

RESOLUTION AND ORDINANCE OF THE BOARD OF COMMISSIONERS OF CARROLL COUNTY TO AMEND THE CARROLL COUNTY CODE OF ORDINANCES TO ADD A NEW ARTICLE IV ENTITLED “SHORT-TERM RENTALS” TO CHAPTER 22 ENTITLED “BUSINESSES”; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the Board of Commissioners of Carroll County, Georgia, has the duty to protect the health, safety and welfare of persons and property within its jurisdiction limits; and

WHEREAS, there has been an increase in Carroll County residents renting their homes on a short-term basis to earn additional income to pay for essential needs and expenses; and

WHEREAS, tenants in short-term rentals can negatively impact the peace and quiet enjoyment of neighboring property owners and residents; and

WHEREAS, as the popularity of short-term rental units has grown, it is necessary for Carroll County to establish a framework of regulations; and

WHEREAS, the establishment of a framework of regulations by Carroll County, which shall govern the operation of short-term rentals in Carroll County, shall not supersede existing private agreements, leases, or covenants such as condominium association rules, should such agreements prohibit the operation of certain properties as short-term rentals; and

WHEREAS, nothing in the framework of regulations established hereby shall be deemed to alter, affect, supersede, or conflict with the requirements of any state or federal law or of any other provisions of the Carroll County Code of Ordinances;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners that a new Article IV entitled “Short-Term Rentals” be added to Chapter 22 entitled “Businesses” in the Carroll County Code of Ordinances as follows:

SHORT-TERM RENTAL ORDINANCE

Article IV in Chapter 22

ARTICLE IV. SHORT-TERM RENTALS

Section 22-70– Short Title.

This article shall be known and may be cited as the “Carroll County Short-Term Rental Ordinance.”

Section 22-71– Intent; Purpose.

It is the purpose of this article to protect the public health, safety, and general welfare of individuals and the community at large; to facilitate and provide reasonable means for citizens to

mitigate impacts created by occupancy of short-term units; and to implement rationally based, reasonably tailored regulations to protect the integrity of Carroll County's neighborhoods.

Section 22-73– Definitions; General Provisions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Long-term rental tenant means guests, tourists, lessees, vacationers, or any other person who, in exchange for compensation, occupy a dwelling unit for lodging for a period of time exceeding 29 consecutive days.

Short-term rental means an accommodation where, in exchange for compensation, a residential dwelling unit is provided for lodging for a period of time not to exceed 29 consecutive days.

Short-term rental agent means a person or organization designated by the owner or long-term tenant of a short-term rental on the short-term rental license application. Such a person shall be available for and responsive to contact at all times.

Short-term rental guests or short-term rental tenants means guests, tourists, lessees, vacationers, or any other person who, in exchange for compensation, occupy a dwelling unit for lodging for a period of time not to exceed 29 consecutive days.

Short-term rental owner means the owner of record of the property.

Short-term rental license is the license issued by the Carroll County Community Development Department to owners or the designated agent of short-term rental units who have submitted the required documentation and met the requirements set forth in this article for operation of a short-term rental unit.

Section 22-74– Short-term rental license.

- (a) No person or entity shall rent, lease, or otherwise exchange for compensation all or any portion of a dwelling unit as a short-term unit, as defined in this article, without first obtaining a short-term rental license pursuant to the regulations contained in this article.
- (b) No licensee shall transfer the right to operate under any license issued under this article to any other person or entity by lease, agreement, contract, or any other agreement.
- (c) No license issued under this article may be operated or shall have any legal effect at any location other than those for which it is issued.

- (d) Nothing in this article shall be deemed to alter, affect, supersede or conflict with the requirements of any state or federal law or of the Carroll County Code of Ordinances, including, but not limited to, the requirements related to occupation taxes, regulatory fees, and business licenses and the County's zoning ordinance regulating the location where certain uses of land can be conducted.

Section 22-75– Application for a short-term rental.

- (a) Applicants for a short-term rental license shall submit, on an annual basis, an application for a short-term rental license to the Carroll County Community Development Department. The application shall be accompanied by a non-refundable application fee in the amount of \$200.00. Such application should include:
 - (1) The address of the unit to be used as a short-term rental;
 - (2) The name, address, telephone number, and email address of the short-term rental agent, which shall constitute his or her 24-hour contact information;
 - (3) The short-term rental agent's signed acknowledgment that he or she has reviewed this article and understands its requirements;
 - (4) The number and location of parking spaces allotted to the premises;
 - (5) The short-term rental agent's agreement to use his or her best efforts to assure that use of the premises by short-term rental occupants will not disrupt the neighborhood and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties; and
 - (6) Any other information that this article requires the short-term rental agent to provide to Carroll County as part of an application for a short-term rental license. The Director of the Carroll County Community Development Department, or his or her designee, shall have the authority to obtain additional information from the applicant as necessary to achieve the objectives of this article.
- (b) Attached to the submission of the application described in this section, the short-term rental license applicant shall provide:
 - (1) Written rules posted in the short-term rental unit, including:
 - a. Acknowledgment that it shall be unlawful to allow or make any noise or sound that exceeds the limits set forth in Carroll County's noise control ordinances. Short-term rental units are encouraged to provide a noise monitoring device.

- b. Acknowledgment that the maximum occupancy of a short-term rental unit is limited to two adults per bedroom and, if available, the location and the amount of on-site parking which shall be limited to one vehicle per bedroom.
- c. Acknowledgment and agreement that violations of this article may result in immediate termination of the agreement and eviction from the short-term rental unit by the owner or agent, as well as the potential liability for payments of fines levied by Carroll County; and

(c) If the rental agent changes, the short-term rental agent shall notify the Carroll County Community Development Department within 30 business days.

Section 22-76– Short-term rental owners; short-term rental agents.

- (a) The short-term rental owner may retain a managing agent, managing agency, operator, or representative to serve as the local contact person to comply with the requirements of this section, including, without limitation, the permitting of the short-term rental, the management of the short-term rental, and the compliance with the conditions of the short-term rental permit. The short-term rental owner of the short-term rental is responsible for compliance with the provisions of this section and the failure of a short-term rental agent, representative, or short-term rental guest or tenant to comply with this section shall be deemed noncompliance by the short-term rental owner. A short-term rental owner may also serve as the short-term rental agent.
- (b) The duties of the short-term rental agent are to:
 - (1) Be available to handle any problems arising from use of the short-term rental unit;
 - (2) Keep his or her name and emergency contact phone number posted in a readily visible place in the short-term rental unit;
 - (3) Receive and accept service of any notice of violation related to the use or occupancy of the premises;
 - (4) Monitor the short-term rental unit for compliance with this article; and
 - (5) List the short-term rental license number on each on-line listing.
- (c) The short-term rental owner is responsible for compliance with the provisions of this article and the failure of a short-term rental agent or short-term rental guest to comply with this article shall be deemed to be noncompliance by the owner.

- (d) No short-term rental permit issued under this article shall be transferred or assigned or used by any person other than the owner or local contract person to whom it is issued, or at any location other than the one for which it is issued.

Section 22-77– Grant or denial of application.

- (a) Review of an application shall be conducted in accordance with due process principles and shall be granted unless the applicant fails to meet the conditions and requirements of this article or federal or state law or local ordinance related to the operation of a short-term rental, or otherwise fails to demonstrate the ability to comply with local, state, or federal law through the operation of the proposed short-term rental. Any false statements or information provided in the application are grounds for revocation, suspension and/or imposition of penalties, including denial of future applications.
- (b) Short-term rentals require a site inspection by the County fire marshal to ensure compliance of life safety codes and regulations. The site inspection required by this subsection shall be required once every five (5) years.

Section 22-78– Short-term regulation procedure.

- (a) No external signage is permitted; however, a legible copy of the short-term rental unit license shall be posted with the unit and include all of the following information:
 - (1) The name, address, telephone number, and email address of the short-term rental agent;
 - (2) The short-term rental unit license number;
 - (3) The maximum occupancy of the unit; and
 - (4) The maximum number of vehicles that may be parked at the unit.
- (b) Vehicles shall not be parked on the County right-of-way or along any roadways at any time and shall be parked only on designated hard-surfaced areas with gravel, concrete, or asphalt surfacing; and shall not be permitted outside such hard-surfaced areas (i.e., no parking in yards).
- (c) When a short-term owner, short-term rental agent, or short-term rental location has accumulated three convictions or judgments for code violations, the County shall revoke any short-term rental licenses for the short-term rental owner, short-term rental agent, or short-term rental location and reject all applications for the short-term rental owner, short-term rental agent, or short-term rental location for a period of 12 consecutive months.

- (d) Except as provided herein, any person violating the provisions of this article shall be punished as provided by Section 1-13. With respect to violations that are continuous with respect to time, each day the violation continues is a separate offense.
- (e) A person aggrieved by the County's decision to revoke, suspend, or deny a short-term rental license may appeal the decision in writing to the Carroll County Community Development Appeals Board. The appeal must be filed within 30 calendar days after the adverse action, and it shall contain a concise statement of the reasons for the appeal. The Community Development Appeals Board shall hold a public hearing and render a determination, which will constitute a final ruling. The decision of the Community Development Appeals Board may be appealed via certiorari to the Superior Court of Carroll County. The rules of the Community Development Appeals Board, outlined in the County's Code of Ordinances, shall govern the implementation of this subsection, including the procedures and processes which shall govern any such appeals.
- (f) Nothing in this article shall limit Carroll County from enforcement of this code, state, or federal law by any other legal remedy available to the County. Nothing in this article shall be construed to limit or supplant the power of any County officer, inspector, fire marshal, or other duly empowered officer under Carroll County's Code of Ordinances or the rules and regulations and the authority granted under state law, as amended, to take necessary action, consistent with the law, to protect the public from people or property which constitutes a public nuisance or to abate a nuisance by any other lawful means of proceedings.

Section 22-79– Taxes.

Short-term rentals are subject to applicable state and local taxes and are responsible for payment thereof as established by state law and the Carroll County Code of Ordinances. Short-term rentals shall be subject to the hotel-motel tax as permitted under O.C.G.A. § 48-13-51(a)(5) and O.C.G.A. § 48-13-51(b)(7)(a).

This Resolution and Ordinance shall be effective on _____, 20____.

Adopted this _____ day of _____, 20____.

 Michelle Morgan, Chairman of
 Board of Commissioners of Carroll County

Attest: _____

Kristy McAdams, Clerk