

AN ORDINANCE TO ESTABLISH REGULATIONS FOR SHORT TERM RENTALS WITHIN THE CITY OF SKY VALLEY, GEORGIA; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE AND TO PROVIDE SAFETY AND OPERATIONAL STANDARDS, AND ADMINISTRATION, LICENSING, PENALTIES, AND ENFORCEMENT

WHEREAS, the City of Sky Valley, Georgia is a municipality duly constituted and existing pursuant to Georgia law;

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 Sky Valley; and

WHEREAS, the requirements contained in this ordinance 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 citizens of Sky Valley;

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Mayor and Council of the City of Sky Valley, Georgia, by the lawful authority vested in them, that Section 41 is hereby added to the Code of Ordinances as the following:

SECTION 1:

Sec. 41-01- Purpose and intent.

- (a) The purpose of this ordinance 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. *Short-term rental* means a rental period of 30 days or less. It may also refer to a property that is rented for such time periods.
- (b) This ordinance is not intended to regulate hotels or inns. This ordinance is not limited to boarding, lodging, or rooming houses, or units located within structures that are commercial in nature.

Sec. 41-02- Applicability.

- (a) It shall be unlawful for any owner of any property within the incorporated limits of the City of Sky Valley to rent or operate a short-term rental of property contrary to the procedures and regulations established in this ordinance, other provisions of Code, health department requirement(s), requirement(s) of the City of Sky Valley for water, sewage, or sanitation, or any other applicable state law or rule.
- (b) The restrictions and obligations contained in this ordinance shall apply to short-term rentals at all times during which real properties are marketed or used as short-term rentals.

Sec. 41-03- Property owner(s)

- (a) *Property owner(s)*. The owner(s) or owner's agent shall ensure the short-term rental is used in a manner that complies with all applicable codes, laws, rules, and regulations pertaining to the use and occupancy of the short-term rental unit. The owner shall further 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.

Sec. 41-04- Occupational license for short-term rental and transferability.

- (a) *Required occupational license 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 Sky Valley to rent or operate a short-term rental unit, building or structure without proper license or contrary the procedures and regulations established in this ordinance, other provisions of Code, or any applicable state law.
- (2) The owner or owner's agent shall pay the required occupation license fee and shall comply with all applicable provisions of this ordinance.
- (3) The owner shall be required to report and pay all excise fees monthly by the twentieth (20th) 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 in O.C.G.A § 48-13-51.
- (4) No person, individual, or agency of a short-term rental shall rent, lease, or otherwise allow the occupation of or otherwise exchange for compensation all or any portion of a short-term rental without first obtaining an occupational license for each short-term rental and providing for payment of excise fees with the city clerk.
- (5) An occupational license for short-term rental application may be denied if the applicant has had a prior short-term rental for the same location revoked within the previous twelve (12) month period;
- (6) An owner of a short-term rental unit shall submit an application for an occupational license for short-term rental with the required information updated to the city on an annual basis. The application shall be furnished on a form specified by the city, accompanied by a non-refundable license fee as established by the city council. The requirements of the application shall be set by policy of the City Council.
- (7) Any false or inaccurate information provided in the application may be grounds for denial or revocation of the license, including denial of future licenses.

- (b) *License fee(s)/renewal.*

- (1) The short-term rental license application shall be accompanied by an initial license application fee as set by the City Council and be subject to an annual renewal fee as set by the City Council;
- (2) All licenses granted by this ordinance shall expire one year from the date of issuance. Renewal applicants shall file a renewal application accompanied by the required fee with

the city clerk on or before the expiration date. If a short-term rental license expires due to non-renewal by the expiration date, a new application and license shall be required.

- (3) The short-term rental license is non-transferable, and should ownership of the rental property change, a new license shall be required.

Sec. 41-05- Transferability of occupational license for short-term rental.

No short-term rental license issued under this ordinance shall be transferred, assigned, or used by any other individual other than the owner for which it was assigned or upon any other location than the one for which it was issued.

Sec. 41-06- Occupancy.

The number of overnight occupants at the short-term rental shall be subject to a maximum occupancy as determined by the occupancy definition as listed International Codes, as cited in Section 8-25 of the Sky Valley Code of Ordinances.

Exceeding the maximum occupancy shall be a serious violation of the life and safety requirements of this ordinance and shall authorize the police department to remove all individuals that exceed the maximum allowable occupants for the structure or unit. Violation of this section can result in revocation of a short-term rental license.

Sec. 41-07- Life and safety minimum requirements.

The licensee shall comply with all fire and safety requirements as defined in city ordinances, 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 § tit. 25 Ch. 12.

Sec. 41-08- Life and safety inspections.

All short-term rental units or locations shall be required to certify to the city the property complies with 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 § tit. 25 Ch. 12., prior to the issuance of any license.

The city reserves the right to inspect or authorize the inspection of the premises of any license applicant or licensee for the purpose of determining the eligibility of an applicant for a license, the eligibility of a license renewal, or to ensure the premises' compliance with state minimum standard building codes, pursuant to O.C.G.A § 8-2-26.

Sec. 41-09- Suspension or revocation of short-term rental license.

- (a) Any short-term rental license issued under this ordinance for the operation of a short-term rental shall be immediately revoked in the event the owner no longer owns the short-term rental property.
- (b) A short-term rental license shall be immediately suspended or revoked upon learning that an applicant furnished fraudulent or untruthful information in the application for license or omitted information required in the application for license or fails to pay all fees, taxes, utilities (water-sewer), or other charges imposed under the provisions of this ordinance or city codes.

- (c) A short-term rental license shall be suspended for a violation of the fire or the life safety requirements of this ordinance. Such violation shall be such that an unsafe condition exists where a fundamental safety precaution or device defined in this ordinance or adopted codes is rendered inoperable or does not exist.
- (d) Other than for those reasons set forth in parts (a), (b), and (c) of this section; suspension, revocation or forfeiture of a short-term license issued by the City of Sky Valley shall occur only after notice and opportunity for a hearing before the city council pursuant to Sections 12 and 13.

Sec. 41-10- Violation of this ordinance.

Except when defined in this ordinance requiring an appearance before city council, penalty(s) for violation of this ordinance shall be at the discretion of the municipal judge who possess the authority to fix punishment in accordance with the city Charter, ordinances, and state law or by a court of competent jurisdiction.

Sec. 41-11- Civil penalty.

The city council shall possess the authority to impose a civil penalty against any entity that is licensed for short-term rentals which may include suspension or revocation of license, fine, and forfeiture as determined for violations of this ordinance. 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. 41-12- Enforcement.

- (a) Penalties, including notice of code violation or citation may be imposed and the short-term rental license may be suspended or revoked in the manner provided in this subsection.
- (b) Any complaints to or response by the City regarding a short-term rental shall result in a notice of the complaint and shall be directed to the owner. Such notice may be made electronically or in writing. The owner or owner's agent is required to visit the short-rental location and shall ensure that compliance is obtained within seven (7) days after verbal or written notice. Depending on the severity of the complaint, upon request, the owner or owner's agent shall be required to immediately attempt to resolve the complaints and ensure compliance.

The short-term rental shall not be occupied by renters if the violation is safety related placing occupants in an elevated risk hazard. Additionally, notice may be delivered by emergency dispatch verbally to the owner, requiring the appropriate individual to respond to the short-term rental location as may be required by police officer, law enforcement, fire department, or the zoning administrator.

- (c) The building inspector/code enforcement officer or city designee shall conduct an investigation whenever there is a reason to believe that the owner is unsuccessful either by failure or refusal to comply with the provisions of this ordinance. The investigation may include an inspection without limitation of the premises, review of response and incident report(s), online searches, review of citations or notice(s), and interview

and documentation of community members affected by the event; all of which may constitute evidence of a violation of this ordinance, Code, or state law.

Should the investigation support a finding that a violation occurred, the building inspector/code enforcement officer or city designee shall issue written notice of the violation and advance 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 all pertinent facts (as deemed necessary by the building inspector/code enforcement officer or city personnel) to set forth grounds for the imposition of penalties or for suspension or revocation of the license.

Sec. 41-13- Hearing on denial, suspension or revocation.

Upon receipt of notice pursuant to Section 41-12 and setting forth a specific date, time, and place of hearing; the owner 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. 41-14- Short-term Rental Monitoring Service

The city of Sky Valley may partner with a third-party- internet based short-term rental monitoring service or company, its affiliates, subsidiaries, and/or assignees to provide the City with address identification and rental activity monitoring of short-term rental properties in the city.

Severability clause.

Should any word, phrase, sentence, paragraph, or section of this ordinance or the application thereof to any person, individual, business organization, partnership, circumstance be held invalid by a court of competent jurisdiction; such invalidity shall not affect the other provisions of this ordinance. This ordinance is hereby declared severable.

Any modification of federal or state law or regulation which would affect a change in the provisions of this ordinance are hereby incorporated herein by reference and made a part hereof.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

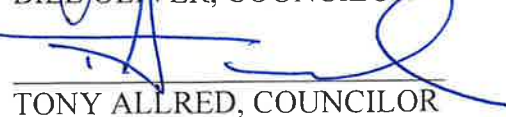
SECTION 3: This ordinance shall become effective upon the mayor affixing her signature below.

APPROVED:

HOLLIE STEIL, MAYOR


JIM CURTIS, COUNCILOR


BILL OLIVER, COUNCILOR


TONY ALLRED, COUNCILOR



TIM DARRAH, COUNCILOR



BRUCE TURNER, COUNCILOR

ATTEST:



KAREN FLEMING
CITY CLERK

APPROVED AS TO FORM:



DOUGLAS KIDD
CITY ATTORNEY

First reading and introduction August 15, 2023

Second reading and adoption September 19, 2023