

**AN ORDINANCE TO AMEND AND REVISE CHAPTER 10, BUSINESSES, BY
ADDING ARTICLE XIII TO LICENSE AND REGULATE SHORT TERM RENTAL OF
DWELLINGS, AND FOR OTHER PURPOSES**

WHEREAS, the private rental of homes to others for short-term use has become popular; and

WHEREAS, there exists a need to regulate such short-term rentals so that occupants of such do not interfere with the peaceful enjoyment of residents while allowing property owners to rent their homes.

NOW, THEREFORE BE IT SO RESOLVED by the Mayor and Council of the City of Chattahoochee Hills as follows:

Section 1: Chapter 10 (*Businesses*) amended by adding Article XIII (*Short-Term Rental Regulations*) as follows:

Section 10-360. - Intent and Purpose.

A. The purpose of this chapter is to establish regulations, procedures, and standards for the use of privately owned residential dwellings as short-term rentals that both maximize and ensure the collection and payment of Hotel Motel occupancy taxes as provided in Chapter 28, Article III (Hotel and Motel Tax) of this code and prevent the negative effects of such use on surrounding residential areas and neighbors. It is the City's intent to establish short-term rental regulations that require compliance with code, permitting and other legal requirements; that promote a mix of lodging options that support the City of Chattahoochee Hills's tourism base and local economy; that allow for residents of the community to supplement their incomes through appropriately renting their properties; that uphold the health, safety, and welfare of the public; and that protect homes and neighborhoods by ensuring that the impacts of short-term rentals do not adversely affect the residents and character of residential areas.

B. Additionally, this section is intended to ensure that the number of occupants within such rental units does not exceed the reasonable capacity of the Dwelling and Property to cause health and safety concerns, and that minimum health and safety standards are maintained to protect visitors and neighbors from unsafe or unsanitary conditions.

C. This chapter is not intended to provide any Owner of residential property with the right or privilege to violate any private conditions, covenants, and restrictions applicable to the Owner's property that may prohibit the use of such Owner's residential property for short-term rental purposes that would otherwise be permitted by this chapter.

Section 10-361. - Definitions.

For purposes of this chapter, the following words, and phrases whether capitalized or not shall have the meaning respectively ascribed to them by this section.

“Advertise,” “Advertisement,” “Advertising,” “Publish,” and “Publication” mean any and all

means, whether verbal or written, through any media whatsoever whether in use prior to, at the time of, or after the enactment of the ordinance amending this chapter, used for conveying to any member or members of the public the ability or availability to rent a Short-Term Rental Unit as defined in this section, or used for conveying to any member or members of the public a notice of an intention to rent a Short-Term Rental Unit as defined in this section. For purposes of this definition, the following media are listed as examples, which are not and shall not be construed as exhaustive: Verbal or written announcements by proclamation or outcry, newspaper advertisement, magazine advertisement, handbill, written or printed notice, printed or poster display, billboard display, e-mail or other electronic/digital messaging platform, electronic commerce/commercial Internet websites, social media Internet websites, and any and all other electronic media, television, radio, satellite-based, or Internet website.

“Applicable laws, rules and regulations” means any laws, rules, regulations, and codes (whether local, state, or federal) pertaining to the use and occupancy of a privately owned dwelling unit as a short-term rental.

“Applicant” means the Owner of the Short-Term Rental Unit.

“Authorized agent or representative” means a designated agent or representative who is appointed by the Owner and is responsible for compliance with this chapter with respect to the Short-Term Rental Unit.

“City Manager” means that person acting in the capacity of the city manager of the City of Chattahoochee Hills or his or her designee.

“Dwelling” means the permanent structure on real property in which people reside; “Dwelling” does not include any impermanent, transitory, or mobile means of temporary lodging, including but not limited to mobile homes, recreational vehicles (RVs), car trailers, and camping tents, which are not eligible for short-term rental under this chapter, except where permitted in the RL District.

“Good Neighbor Brochure” means a document prepared by the city and supplemented by the Owner or the Authorized agent or representative from time to time that summarizes the general rules of conduct, consideration, and respect, including, without limitation, provisions of this code and other Applicable laws, rules or regulations pertaining to the use and occupancy of Short-Term Rental Units, including but not limited to the following:

- (1) Maximum number of overnight and daytime occupants;
- (2) Location (map and/or descriptive language) of designated off-street (or on-street) parking, other available parking, description of any prohibited parking areas, and prohibition against parking on landscaped areas or roadside right-of-way;
- (3) Quiet hours and noise restrictions;
- (4) Other relevant City Codes and Ordinances;
- (5) Prohibition against special events;
- (6) Restrictions on outdoor facilities;
- (7) 24-hour contact person and phone number;

- (8) Property cleanliness requirements;
- (9) Trash pick-up requirements, including location of trash cans;
- (10) Safety Information (including location of fire extinguishers);
- (11) Emergency numbers;
- (12) Notice that failure to conform to the occupancy and parking requirements is a violation of the City Code and occupant or visitor can be cited, including the relevant fine schedules; and
- (13) Other useful information about the community.

“Local contact person” means the person designated by the Owner or the Owner’s Authorized agent or representative who shall be available twenty-four hours per day, seven days per week with the ability to respond to the location within sixty minutes for the purpose of: (1) taking remedial action to resolve any such complaints; and (2) responding to complaints regarding the condition, operation, or conduct of occupants of the Short-Term Rental Unit.

“Occupant” means any person(s) within the Dwelling unit during the rental period.

“Owner” means the person(s) or entity(ies) that hold(s) legal and/or equitable title to the Property on which the subject Short-Term Rental Unit is located.

“Phase” means any phase of any applicable development plan previously approved by the city and as defined by the city.

“Property” means a residential legal lot of record on which a Short-Term Rental Unit is located.

“Rent” means the amount of the consideration charged or chargeable to the tenant or person entitled to occupancy, for the occupancy of space, valued in money whether received in money, goods, labor or otherwise, including the full value of receipts, cash, credits, property or services of any kind or nature, without any deductions whatsoever. Rent may have been, or may be in part, payable or paid prior to or following (in whole or in part) the occupancy to which it is attributable and may have been paid in whole or in part in advance on a long-term basis, such as in a time-share project or similar arrangement. It is not the intent of this subsection to make the operator liable for the tax on uncollected Rent. However, uncollected Rent must be reported.

“Responsible person” means the signatory of an agreement for the rental, use and occupancy of a Short-Term Rental Unit, who shall be an Occupant of that Short-Term Rental Unit, who is at least twenty-one years of age, and who is legally responsible for ensuring that all Occupants of the Short-Term Rental unit and/or their guests or visitors comply with all Applicable laws, rules and regulations pertaining to the use and occupancy of the subject Short-Term Rental Unit.

“Short-Term Rental Permit” means a permit that allows the use of a privately owned residential Dwelling as a Short-Term Rental Unit pursuant to the provisions of this chapter, and which incorporates by consolidation a business license otherwise required by Chapter 10, Article II (or successor provisions, as may be amended from time to time) of this code.

“Short-Term Rental Unit” means a privately owned residential Dwelling or any separable portion of such Dwellings, rented for occupancy for lodging or sleeping purposes for a period of thirty consecutive calendar days or less, counting portions of calendar days as full days. This term is not applicable to hotels, motels, bed and breakfasts, nursing homes, convalescent homes,

or foster homes.

“STR” may be used as an abbreviation for “Short-Term Rental.”

“Tenant” for purposes of this chapter, means any person who seeks to rent or who does rent a Short-Term Rental Unit.

Section 10-362. - Authorized agent or representative.

A. Except for the completion of an application for a Short-Term Rental Permit and business license, the Owner may designate an Authorized agent or representative to ensure compliance with the requirements of this chapter with respect to the Short-Term Rental Unit on his, her or their behalf. Nevertheless, the Owner shall not be relieved from any personal responsibility and personal liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the subject Short-Term Rental Unit, regardless of whether such noncompliance was committed by the Owner’s Authorized agent or representative or the Occupants of the Owner’s Short-Term Rental Unit or their guests. Nothing in this requirement limits the Owner’s ability to market and rent their Property through 3rd party vendors such as AirBNB, VRBO, etc. Any such rental listings must include all required information as enumerated in, and otherwise comply with, this code. Regardless of rental method, all local tax requirements and ordinances must be complied with.

B. The Owner must be the applicant for and holder of a Short-Term Rental Permit and business license and shall not authorize an agent or a representative to apply for or hold a Short-Term Rental Permit and business license on the Owner’s behalf. The Owner’s signature is required on all Short-Term Rental application forms, and the city may prescribe reasonable requirements to verify that an applicant or purported Owner is the Owner in fact.

Section 10-363. - Short-Term Rental Permit—Required.

A. Prohibitions.

1. It shall be unlawful for any person, whether a principal or agent, clerk, or employee, either for him or herself, or for any other person or for anybody, corporation or otherwise, to lease or operate a Short-Term Rental without first obtaining a Short-Term Rental Permit in accordance with the provisions of this Section or operating same in violation of the standards set forth herein.

2. This Section shall not apply to leases of residential homes for more than 30 days, or other rental arrangements in Country Inns, Bed and Breakfasts and Hotels. It shall apply to Dwellings managed by a properly permitted Country Inns, Bed and Breakfasts or Hotel but owned by others.

3. An Owner or Authorized agent or representative is not permitted to rent individual rooms within a residential Dwelling unit unless those rooms have their own exterior access and are separable from the rest of the unit by a lockable door.

B. The Owner is required to obtain a Short-Term Rental Permit and a business license from

the city before the Owner or the Owner's Authorized agent or representative may rent or Advertise a Short-Term Rental unit. No Short-Term Rental use may occur in the city except in compliance with this chapter.

C. A Short-Term Rental Permit and business license shall be renewed on an annual basis to remain valid. A new Owner of a Short-Term Rental Unit that had been issued a Short-Term Rental Permit to a former Owner shall apply for a new Short-Term Rental Permit if the new Owner plans to continue to use the residential Dwelling as a Short-Term Rental Unit, subject to the first come, first served limitation of Section 10-364(B). When an Owner or an Owner's Authorized agent or representative converts non-bedroom spaces and areas in an existing residential Dwelling into additional bedrooms, the Owner shall apply for a new Short-Term Rental Permit if the Owner intends to continue to use the residential Dwelling as a Short-Term Rental Unit.

D. A Short-Term Rental Permit and business license shall be valid only for the number of bedrooms in a residential Dwelling equal to the number of bedrooms the city establishes as eligible for listing as a Short-Term Rental Unit and shall not exceed the number of bedrooms allowable for the number of Occupants as set forth in Section 10-365(B). The city may determine the maximum number of bedrooms in a residential Dwelling with multiple bedrooms eligible for use as a Short-Term Rental Unit upon issuance of a Short-Term Rental Permit. When determining the maximum number of bedrooms eligible for use as Short-Term Rentals, the city shall consider the public health, safety, and welfare, shall comply with fire, building and residential codes, and may rely on public records relating to planned and approved living space within the residential Dwellings, including, but not limited to official county records, and tax assessor records. An Owner and/or Owner's Authorized agent or representative may not Advertise availability for occupancy of a Short-Term Rental Unit for more than five bedrooms or twelve Occupants in any case.

E. The allowable number of bedrooms shall meet all applicable requirements under federal, state and city codes and all applicable building and construction codes in this code. A Short-Term Rental Permit shall not issue for, or otherwise authorize the use of, bedrooms converted from non-bedroom spaces or areas in an existing residential Dwelling except upon express city approval for the additional bedrooms in compliance with this code (or successor provisions, as may be amended from time to time), and upon approval of an application for a new or renewed Short-Term Rental Permit as provided in Section 10-363(B).

F. A Short-Term Rental Permit and business license shall not be issued or renewed if the Property, or any building, structure, or use or land use on the Property is in violation of this code or any other Applicable laws, rules, and regulations. The city may conduct an inspection of the Property prior to the issuance or renewal of a Short-Term Rental Permit and/or business license.

G. A Short-Term Rental Permit and business license shall not be issued or renewed if any portion of hotel-motel tax has not been reported and/or remitted to the city for the previous calendar year by the applicable deadline for the reporting and/or remittance of the hotel-motel tax.

H. A Short-Term Rental Permit and business license shall not be issued or renewed if the residential Dwelling to be used as a Short-Term Rental Unit lacks adequate parking. For purposes of this subsection, “adequate parking” shall be determined by dividing the total number of Occupants commensurate with the approved number of bedrooms as provided in the table under Section 10-365(B) by four, such that the ratio of the total number of Occupants to onsite parking spots does not exceed four to one (4:1). For example, a residential Dwelling with three bedrooms may permissibly host a total number of six Occupants and therefore requires two on-site parking spots.

Pursuant to Section 3.25.070(R), in HM or VL Districts, no more than one on-street parking spot may count towards the number of on-site parking spots necessary to meet the “adequate onsite parking” requirement unless more spaces are dedicated to the structure in question and are reserved for the use of the applicant residential Dwelling only or if parking is available in an open public lot. Any designated parking shall be no more than 100 yards from the front door of the applicant residential Dwelling as measured by the shortest route of travel.

Section 10-364. - Short-Term Rental Permit—Application requirements.

A. The Owner must submit the information required on the city’s Short-Term Rental Permit application form provided by the city, which may include the following:

1. The name, address, and 24-hour telephone numbers of the Owner of the subject Short-Term Rental Unit;
2. The name, address, and 24-hour telephone numbers of the Owner’s Authorized agent or representative, if any;
3. The name, address, and 24-hour telephone numbers of the Local contact person;
4. The address of the proposed Short-Term Rental Unit, all Internet listing site(s) and listing number(s);
5. The number of bedrooms shall not exceed the number of bedrooms allowable for the number of Occupants as set forth in Section 10-365(B);
6. Acknowledgement of receipt of a Short-Term Rental information packet from the city, which includes a copy of the Good Neighbor Brochure;
7. Certification from the Owner, Owner’s Authorized agent, or representative that issuance of a Short-Term Rental Permit pursuant to this chapter is not inconsistent with any recorded or unrecorded restrictive covenant, document, or other policy of a homeowner association or other person or entity which has governing authority over the Property on which a Short Term Rental unit will be operated;
8. In the event that a proposed Short-Term Rental is in an area under the control of a Homeowners’ Association, a letter shall be submitted to the Homeowners’ Association providing notification of an application for a Short-Term Rental Permit;
9. A statement that the Owner of the Short-Term Rental has met and will continue to comply with the standards and other requirements of this section;

10. Such other information as the City Manager or designee deems reasonably necessary to administer this chapter;

11. The Short-Term Rental Permit application shall be accompanied by an application fee as set by resolution of the city council;

12. A Short-Term Rental Permit application may be denied if the applicant has failed to comply with application requirements in this chapter or has had a prior Short-Term Rental Permit for the same Short-Term Rental Unit revoked within the past twelve calendar months;

B. In addition, the city may limit the number of Short-Term Rental Units in a given geographic area to avoid negative community impacts resultant from such concentrations. Short-Term Rentals shall be limited as follows:

(1) In mixed-use, live-work, apartment/condominium, or commercial buildings and/or areas in HM, VL, or TN Districts: no limitation.

(2) In single family detached or attached residential areas in HM, VL, or TN Districts: no more than 20% of Dwellings in any Phase. No more than 2 adjacent units are allowed on any city right-of-way or on any private street.

(3) In RL Districts: no more than 20% of Dwellings in any Block, with the following exceptions:

- a. Up to three residences under common ownership that are more than 500' from the nearest off-site residence; and
- b. Individual residences under separate ownership that are more than 800' from the nearest off-site residence are not limited.

(4) Applications will be accepted on a 'first come, first served' basis.

(5) The city shall maintain a waiting list of Short-Term Rental Permit applications in areas where additional units have been so limited. Additional applications may be accepted on a 'first come, first served' basis when the number of units in any geographic area falls under the limits noted.

(6) These guidelines may be further restricted, based on substantial evidence after a noticed public hearing, if there is a concentration of Short-Term Rental Units that either affects the public health, safety, and welfare or significantly negatively impacts the character and standard of living within a specific neighborhood or within a specific geographic area, or both.

C. Short-Term Rental Permit applications may take, and the city shall have, at least thirty days to process but no more than forty-five days. Nothing in this subsection or chapter shall be construed as requiring the city to issue or deny a Short-Term Rental Permit in less than thirty days, as no permit shall be issued until such time as application review is complete.

D. Within 30 days of any other change in material facts pertaining to the information contained in the Short-Term Rental Permit application, the Owner, Owner's Authorized agent,

or representative shall submit an application and requisite application fee for a new Short-Term Rental Permit, which must be obtained prior to continuing to rent the subject unit as a short-term rental.

E. Short-Term Rental Units in operation prior to the effective date of the ordinance shall register and apply in compliance with this ordinance no later than June 30, 2021. The limits in Section 10-364(B) will not apply to Owners of Short-Term Rentals that can prove that they were operating in accordance with all Applicable laws, rules, and regulations prior to the adoption of the ordinance but shall apply to subsequent Owners of such Short-Term Rentals. All Short-Term Rentals shall be registered annually thereafter in accordance with this chapter.

F. Annual renewal. A Short-Term Rental Permit may be renewed by submission of a renewal application meeting the application requirements of this chapter annually if:

1. The Owner pays inspection fee and passes inspection to be conducted by the firemarshal and the annual fee.

2. The Owner provides documentation showing that local hotel occupancy taxes have been paid for the permitted unit as required for the previous year.

3. The Property is not subject to outstanding city code violations or violations of other Applicable laws, rules, and regulations.

4. The Owner has no outstanding city fees or fines.

5. No more than one conviction or plea of guilty or nolo contendere to a disorderly house or nuisance charge in the previous calendar year.

6. The city shall deny an application to renew a Short-Term Rental Permit for twelve months following a revocation of the Short-Term Rental Permit pursuant to this chapter.

Section 10-365. - Operational requirements and standard conditions.

A. The Owner and/or Owner's Authorized agent or representative shall use reasonably prudent business practices to ensure that the Short-Term Rental Unit is used in a manner that complies with all Applicable laws, rules, and regulations pertaining to the use and occupancy of the subject Short-Term Rental Unit.

B. The Responsible person(s) shall be an Occupant(s) of the Short-Term Rental Unit for which he, she or they signed a rental agreement for such rental, use and occupancy. No non-permanent improvements to the Property or structures or vehicles, such as tents, trailers, or other mobile units, may be used as short-term rentals unit except in the RL District. No sleeping related to a Short-Term Rental Unit is allowed out-of-doors except in the RL District. The total number of Occupants allowed to occupy any given Short-Term Rental Unit shall not exceed the maximum number set forth in the table below. Additionally, the number of full bathrooms required for the number of Occupants is set forth in the table below. A full bathroom must meet the minimum

International Residential Code standards (R 306, Sanitation) and include a wash basin, toilet and tub or shower. In no case are more than 12 overnight guests are allowed in a Short-Term Rental Unit.

Number of Bedrooms	Maximum Number of Overnight Occupants	Minimum number of Bathrooms
Studio	2	1 full bath
1	2*	1 full bath
2	4*	2 full baths
3	6*	2 full baths
4	8*	3 baths
5	10*	3 baths

*(plus up to 2 additional children under the age of 15)

C. While a Short-Term Rental Unit is rented, the Owner, the Owner's Authorized agent or representative and/or the Owner's designated Local contact person shall be available twenty-four hours per day, seven days per week, with the ability to respond within sixty minutes to complaints regarding the condition, operation, or conduct of Occupants of the Short-Term Rental Unit or their guests.

D. The Owner, the Owner's Authorized agent or representative and/or the Owner's designated Local contact person shall use reasonably prudent business practices to ensure that the Occupants and/or guests of the Short-Term Rental Unit do not create unreasonable or unlawful noise or disturbances, engage in disorderly conduct, or violate any applicable law, rule or regulation pertaining to the use and occupancy of the subject Short-Term Rental Unit.

E. Each Occupant and visitor to a Short-Term Rental shall comply with all applicable provisions of the City Code, including, without limitation, noise, and disorderly conduct restrictions. No Occupant of or visitor to a Short-Term Rental shall cause or permit a public nuisance to be maintained on such Property. This information shall be included in the rental agreement and Good Neighbor Brochure. Occupants of the Short-Term Rental shall comply with the standards and regulations for allowable noise at the Property in accordance with Section 18-7 (or successor provision, as maybe amended from time to time) of this code.

F. Prior to occupancy of a Short-Term Rental Unit, the Owner or the Owner's Authorized agent or representative shall:

1. Obtain the contact information of the Responsible person;
2. Provide a copy of the Good Neighbor Brochure to the Responsible person; and require such Responsible person to execute a formal acknowledgement that he or she is

legally responsible for compliance by all Occupants of the Short-Term Rental Unit and their guests with all Applicable laws, rules and regulations pertaining to the use and occupancy of the Short-Term Rental Unit, including the Good Neighbor Brochure. Such acknowledgement may be located within the Polices and Rules sections of online listing platforms and may be confirmed electronically.

G. The Owner, the Owner's Authorized agent or representative and/or the Owner's designated Local contact person shall, upon notification or attempted notification that the Responsible person and/or any Occupant and/or guest of the Short-Term Rental Unit has created unreasonable or unlawful noise or disturbances, engaged in disorderly conduct, or committed violations of any applicable law, rule or regulation pertaining to the use and occupancy of the subject Short-Term Rental Unit, promptly respond within sixty minutes to immediately halt and prevent a recurrence of such conduct by the Responsible person and/or any Occupants and/or guests. Failure of the Owner, the Owner's Authorized agent or representative and/or the Owner's designated Local contact person to respond to calls or complaints regarding the condition, operation, or conduct of Occupants and/or guests of the Short-Term Rental within sixty minutes, shall be subject to all administrative, legal, and equitable remedies available to the city, including revocation of the Short-Term Rental Permit pursuant to this chapter.

H. Trash and refuse shall not be left stored within public view, except in proper containers for the purpose of collection by the residence's authorized waste hauler on scheduled trash collection days.

I. The Owner, Authorized agent or representative and/or the Owner's designated Local contact person shall post a copy of the Short-Term Rental Permit and a copy of the Good Neighbor Brochure in a conspicuous place within the Short-Term Rental Unit, and a copy of the Good Neighbor Brochure shall be available to each Occupant of the subject Short-Term Rental Unit.

J. The Short-Term Rental Permit number, maximum occupancy as permitted, and life-safety inspection expiration date must be listed in all advertising for the short-term rental.

K. Unless otherwise provided in this chapter, the Owner and/or the Owner's Authorized agent or representative shall comply with all provisions of Chapter 28, Article III concerning hotel-motel taxes.

L. Guesthouses or any other Dwellings, detached from the primary residential Dwelling on the Property, or the primary residential Dwelling on the Property, may be rented pursuant to this chapter only if the guesthouse (or other Dwelling) and the primary residential Dwelling are rented to one party, or if the Owner is present in one of the Dwellings and the other Dwelling is rented. For the avoidance of doubt, only one Short-Term Rental Permit will be permitted per Property.

M. The Owner and/or the Owner's Authorized agent or representative shall post the current Short-Term Rental Permit number on or in any advertisement that promotes the availability or existence of a Short-Term Rental Unit.

N. The Owner and/or Owner's Authorized agent or representative shall operate a Short-Term

Rental unit in compliance with any other permits or licenses that apply to the Property, including, but not limited to, any permit or license needed to operate a special event pursuant to Sections 35-114 and 115 (or successor provision, as may be amended from time to time) of this code. The city may limit the number of special event permits issued per year on residential Dwellings pursuant to Sections 35-114 and 115 (or successor provision, as may be amended from time to time). In the absence of a permitted Special Event venue and license, Special Events are expressly prohibited in Short Term Rentals located in the HM or VL Districts.

O. Life safety

1. All building and fire related construction shall conform to the city's adopted building codes.

2. A 2A:10B:C type fire extinguisher (a standard five-pound extinguisher) shall be properly mounted within 75 feet of all portions of the structure on each floor and will be maintained in accordance with the manufacturer's specifications.

3. Every sleeping room shall have at least one operable emergency escape and rescue opening.

Section 10-366. - Recordkeeping duties.

The Owner or the Owner's Authorized agent or representative shall maintain for a period of three years, records in such form as the City may require to determine the amount of hotel-motel tax owed to the city. Short-Term Rentals are subject to the ordinances governing Hotel-Motel Tax found in Chapter 28, Article III (or successor provision, as may be amended from time to time).

Section 10-367. - Violations.

A. It is an offense for the Owner, Authorized agent or representative, Local contact person, or Responsible person to allow, permit, cause, or fail to prohibit an occupancy in violation of this code. Each day that a unit is occupied in violation of this ordinance shall be considered a separate offense, and, upon conviction, shall be subject to fines as established by the City.

B. It shall be deemed a repeat offense:

1. If the Owner, Authorized agent or representative, Local contact person, or Responsible person fails to comply with any of the provisions of this section more than twice in a calendar year, and/or

2. If the Property is the subject of repeated health or safety violations of city code or state law

C. Citations. The city may issue a citation to any Owner, Authorized agent or representative, Local contact person, Responsible person or Occupant for violation of this ordinance. Fines shall be set by the city council.

Section 10-368. - Enforcement.

- A. Should a law enforcement officer or code enforcement officer respond to a complaint involving a Short-Term Rental and issue a citation/notice of violation for any violation of city ordinances to an Occupant of a Short-Term Rental, the city shall attempt to call the Owner or Authorized agent or representative. The Owner or Authorized agent or representative shall attempt to contact the Occupants of the Short-Term Rental within one hour of receiving the call from the city to address the citation/notice of violation with the Occupants. Should a second complaint be filed involving the same Occupants of the Short-Term Rental and a law enforcement officer or code enforcement officer issues a second citation/notice of violation, the Owner or Authorized agent or representative shall terminate the Short-Term Rental with that Occupant and notify the Responsible person that all Occupants must vacate the Short-Term Rental immediately.
- B. Law enforcement officers and code enforcement officers shall have the authority to issue citations to the Owner or Authorized agent or representative for failing to have a valid and current Short-Term Rental Permit.
- C. Law enforcement officers and code enforcement officers shall have the authority to issue citations to the Responsible person for violating the maximum number of Occupants in a Short-Term Rental Unit.
- D. The Fire Chief or his designee shall have the right to issue notice to the Owner or Authorized agent or representative of any life safety issues or concerns. All such issues or concerns shall be rectified within thirty days and no rental of the Short-Term Rental Unit may occur until such issue or concern is rectified to the satisfaction of the Fire Chief or his designee.
- E. Owner or Authorized agent or representative shall have 30 days from the date the city or state issue a notice of delinquency to submit delinquent hotel occupancy tax to city and state before revocation of the Short-Term Rental Permit/special use permit begins.
- F. The provisions of this subsection are in addition to and not in lieu of any criminal prosecution or penalties as provided by city ordinances or state law.
- G. This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 10-369. - Revocation Process.

- A. A violation of any provision of this chapter, the applicable tax codes, the fire codes, or the building codes by the Owner, Authorized agent or representative, or Local contact person shall constitute grounds for suspension and/or revocation of the Short-Term Rental Permit.
- B. The city shall issue a notice of violation to the Owner, or Owner's Authorized agent or representative, pursuant to this code, if there is a violation of this chapter committed, caused, or maintained by the Owner, Authorized agent or representative, or Local contact person.
- C. Three violations of any provision of this chapter or this code (other than violations

of the tax codes, fire codes or building codes which are addressed separately herein) within one year by the Owner, Authorized agent or representative, or Local contact person, with respect to any one Property will result in an immediate suspension of the Short-Term Rental Permit.

D. Two violations of the tax codes, fire codes or building codes within a five-year period shall result in immediate suspension of the Short-Term Rental Permit.

E. Failure to rectify a life safety issue or concern noted by the Fire Chief or his designee within thirty days of such notice to the Owner or Authorized agent or representative shall result in immediate suspension of the Short-Term Rental Permit.

F. Three separate incidents in which a law enforcement officer or code enforcement office issued a citation within one year to Occupants of the same Short-Term Rental Unit shall result in immediate suspension of the Short-Term Rental Permit.

G. The Owner or Authorized agent or representative shall have the right to seek an appeal to the City Manager by submitting a written request to lift the suspension. Such written request must be received by the City Manager within ten days of the suspension of the Short-Term Rental Permit. The City Manager shall take into account the type of violations that occurred, the length of time the Owner or Authorized agent or representative had Short-Term Rental Permits, the prior history of the Owner or Authorized agent or representative in regards to Short-Term Rentals, and any extenuating circumstances. The City Manager may conduct an investigation into the suspension as deemed appropriate by the City Manager. The City Manager shall issue a written decision to the Owner or Authorized agent or representative stating the basis for his or her decision.

Section 10-370. - Appeals.

Any person aggrieved by any decision of the City Manager made pursuant to this chapter may request a hearing before the Mayor and Council. The request must be in writing and sent to the City Clerk. Such hearing shall be conducted at the first regularly scheduled City Council meeting that is no less than fifteen days after the City Clerk receives the written request. The person requesting the hearing shall be heard first by the Mayor and Council and shall have ten minutes to present his or her case. The City Manager shall have ten minutes to respond. Upon hearing from the aggrieved person and the City Manager, the City Council shall vote to affirm or overturn the decision of the City Manager. Any appeal of the City Council's decision shall be filed in the Superior Court of the county in which the Short-Term Rental Unit is located.

Section 2: The within ordinance shall become effective on July 1, 2021.

Section 3: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

**STATE OF GEORGIA
COUNTY OF FULTON**

ORDINANCE NO. 21-05-219

SO RESOLVED BY THE COUNCIL OF CHATTAHOOCHEE HILLS, 4th day of May, 2021.

Approved:

Tom Reed, Mayor

Attest:

Dana Wicher, City Clerk
(Seal)