of homeowner's insurance with a commercial rider [or other
111 commercial liability insurance] which insures the premises' operation
112 as a short-term rental.

113 B. Registration under this code section is not transferrable and should
114 ownership of a short term vacation rental change, a new application is
115 required, including application fee. In the event of any other change in the
116 information or facts provided in the application, the holder of the short term
117 rental certificate shall amend the filed application without payment of any
118 additional application fee.

119 **SECTION 5**
120 **REVIEW OF APPLICATION**

121
122 Review of an application shall be conducted by the City Clerk or the City
123 Attorney, or their designee, in accordance with due process principles and shall be
124 granted unless the applicant fails to meet the conditions and requirements of this
125 Ordinance, or otherwise fails to demonstrate the ability to comply with local, state,
126 or federal laws. Any false statements or information provided in the application are
127 grounds for revocation, suspension and/or imposition of penalties, including denial
128 of future applications. A certificate shall not be issued unless the owner
129 demonstrates compliance with the applicable codes.

130 **SECTION 6**
131 **VIOLATIONS; REVOCATION**
132

133 A. In any instance in which use of the short term rental by a guest results in a
134 violation of these ordinances, or any other ordinance of the City, notice of
135 such violation shall be provided to the short term vacation rental agent.
136 Failure to remedy any notice of violations may result in the issuance of a
137 citation, which shall be prosecuted pursuant to this Code. Upon a conviction
138 of violation, the City Clerk or the City Attorney may revoke the short term
139 vacation rental certificate and reject all applications for the subject premises
140 for a period of 12 consecutive months.

141 B. Short term rentals occurring on or after January 1, 2019 without a valid
142 rental certificate shall constitute a violation of this ordinance and shall be
143 subject to a minimum fine of \$250.00. Each occurrence shall constitute a
144 separate offense.

145 C. Nothing in this ordinance shall be construed to limit any action by the City
146 to seek the remediation of any dangerous condition at the short term
147 vacation rental or to take any action seeking to protect and preserve against
148 any threat to public safety.

149 **SECTION 7**
150 **APPEAL RIGHTS**
151

152 A person aggrieved by the City Clerk's or City Attorney's decision to revoke,
153 suspend or deny a short term vacation rental certificate may appeal the decision to
154 the Blue Ridge City Council. The appeal must be filed with the City Clerk's office

155 in writing, within 30 calendar days after the adverse action and it shall contain a
156 concise statement of the reasons for the appeal. A decision from the City Council
157 rendered at its next regularly scheduled meeting and the Council may hold any
158 hearing deemed necessary in consideration of the appeal or may simply vote to
159 reverse or confirm the appealed decision.

160 **SECTION 8**
161 **REPEAL OF CONFLICTING ORDINANCES TO REMOVE CONFLICT**
162

163 With the exception of any zoning ordinance or zoning classification, all parts
164 of ordinances in conflict with the terms of this ordinance are hereby repealed to the
165 extent of the conflict, but it is hereby provided that any ordinance or law which
166 may be applicable hereto and aid in carrying out and making effective the intent,
167 purpose and provisions hereof, is hereby adopted as a part hereof and shall be
168 legally construed to be in favor of upholding this Ordinance on behalf of the City
169 of Blue Ridge, Georgia.

170 **SECTION 9**
171 **SEVERABILITY**
172

173 If any paragraph, subparagraph, sentence, clause, phrase or any other portion
174 of this Ordinance should be declared invalid or unconstitutional by any Court of
175 competent jurisdiction or if the provisions of any part of this Ordinance as applied
176 to any particular person, situation or set of circumstances is declared invalid or
177 unconstitutional, such invalidity shall not be construed to affect the provisions of

178 this Ordinance not so held to be invalid, or the application of this Ordinance to
179 other circumstances not so held to be invalid. It is hereby declared to be the
180 legislative intent of the City Council of the City of Blue Ridge, Georgia to provide
181 for separate and divisible parts and it does hereby adopt any and all parts hereof as
182 may not be held invalid for any reason.

183 **SECTION 10**
184 **EFFECTIVE DATE**
185

186 The effective date of this Ordinance shall be immediately upon its passage
187 by the City Council and execution by the Mayor or upon fifteen (15) days expiring
188 from the date of its passage without a veto of said Ordinance by the Mayor as set
189 forth in the City Charter at Section 3.23(b).

190 SO ORDAINED, this ____ day of _____, 2018.

191 **BLUE RIDGE CITY COUNCIL**
192

193
194 By: _____
195 Mayor

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197 _____
198 Councilperson

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200 _____
201 Councilperson

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204 Councilperson

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Attest:

Councilperson

Kelsey Ledford, City Clerk