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FIRST READING May 14, 2019  
ADVERTISED \_\_\_\_\_  
PUBLIC HEARING \_\_\_\_\_  
PASSED \_\_\_\_\_

AN ORDINANCE NO. BR2019-07

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 and 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 purposes of this definition, a residential dwelling shall include all 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 (1)  
47 properties located within a platted subdivision governed by recorded covenants and  
48 restrictions which specifically allow short term vacation rentals or (2) on properties  
49 zoned for commercial use which currently are Central Business District (“CBD”),  
50 Limited Commercial (“C-1”), ~~or~~ General Commercial (“C-2”). No short term  
51 rental may be offered to the public for rental until ~~and following~~ issuance of a  
52 short term vacation rental certificate, receipt of an occupation tax certificate, and  
53 payment of any and all applicable State and City taxes. Any taxes owed to the City  
54 shall be paid and any failure to remit the same or to register pursuant to this  
55 ordinance shall be subject to the penalties set forth in the City of Blue Ridge,  
56 Georgia’s Code of Ordinances. Owners shall also use his or her best efforts to  
57 insure occupants do not disrupt or interfere with rights of adjacent property owners  
58 to quiet enjoyment of their property and shall adhere to the following  
59 requirements:

- 60 A. Owners shall not allow occupants to violate any federal, state, or local  
61 law, statute, rule or ordinances.
- 62 B. Owners shall not allow overnight occupancy to exceed the maximum  
63 capacity as identified in the rental certificate application.
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**SECTION 4**  
**APPLICATION; FEE**

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68     A.     An application for a short term vacation rental certificate shall be  
69           submitted, under oath, on a form specified by the City Clerk or City  
70           Attorney, or their designee, accompanied by a \$25.00 non-refundable  
71           application fee as set forth by the City Council, which shall include at  
72           a minimum the following information or documentation:

73           1.     The name, address, telephone and email address of the owner(s)  
74                   of record of the dwelling unit for which a certificate is sought.

75                   If such owner is not a natural person, the application shall  
76                   identify all partners, officers and/or directors of any such entity,  
77                   including personal contact information;

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

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

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

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

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

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

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

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

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

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

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

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

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

114 9. Proof of visible rental sign that includes 911 address of  
115 property.

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

122 C. After issuance of a rental certificate, the holder shall identify on each  
123 monthly hotel/motel tax return the current identification number(s) of  
124 the dwelling unit on any internet based advertising, listing or on-line  
125 rental platform including, but not limited to, [www.vrbo.com](http://www.vrbo.com),  
126 [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

148 may reject all applications for the subject premises for a period of 12  
149 consecutive months.

150 B. Short term rentals occurring on or after July 15,  
151 2019 without a valid rental certificate shall  
152 constitute a violation of this ordinance and shall be subject to a  
153 minimum fine of \$250.00. Each occurrence shall constitute a separate  
154 offense.

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

159 **SECTION 7**  
160 **APPEAL RIGHTS**

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162 A person aggrieved by the City Clerk's or City Attorney's decision to revoke,  
163 suspend or deny a short term vacation rental certificate may appeal the decision to  
164 the Blue Ridge City Council. The appeal must be filed with the City Clerk's office  
165 in writing, within 30 calendar days after the adverse action and it shall contain a  
166 concise statement of the reasons for the appeal. A decision from the City Council  
167 rendered at its next regularly scheduled meeting and the Council may hold any  
168 hearing deemed necessary in consideration of the appeal or may simply vote to  
169 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

190 for separate and divisible parts and it does hereby adopt any and all parts hereof as  
191 may not be held invalid for any reason.

192 **SECTION 10**  
193 **EFFECTIVE DATE/TOLLING/SPECIAL LAND USE**  
194 **PERMIT/NONCONFORMING GRANDFATHERED USE**  
195

196 The effective date of this Ordinance shall be immediately upon its passage  
197 by the City Council and execution by the Mayor or upon fifteen (15) days expiring  
198 from the date of its passage without a veto of said Ordinance by the Mayor as set  
199 forth in the City Charter at Section 3.23(b). The Ordinance shall be tolled and not  
200 enforced against any owner of ~~fr~~ property who is currently operating a short-term  
201 rental ~~on~~ upon property which is not within a category eligible for the issuance of a  
202 short term rental certificate not currently zoned in a commercial category set forth  
203 in this ordinance if the owner or the owner's agent files an application seeking a  
204 rezoning to a commercial category or a special land use permit a variance from the  
205 provisions of this Ordinance within thirty (30) days of the effective date of this  
206 Ordinance.

207 All applications for special land use permits shall be reviewed and processed  
208 in the same manner as applications for rezoning and shall be made on forms  
209 approved by the City. The City Council may grant a special land use permit to  
210 allow operation of a short term rental on any property located with the City limits

211 and for any period of time. The City Council shall consider, at a minimum, the  
212 following in its determination of whether or not to grant a special land use permit:

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

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

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

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

220 (5) Whether or not property values of surrounding property will be  
221 adversely affected.

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

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

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

227 (9) Whether or not adequate provisions are made regarding hours of  
228 operation.

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

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

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

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

247 If the rezoning or special land use permit~~variance~~ is denied, the Ordinance  
248 will no longer be tolled and will be immediately enforceable. In the event an  
249 owner or the owner's agent is currently operating a short-term rental ~~upon a real~~  
250 property which is not within a category eligible for the issuance of a short term

251 ~~rental certificate that is not zoned in a commercial category set forth in this~~  
252 ~~ordinance~~ AND has been paying the monthly hotel/motel tax as required by law ~~for~~  
253 ~~a period of twelve consecutive months, in which the property was rented, said~~  
254 operation shall be considered to be grandfathered and allowed to continue  
255 operation until there is a change in ownership of said property. However, all other  
256 terms and conditions of this Ordinance shall apply to any grandfathered short-term  
257 rental located on property zoned a category other than a commercial category set  
258 forth in this ordinance.

259 SO ORDAINED, this \_\_\_\_ day of \_\_\_\_\_, 2019.

260 **BLUE RIDGE CITY COUNCIL**

261  
262  
263 By: \_\_\_\_\_  
264 Mayor

265  
266 Attest:

267  
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269 \_\_\_\_\_  
270 Kelsey Ledford, City Clerk

AMENDMENT

May 14, 2019

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