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2 FIRST READING May 14, 2019

3 ADVERTISED June 5, 2019

4 PUBLIC HEARING July 9, 2019

5 PASSED July 9, 2019

6 AN ORDINANCE NO. BR2019-07

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**

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

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

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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**  
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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”), General Commercial (“C-2”). No short  
49 term rental may be offered to the public for rental until issuance of a short term  
50 vacation rental certificate, receipt of an occupation tax certificate, and payment of  
51 any and all applicable State and City taxes. Any taxes owed to the City shall be  
52 paid and any failure to remit the same or to register pursuant to this ordinance shall  
53 be subject to the penalties set forth in the City of Blue Ridge, Georgia’s Code of  
54 Ordinances. Owners shall also use his or her best efforts to insure occupants do  
55 not disrupt or interfere with rights of adjacent property owners to quiet enjoyment  
56 of their property and shall adhere to 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.

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62 **SECTION 4**  
63 **APPLICATION; FEE**  
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65       A.       An application for a short term vacation rental certificate shall be  
66               submitted, under oath, on a form specified by the City Clerk or City  
67               Attorney, or their designee, accompanied by a \$25.00 non-refundable  
68               application fee as set forth by the City Council, which shall include at  
69               a minimum the following information or documentation:

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

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

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

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

82           b.       Be available by telephone within 24 hours following  
83               notification from the City Clerk, Police Chief or the City

84 Attorney, or his/her designee, of issues related to the use  
85 or occupancy of the premises.

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

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

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

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

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

101 7. A copy of an agreement between the owner and occupant(s)  
102 which obligate the occupant to abide by all of the requirements  
103 of the ordinance, and other City ordinances, state and federal

104 law, and that such a violation of any of these rules may result in  
105 the immediate termination of the agreement and eviction from  
106 the premises, as well as potential liability for payment of fines  
107 levied;

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

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

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  
116 the information or facts provided in the application, the holder of the  
117 short term rental certificate shall amend the filed application without  
118 payment of any additional application fee.

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

145 may reject all applications for the subject premises for a period of 12  
146 consecutive months.

147 B. Short term rentals occurring on or after July 15, 2019 without a valid  
148 rental certificate shall constitute a violation of this ordinance and shall  
149 be subject to a minimum fine of \$250.00. Each occurrence shall  
150 constitute a separate offense.

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

155 **SECTION 7**  
156 **APPEAL RIGHTS**  
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158 A person aggrieved by the City Clerk's or City Attorney's decision to revoke,  
159 suspend or deny a short term vacation rental certificate may appeal the decision to  
160 the Blue Ridge City Council. The appeal must be filed with the City Clerk's office  
161 in writing, within 30 calendar days after the adverse action and it shall contain a  
162 concise statement of the reasons for the appeal. A decision from the City Council  
163 rendered at its next regularly scheduled meeting and the Council may hold any  
164 hearing deemed necessary in consideration of the appeal or may simply vote to  
165 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.

188 **SECTION 10**  
189 **EFFECTIVE DATE/TOLLING/SPECIAL LAND USE**  
190 **PERMIT/NONCONFORMING GRANDFATHERED USE**  
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192 The effective date of this Ordinance shall be immediately upon its passage  
193 by the City Council and execution by the Mayor or upon fifteen (15) days expiring  
194 from the date of its passage without a veto of said Ordinance by the Mayor as set  
195 forth in the City Charter at Section 3.23(b). The Ordinance shall be tolled and not  
196 enforced against any owner of property who is currently operating a short-term  
197 rental upon property which is not within a category eligible for the issuance of a  
198 short term rental certificate if the owner or the owner's agent files an application  
199 seeking a rezoning to a commercial category or a special land use permit within  
200 thirty (30) days of the effective date of this Ordinance.

201 All applications for special land use permits shall be reviewed and processed  
202 in the same manner as applications for rezoning and shall be made on forms  
203 approved by the City. The City Council may grant a special land use permit to  
204 allow operation of a short term rental on any property located within the City limits  
205 and for any period of time. The City Council shall consider, at a minimum, the  
206 following in its determination of whether or not to grant a special land use permit:

- 207 (1) Whether or not there will be a significant adverse effect on the  
208 neighborhood or area in which the proposed use will be located.

209 (2) Whether or not the use is otherwise compatible with the neighborhood.

210 (3) Whether or not the use proposed will result in a nuisance as defined  
211 under state law.

212 (4) Whether or not quiet enjoyment of surrounding property will be  
213 adversely affected.

214 (5) Whether or not property values of surrounding property will be  
215 adversely affected.

216 (6) Whether or not adequate provisions are made for parking and traffic  
217 considerations.

218 (7) Whether or not the site or intensity of the use is appropriate.

219 (8) Whether or not special or unique conditions exist so as to overcome  
220 the general requirements of this Ordinance.

221 (9) Whether or not adequate provisions are made regarding hours of  
222 operation.

223 (10) Whether or not adequate controls and limits are placed on any  
224 commercial and business deliveries.

225 (11) Whether or not the public health, safety, welfare or moral concerns  
226 of the surrounding neighborhood will be adversely affected.

227 (12) Whether the applicant has provided sufficient information to allow a  
228 full consideration of all relevant factors.

229 In all applications for a special land use permit the burden shall be on the  
230 applicant both to produce sufficient information to allow the City to fully to  
231 consider all relevant factors and to demonstrate that the proposal otherwise  
232 complies with all applicable requirements and is otherwise consistent with this  
233 Ordinance. A holder of a special land use permit may be subject to suspension or  
234 revocation via a show-cause hearing conducted by the City Council if the  
235 owner/property owner/operator is found in violation of any local, state or federal  
236 laws, regulations or ordinance regulating such business or the violation any of the  
237 City Council's stipulations of the special land use permit. The City shall be  
238 authorized to conduct a show-cause hearing if the violations are not corrected  
239 within ten days of official notification provided by the City, and/or are habitual in  
240 nature, and/or endanger the public health, safety and welfare.

241 If the rezoning or special land use permit is denied, the Ordinance will no  
242 longer be tolled and will be immediately enforceable. In the event an owner or the  
243 owner's agent is currently operating a short-term rental upon property which is not  
244 within a category eligible for the issuance of a short term rental certificate AND  
245 has been paying the monthly hotel/motel tax as required by law , said operation  
246 shall be considered to be grandfathered and allowed to continue operation until  
247 there is a change in ownership of said property. However, all other terms and  
248 conditions of this Ordinance shall apply to any grandfathered short-term rental

249 located on property zoned a category other than a commercial category set forth in  
250 this ordinance.

251 SO ORDAINED, this 9 day of July, 2019.

252 **BLUE RIDGE CITY COUNCIL**

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By: \_\_\_\_\_  
Mayor

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257

258 Attest:

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Kelsey Ledford, City Clerk

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