

1
2 FIRST READING February 12, 2019

3 ADVERTISED April 3, 2019

4 PUBLIC HEARING February 12, 2019

5 PASSED April 9, 2019

6 AN ORDINANCE NO. BR2019-04

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

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

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

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

21 **SECTION 1.**
22 **SHORT TITLE**
23

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

26 **SECTION 2.**
27 **DEFINITIONS**
28

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

34 A. *Short term vacation rental.* Short term vacation rental means an
35 accommodation for transient guests where, in exchange for
36 compensation, a residential dwelling unit is provided for lodging for a
37 period of time not to exceed 30 consecutive days. Short term vacation
38 rental shall not include any residential dwelling unit not regularly
39 offered for rental, which shall be defined as any residence offered for
40 rental less than fourteen (14) days in any given calendar year. For the
41 purposes of this definition, a residential dwelling shall include all
42 housing types and shall exclude group living or other lodging uses.

43 **SECTION 3**
44 **REGULATIONS FOR SHORT TERM VACATION RENTALS**
45

46 Short term vacation rentals may be offered to the public for rental only on
47 properties zoned for commercial use which currently are Central Business District
48 (“CBD”), Limited Commercial (“C-1”) or General Commercial (“C-2”) and
49 following issuance of a short term vacation rental certificate, receipt of an
50 occupation tax certificate, and payment of any and all applicable State and City
51 taxes. Any taxes owed to the City shall be paid and any failure to remit the same or
52 to register pursuant to this ordinance shall be subject to the penalties set forth in the
53 City of Blue Ridge, Georgia’s Code of Ordinances. Owners shall also use his or
54 her best efforts to insure occupants do not disrupt or interfere with rights of
55 adjacent property owners to quiet enjoyment of their property and shall adhere to
56 the following requirements:

- 57 A. Owners shall not allow occupants to violate any federal, state, or local
58 law, statute, rule or ordinances.
- 59 B. Owners shall not allow overnight occupancy to exceed the maximum
60 capacity as identified in the rental certificate application.

61 **SECTION 4**
62 **APPLICATION; FEE**
63

- 64 A. An application for a short term vacation rental certificate shall be
65 submitted, under oath, on a form specified by the City Clerk or City

66 Attorney, or their designee, accompanied by a \$25.00 non-refundable
67 application fee as set forth by the City Council, which shall include at
68 a minimum the following information or documentation:

- 69 1. The name, address, telephone and email address of the owner(s)
70 of record of the dwelling unit for which a certificate is sought.
71 If such owner is not a natural person, the application shall
72 identify all partners, officers and/or directors of any such entity,
73 including personal contact information;
- 74 2. The address of the unit to be used as a short term vacation
75 rental;
- 76 3. The name, address, telephone number and email address of the
77 short term vacation rental agent, which shall constitute his or
78 her 24-hour contact information and who shall:
 - 79 a. Be reasonably available to handle any problems arising
80 from use of the short term vacation rental unit;
 - 81 b. Be available by telephone within 24 hours following
82 notification from the City Clerk, Police Chief or the City
83 Attorney, or his/her designee, of issues related to the use
84 or occupancy of the premises.

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

87 d. Monitor the short term vacation rental unit for
88 compliance with this ordinance.

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

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

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

100 7. A copy of an agreement between the owner and occupant(s)
101 which obligate the occupant to abide by all of the requirements
102 of the ordinance, and other City ordinances, state and federal
103 law, and that such a violation of any of these rules may result in
104 the immediate termination of the agreement and eviction from

105 the premises, as well as potential liability for payment of fines
106 levied;

107 8. Proof of the owner's and/or property management company's
108 contract with the owner] current ownership of the short term
109 vacation rental unit; and

110 9. Proof of visible rental sign that includes 911 address of
111 property.

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

118 C. After issuance of a rental certificate, the holder shall identify on each
119 monthly hotel/motel tax return the current identification number(s) of
120 the dwelling unit on any internet based advertising, listing or on-line
121 rental platform including, but not limited to, www.vrbo.com,
122 www.airbnb.com, www.homeaway.com or other similar services.

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SECTION 5
REVIEW OF APPLICATION

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

SECTION 6
VIOLATIONS; REVOCATION

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

146 B. Short term rentals occurring on or after _____ without a
147 valid rental certificate shall constitute a violation of this ordinance and
148 shall be subject to a minimum fine of \$250.00. Each occurrence shall
149 constitute a separate offense.

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

154 **SECTION 7**
155 **APPEAL RIGHTS**
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157 A person aggrieved by the City Clerk's or City Attorney's decision to revoke,
158 suspend or deny a short term vacation rental certificate may appeal the decision to
159 the Blue Ridge City Council. The appeal must be filed with the City Clerk's office
160 in writing, within 30 calendar days after the adverse action and it shall contain a
161 concise statement of the reasons for the appeal. A decision from the City Council
162 rendered at its next regularly scheduled meeting and the Council may hold any
163 hearing deemed necessary in consideration of the appeal or may simply vote to
164 reverse or confirm the appealed decision.

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SECTION 8
REPEAL OF CONFLICTING ORDINANCES TO REMOVE CONFLICT

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

SECTION 9
SEVERABILITY

If any paragraph, subparagraph, sentence, clause, phrase or any other portion of this Ordinance should be declared invalid or unconstitutional by any Court of competent jurisdiction or if the provisions of any part of this Ordinance as applied to any particular person, situation or set of circumstances is declared invalid or unconstitutional, such invalidity shall not be construed to affect the provisions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared to be the legislative intent of the City Council of the City of Blue Ridge, Georgia to provide for separate and divisible parts and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

187 **SECTION 10**
188 **EFFECTIVE DATE/TOLLING/GRANDFATHERED USE**
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190 The effective date of this Ordinance shall be immediately upon its passage
191 by the City Council and execution by the Mayor or upon fifteen (15) days expiring
192 from the date of its passage without a veto of said Ordinance by the Mayor as set
193 forth in the City Charter at Section 3.23(b). The Ordinance shall be tolled and not
194 enforced against any owner or property who is currently operating a short-term
195 rental on property not currently zoned in a commercial category set forth in this
196 ordinance if the owner or the owner's agent files an application seeking a rezoning
197 or a variance from the provisions of this Ordinance within thirty (30) days of the
198 effective date of this Ordinance. If the rezoning or variance is denied, the
199 Ordinance will no longer be tolled and will be immediately enforceable. In the
200 event an owner or the owner's agent is currently operating a short-term rental on
201 real property that is not zoned in a commercial category set forth in this ordinance
202 AND has been paying the monthly hotel/motel tax for a period of twelve
203 consecutive months, in which the property was rented, shall be considered to be
204 grandfathered and allowed to continue operation until there is a change in
205 ownership of said property. However, all other terms and conditions of this
206 Ordinance shall apply to any grandfathered short-term rental located on property
207 zoned a category other than a commercial category set forth in this ordinance.

208 SO ORDAINED, this 9 day of April, 2019.

209 **BLUE RIDGE CITY COUNCIL**

210

211

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By: _____

213

Mayor

214

215 Attest:

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219 _____
Kelsey Ledford, City Clerk

AMENDMENT

April 9, 2019

Lined area for text entry, consisting of 20 horizontal lines.

