

ORDINANCE No. 018

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF CHAMBLEE, GEORGIA, CHAPTER 22, "BUSINESSES," TO ADD SECTION ARTICLE X TO REGULATE SHORT-TERM RENTAL UNITS

BE IT ORDAINED AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHAMBLEE, GEORGIA THAT ARTICLE X, CHAPTER 22, "SHORT-TERM RENTAL UNITS," OF THE CODE OF ORDINANCES SHALL BECOME AND BE MADE A PART OF THE CODE OF ORDINANCES, CITY OF CHAMBLEE, GEORGIA, AND THE SECTIONS OF THIS ORDINANCE MAY BE RENUMBERED TO ACCOMPLISH SUCH INTENTION AS FOLLOWS:

ARTICLE X. - SHORT-TERM RENTAL UNITS

Sec. 22-500 – Intent; purpose.

The purpose of this chapter is to protect the public health, safety, and general welfare of individuals and the community at large, to monitor and provide reasonable means for citizens to mitigate impacts created by occupancy of short-term rental units, and to implement rationally based, reasonably tailored regulations to protect the integrity of the city's neighborhoods.

Sec. 22-501 – Definitions.

Code Compliance verification form is a document executed by a short-term unit owner certifying that the short-term unit complies with applicable zoning, building, health, and life safety code provisions. No person shall allow occupancy or possession of any short-term rental unit if the premises are in violation of any applicable zoning, building, health, or life safety code provisions.

Short-term rental agent means a natural person designated by the owner of a short-term rental unit on the short-term rental certificate application. Such person shall be available for and responsive to contact at all times and someone who is customarily present at a location within the city for purposes of transacting business.

Short-term rental certificate is the certificate issued by the finance department to applicants who have submitted the required documentation and met the requirements set forth in this article for the operation of a short-term rental.

Short-term rental occupants means guests, tourists, lessees, vacationers, or any other person who, in exchange for compensation, occupy the dwelling unit for lodging for a period of time not to exceed 180 consecutive days.

Short-term rental unit means (a) any residential dwelling, or (b) an individual bedroom in a residential dwelling, that is provided for lodging for transient guests in exchange for compensation for a period of time not to exceed 180 days. For the purposes of this definition, a residential dwelling shall include all single family and multi-family housing types, subject to the limitations contained within this chapter, and shall exclude group living or other lodging uses, as defined in the city's Unified Development Ordinance and regulated separately throughout this Code. The definitions and regulations in this chapter shall be cumulative to those found in 240-13(b)(11) of the city's Unified Development Code. A motor vehicle as defined in O.C.G.A. Title 40 may not be used as a short-term rental.

Short-term rental room means a short-term rental unit as defined herein which consists of an individual bedroom in a residential dwelling.

Short-term rental maximum occupancy means the maximum number of persons who can occupy a short-term rental unit at any given time, as determined by administrative guidelines established by the finance department and approved by the city manager and shall be printed on the short-term rental certificate.

Sec. 22-502 –Specific requirements.

- (a) Short-term rental units must be properly maintained and regularly inspected by the owner to ensure continued compliance with applicable zoning, building, health, and life safety code provisions.
- (b) Short-term rental units which consist of an entire residential dwelling containing six or more bedrooms shall not be eligible for a short-term rental certificate.
- (c) Short-term rental units which constitute short-term rental rooms, as defined in section 22-501, must comply with the following:
 - (1) Short-term rental rooms may be provided for lodging for occupants for a period of time not to exceed 30 days;
 - (2) No more than two of such short-term rental rooms located in the same residential dwelling may be rented by short-term rental occupants at any given period of time; and
 - (3) The short-term rental agent for a short-term rental room must occupy the same residential dwelling in which the short-term rental room is located while such short-term rental room(s) are rented by short-term rental occupants.

Sec. 22-503 – Short-term rental certificate.

- (a) No person shall rent, lease, or otherwise exchange for compensation all or any portion of a dwelling as a short-term rental unit, as defined in section 22-501, without first obtaining a short-term rental certificate pursuant to the regulations contained in this article and then obtaining a home occupation tax certificate from the finance director. No certificate issued under this chapter may be transferred or assigned or used by any person other than the one to whom it is issued, or at any location other than the one for which it is issued.
- (b) A short-term rental certificate is valid for one year from the date of issuance.
- (c) A legible copy of the short-term rental certificate shall be posted within every short-term rental unit along with all of the following information:
 - (1) The name, address, telephone number, and email address of the short-term rental agent;
 - (2) The occupation tax certificate number;
 - (3) The maximum number of vehicles that may be parked at the short-term rental unit as determined at the time of issuance of the short-term rental certificate;
 - (4) The maximum occupancy of the short-term rental unit.
- (d) A short-term rental unit's certificate number shall be included in every print, digital, or internet advertisement and any property listing in which the short-term rental unit is advertised.

Sec. 22-504 – Application for short-term rental certificate.

- (a) Applicants for a short-term rental certificate shall, on an annual basis, renew the home occupation tax certificate to the finance director to be provided to the finance department for a new short-term rental certificate. The application shall be furnished under oath on a form specified by the city manager or his/her designee. Such application should include:
 - (1) The name, address, telephone number, and email address of the owner(s) of record that hold more than 20 percent ownership of the dwelling unit for which a certificate is sought. If such owner is not a natural person, the application shall identify all partners, officers and/or directors that hold more than 20 percent ownership of the dwelling unit for which a certificate is sought, including personal contact information. If there is no owner of 20 percent or more, then a list of all officers and/or directors for which a certificate is sought, including personal contact information shall be provided;
 - (2) The address of the unit to be used as a short-term rental;

- (3) The name, address, telephone number, and email address of the short-term rental agent, which shall constitute his or her 24-hour contact information;
 - (4) The owner's sworn acknowledgement that he or she has received a copy of this section, has reviewed it, and understands its requirements;
 - (5) The number and location of parking spaces allotted to the premises as determined by residential parking requirements as determined by the city manager or his/her designee;
 - (6) The owner's agreement to use his or her best efforts to assure the 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;
 - (7) Any other information that this chapter requires the owner to provide to the city as part of an application for a short-term rental certificate. The city manager or his/her designee shall have the authority to obtain additional information from the applicant as necessary to achieve the objectives of this chapter; and
 - (8) If applicable, a written statement from the homeowner's association where the short-term rental is located state that the homeowner's association does not prohibit short-term rental units in accordance with its bylaws.
- (b) Attached to and concurrent with the submission of the application described in this section, the owner shall provide:
- (1) A written exemplar agreement, which shall consist of the form of document to be executed between the owner and occupant(s) and which shall contain the following provisions:
 - a. The occupant(s)' agreement to abide by all of the requirements of this chapter, and other city ordinances, state and federal law and acknowledgement that his or her rights under the agreement may not be transferred or assigned to anyone else;
 - b. The occupant(s)' acknowledgement that it shall be unlawful to allow or make any noise or sound that exceeds the limits set forth in the city's sound ordinance; and
 - c. The occupant(s)' acknowledgement and agreement that violation of the agreement or this chapter 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 the city.
 - (2) Proof of the owner's current ownership of the short-term rental unit;
 - (3) Proof of satisfactory insurance in accordance with administrative guidelines published by the city;

- (4) A written certification from the short-term agent that he or she agrees to perform the duties specified in section 22-505; and
 - (5) Copies of written notice from the owner of the short-term rental to all residential parcels and/or homeowner's association(s) immediately adjacent to the short-term rental unit which provides notice of the operation of the short-term rental unit and proof of mailing of said notice to each recipient.
- (c) Each application for a short-term rental certificate shall be accompanied by a nonrefundable application fee in such amount as may be set from time to time by resolution of the city council.

Sec. 22-505 – Short-term rental agent.

- (a) The owner of a short-term rental shall designate a short-term rental agent on its application for the short-term rental certificate. A property owner may serve as the short-term rental agent. Alternatively, the owner may designate a representative as his or her agent who is over age 18.
- (b) The duties of the short-term agent are to:
 - (1) Be reasonably available to handle any problems arising from short-term rental occupants' use of the short-term rental unit;
 - (2) Appear on the premises of any short-term rental unit within two hours following notification from the city of issued related to the use or occupancy of the premises. This includes, but is not limited to, notification that occupants of the short-term rental unit have created unreasonable noise or disturbances, engaged in disorderly conduct, and/or committed violations of this Code or other applicable law pertaining to noise, disorderly conduct, overcrowding, consumption of alcohol, or use of illegal drugs. Failure of the short-term rental agent to timely appear to two or more complaints regarding violations may be grounds for penalties as set forth in this chapter. This is not intended to impose a duty to act as a peace officer or otherwise require the short-term rental agent to place himself or herself in a perilous situation;
 - (3) Receive and accept service of any notice of violation related to the use or occupancy of the premises; and
 - (4) Monitor the short-term rental unit for compliance with this chapter.
- (c) In the event the short-term rental agent is replaced by another agent, the owner must apply for a new short-term rental certificate with the correct short-term rental agent designated within 30 days of such change.

Sec. 22-506 – Grant or denial of application.

Review of the completed short-term rental application shall be conducted within 15 business days and shall be granted unless the applicant fails to meet the conditions and requirements of this chapter, or otherwise fails to demonstrate the ability to comply with local, state, or federal law. Any false statements or information provided in the application are grounds for revocation, suspension and/or imposition of penalties, including denial of future applications and renewals.

Sec. 22-507 – Short-term regulation procedure.

- (a) To ensure the continued application and the intent and purpose of this article, the code enforcement division shall notify the owner of a short-term rental unit of all instances in which the nuisance behavior of the rental guest or the conduct of his or her short-term rental unit agent results in a citation for code violation or other legal infraction.
- (b) The code enforcement division shall maintain for each short-term rental location a record of all code violation charges, founded accusations and convictions occurring at or relating to a short-term rental unit. When a property owner has accumulated three code violations for a particular property within a rolling 12 consecutive months, the city shall revoke any pending certificates and reject all application for the subject premises for a period of 12 consecutive months.
- (c) If a short-term rental unit owner has been cited and found to be in violation of any zoning, building, health or life safety code provision, the owner must demonstrate compliance with the applicable code prior to being eligible to receive a short-term rental certificate or renewal certificate.
- (d) Citations for code violations and any other violations of the city code shall be issued to the short-term rental owner or its designated agent if the violation is a violation caused by the short-term rental owner and to the tenant if the violation is a violation caused by the tenant, unless otherwise specified in this article, and shall be heard by the municipal court of Chamblee, Georgia. Violations of this chapter, including but not limited to operating a short-term rental unit without obtaining a short-term rental certificate and a home occupation tax certificate are subject to monetary fines.

Sec. 22-508 – Revocation, suspension, or other penalties.

- (a) A short-term rental certificate may be revoked by the city manager at any time due to failure to comply with any requirements of this chapter. Notice shall be made in writing to the holder of the short-term rental certificate holder. Any person aggrieved by such notice may appeal the revocation or suspension pursuant to this chapter.

- (b) An advertisement promoting the availability of property containing short-term rental units in violation of this chapter shall be prima facie evidence of a violation, and may be grounds for denial, suspension, or revocation of a certificate.

The foregoing was proposed by Council member Mesa with a motion that the same be adopted. Said motion was seconded by Council member Furst. Same was then put to a vote and 5 Council members voted in favor of the Ordinance and 0 Council members voted against the Ordinance. Said motion was thereupon declared passed and duly adopted this 17th day of January, 2023.

Cherron Bouie

Cherron Bouie

City Clerk, City of Chamblee, Georgia

Approved this 17th day of January, 2023.

Brian Mock

Brian Mock

Mayor, City of Chamblee, Georgia

Approved as to form:

Jul T. Young

City Attorney

First Reading: 12/20/2023

Second Reading: 01/17/2023