

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES  
PERTAINING TO RENTAL PROPERTIES  
WITHIN THE TOWN OF THUNDERBOLT, GEORGIA  
Pertaining to the Registration of Short-Term Rental Property. Providing for  
purpose and intent; providing for definitions; providing for  
aforementioned rental properties; providing for enforcement and  
penalties; providing for severability and an effective date.**

WHEREAS, the duly elected governing authority for the Town of Thunderbolt, Georgia is authorized under Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, and welfare of the citizens of Thunderbolt, Georgia; and

WHEREAS, the duly elected governing authority for the Town of Thunderbolt, Georgia, is the Mayor and Council thereof; and

WHEREAS, the duly elected governing authority recognizes that in order to maintain the health, welfare and safety of the community and in particular the residential character of many areas of the Town that there should be a limit to the number of short-term rental properties located in a Town the size of the Town of Thunderbolt; and

WHEREAS, the governing authority desires to adopt ordinances under its police, zoning, and home rule powers; and

WHEREAS, in order to ensure that property owners of short-term rental properties are notified of code violations, or conditions that may be deemed hazardous to health and safety of occupants or other residents, it is necessary for the Town to maintain current and accurate contact information for such property owners; and

WHEREAS, the Town of Thunderbolt desires to create a new ordinance to be designated the Short-Term Rental Ordinance of the Code of Ordinances; and

WHEREAS, following extensive debate and review on the matter of short-term rentals, the Town Council has determined that the regulation of rental properties for short term rentals is appropriate in order to protect the health, welfare and safety of the general public and the citizens, residents and visitors to the Town of Thunderbolt.

NOW, THEREFORE, it is hereby ordained by the governing authority of the Town of Thunderbolt in open meeting that the following shall be known as the "Thunderbolt Short Term Rental Ordinance" and shall be referred to herein as "this Ordinance" which shall read as follows

## CHAPTER 6: - BUSINESS REGULATIONS

### ARTICLE III: - RESIDENTIAL RENTAL PROPERTY

#### **Sec. 6-301 Purpose and Intent**

(a) Purpose and intent. The purpose and intent of this section is to establish a registration process to address the short-term rentals within the Town of Thunderbolt. It is the Town's further intent to establish a short-term rental property registration program as a mechanism to protect neighborhoods from an overabundance of short-term rental structures within the Town and to regulate such businesses in all zoning districts but especially in residential zoning districts and at the same time authorize appropriate short term rental qualification that promote tourism. The Town's additional intent is to ensure the collection of regulatory fees and/or occupation fees and/or any other applicable fee or tax of such units designated as short-term rentals.

(b) Definitions. For the purposes of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

"*Dwelling*" shall have the same meaning as provided in Thunderbolt Zoning Code Ordinance, Article III.

"*Lease or rented*" shall mean any arrangement, by written agreement or otherwise, in order to lease, sublease, rent, license, sublicense, or allow occupancy of a short-term rental property.

"*Owner*" shall mean any person having legal or equitable interest in any short-term rental property.

"*Lot*" shall mean the developed or undeveloped tract of land legally transferable as a single parcel of land.

“Unit” shall mean a legally transferable space within the definition of a “lot”, and shall include but not be limited to a condominium unit, apartment unit or town home.

“Agent” shall mean a specified party to be responsible in complying with the requirements of this and any other ordinance or applicable laws. The agent will be a local contact person who shall be available at all times to respond to complaints regarding the condition, operation, or conduct of occupants. An owner may be the agent of record.

“Maximum Occupancy” shall mean the total approved number of residents allowed to reside, live, or occupy on an overnight basis. For purposes of this ordinance, maximum occupancy pertaining to short term rentals for one-to-two-bedroom dwellings shall be four, for three or more-bedroom dwellings, multiply the number of bedrooms times two to equal the maximum occupancy.

“Short-term Rental Permit” means an annual permit otherwise known as a tax certificate that an owner must obtain from the Town of Thunderbolt to register any short-term rental property, lot, space, unit, or applicable multiple units.

“Short-term Vacation Rental” or “STVR” or Short-Term Rental or STR shall mean an accommodation for guests where, in exchange for compensation, a residential dwelling unit or a part of a residential dwelling unit is provided for lodging for a period of time less than thirty consecutive days. Such use may or may not include an on-site manager. For the purposes of this definition a residential dwelling shall include all housing types and shall exclude bed and breakfast accommodations as they are defined by other ordinances of the Town Thunderbolt. All such accommodations shall comply with all the provisions of this ordinance.

(c) Registration of short-term rental property required.

- (1) The owner of any short-term rental property located in the Town of Thunderbolt, or an affiliated subscription service recipient shall be required to register each said property with the Town of Thunderbolt Town Administrator or his designee, on forms provided by the Town via the Town website, or in person at Thunderbolt Town Hall.
- (2) The registration by the owner shall provide the Town with contact information for the short-term rental property, including, but not limited to, legal name of the owner, physical and mailing address of the owner, the property to be used as a short term rental, property or site agent, individual or company name, email address (if applicable), telephone contact number for the owner, agent, and any other person or entity responsible to respond to any nuisances, code violations, and emergencies that may arise at the residential rental property.
- (3) The registration form submitted by the owner shall include, but not be limited to, the number of bedrooms, maximum occupancy, number and location of on and off-site parking (with a drawing showing such parking in relation to the STR structure).

- (4) The registration form shall include any other information deemed imperative to ensuring enforcement of this ordinance as requested by the Town Administrator or his/her designee.
- (5) The owner shall maintain current contact information with the Town and is required to notify the Town via written notice within thirty (30) days after any changes to the registration information provided to the Town. In the event ownership of the short-term rental property changes, the new owner shall register said property with the Town within thirty (30) days from the date of such ownership transfer in accordance with Subsection (c) (2) above. Such registration by the new owner shall be considered a new registration except in the case of a transfer from one spouse to the other spouse.
- (6) The owner and / or agent shall not be relieved of any personal responsibility or liability for noncompliance with any applicable law, rule, or regulation pertaining to the use and occupancy of the short-term rental property.
- (7) The owner shall annually register, and obtain a business license/tax certificate for all short-term rental property by December 31<sup>st</sup>, of each successive year after initial registration.
- (8) The owner shall register each separate unit and/or if multiple spaces or units occur on a single lot as a separate valid short-term rental permit registration.
- (9) The information requested on the application form to register a Short Term Rental shall be considered a requirement of this ordinance and if any of the information on the application is not approved as reasonable by the Town Administrator or his/her designee the application shall be rejected until the application has sufficient information provided so that the Town Administrator or his/her designee can approve the location, number of STR units at the location, parking and other requirements reasonable as a location for a short term rental.

## **Sec. 6-302. Application**

- (a) Within 90 days of the effective date of this Ordinance, no person shall rent, lease or otherwise exchange for compensation any dwelling, portion of a dwelling, lot or unit as a short-term rental without the owner or rental agent first obtaining a business license, occupation tax certificate and registering each separate rental space with the Town. In addition, all STR owners, unless the sales tax is collected by a third party such as AirBnb, must have a state sales tax certificate (number).
- (b) All short-term rentals must be in compliance with the most recent edition of the International Property Maintenance Code (IMPC) as applied by the Town of Thunderbolt.

### **Sec. 6-303. Registration Fee/ Renewal**

- (a) The rental application shall be accompanied by an initial registration fee and subject to an annual registration fee for STR's by every December 31<sup>st</sup> thereafter,
  - (1) The initial rental registration fee for STR's shall be in an amount as set by the Mayor and Council from time to time and contained on a schedule for such fee maintained by the Town Administrator. The initial registration fee is due to be paid upon registration and will be valid until December 31<sup>st</sup> of the year in which the fee is paid unless the fee is due and paid in December in which event the fee will be valid until December 31<sup>st</sup> of the following year.
  - (2) The annual fee thereafter shall be in an amount as set by the Mayor and Council from time to time and contained on a schedule for such fee maintained by the Town Administrator.
- (b) Each registered separate short-term rental space shall be issued a registration number and annual short-term rental permit.
- (c) Failure to register as prescribed by this law will result in a fine up to \$250.00 for each day that the short-term rental space continues to operate without proper and approved residential rental registration and business license registration.
- (d) Failure to renew within deadline shall result in business license/tax certification to be delinquent with all short-term rental permits revoked by April 1<sup>st</sup> of the next calendar year.

### **Sec. 6-304. Good Neighbor Policy**

The Town shall make available on its website a list of STR good neighbor policies which owners or agents shall furnish to their tenants.

### **Sec. 6-305. Signs**

- (a) Advertisement is prohibited on the property site.
- (b) STR Signage, if desired by the owner, shall be placed on the street address side located no further than four feet from the outer most edge of the front door entry, or otherwise located at such location as approved by Town staff.
  - 1. Said signage shall be no less than 18" by 24", and no larger than 24" by 24", and in good taste, subject to code enforcement review and approval.

2. Signage shall include address and a 24-hour nonemergency phone number. The STR Hotline number is 435-STR-HELP (1-435-787-4357).

In addition to providing contact information in the Registration form to the Town the owner or site agent shall provide to registered owner and adjacent neighbors including neighbors diagonally and directly across any street, road, lane, or other open space the name of the owner and the site agent as well as contact information (phone, and e-mail) for the owner and site agent. The form letter to be completed and distributed by the applicant to referenced neighbors shall be provided by the Town as part of the registration, or renewal reregistration process.

### **Sec. 6-306 Taxes/Fees**

Short-term rental owners are responsible that all applicable taxes to include but not limited to state sales, town taxes, and regulatory fees as well as hotel /motel taxes, if applicable are paid. The Town may seek to enforce payment of all applicable such taxes or fees to the extent provided by law, including injunctive relief.

### **Sec. 6-307 Compliance**

- (a) Any violation of the terms and conditions of this ordinance, other ordinances of the Town, or multiple violations of the good neighbor policy may be grounds for the Town to revoke, after notice to the owner and agent of record their short-term rental registration / accompanying business license.
- (b) Such revocation may occur following a notice being delivered to the property owner and/or agent or agency managing the property from the Town Administrator or his/her designee.
- (c) An administrative hearing conducted by the Town Administrator or his/her designee will be held. Following such a hearing, or an effort to hold such a hearing in the event that the owner, occupier, or agent does not appear, the administrator / designee is authorized to suspend, revoke, place on probation with restrictions, or take other appropriate action with regard to the permit, business license, tax certificate etc., for that location.

### **Sec. 6-308 Exclusions/Registrations per Each Rental Space**

- (a) Mobile homes, Trailers, recreational vehicles, motor homes, tiny homes and boats are not approved as STR's.
- (b) The number of allowed Short Term Rental registrations allowed within the Town limits shall be 70. Each approved registration, except for owner occupied STR, shall be counted towards the maximum number of registrations allowed.
- (c) There shall be one registration for each lot, unit, dwelling or portion of a dwelling. In the case of a lot with multiple structures there shall be a

separate registration for each rental space used as a short-term rental. Applications shall not be submitted with a P.O. Box but shall state the actual street address of the location of the STR.

### **Section 6-309 Effective date/Implementation**

- (a) This ordinance shall become effective as of the date approved by the Mayor and Council but in order to allow time for communication to the public and time for registration there shall be no enforcement of the provision of this ordinance until after 3/1/22. A good faith effort shall be made to provide permits to those persons or entities presently operating a STR with persons or entities contemplating a STR but not actually operating a short-term rental being placed on a waiting list to receive a permit. Such person on a waiting list will be place on the list based on the time they fully completed an application/ registration form.

It is the intention of the governing body, and it is hereby ordained, that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, of Thunderbolt, Georgia, and the sections of this ordinance may be renumbered if necessary to accomplish such intention.

This Ordinance shall become effective on 13 day of December, 2023.

ADOPTED THIS 13 DAY OF December 2023.



MAYOR