

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

FIRST READING May 14, 2019
ADVERTISED June 5, 2019
PUBLIC HEARING July 9, 2019
PASSED July 9, 2019

AN ORDINANCE NO. BR2019-07

AN ORDINANCE TO ESTABLISH GUIDELINES AND RULES GOVERNING SHORT-TERM RENTALS, TO PROVIDE FOR THE USE OF CERTAIN FORMS AND TO ESTABLISH FEES; FOR ESTABLISHING STANDARDS FOR CONSIDERATION OF APPLICATIONS AND FOR OTHER PURPOSES;

WHEREAS, the City Council and Mayor of the City of Blue Ridge, Georgia, desires to establish certain safeguards related to the operation of short-term rentals within the City; and

WHEREAS, the City Council and Mayor of the City of Blue Ridge, Georgia, finds that the provisions contained herein shall promote the health, safety, and welfare of the residents of the City and those who visit the City and utilize short-term rentals;

NOW, THEREFORE, BE IT ORDERED, AND IT IS HEREBY ORDAINED by the Council of the City of Blue Ridge, Georgia, as authorized by the City Charter and general law, enacts the following:

21 **SECTION 1.**
22 **SHORT TITLE**

23
24 This ordinance shall be titled the "City of Blue Ridge Short Term Vacation
25 Rental Ordinance."

26 **SECTION 2.**
27 **DEFINITIONS**

28
29 For the purpose of this ordinance, the following terms, phrases, words and
30 derivations shall have the meaning given herein. When not inconsistent with the
31 context, words used in the present tense include the future, words in the plural
32 number include the singular number, and words in the singular number include the
33 plural number. The word "shall" is always mandatory and not merely dicta.

34 A. *Short term vacation rental.* Short term vacation rental means an
35 accommodation for transient guests where, in exchange for
36 compensation, a residential dwelling unit is provided for lodging for a
37 period of time not to exceed 30 consecutive days. Short term vacation
38 rental shall not include any residential dwelling unit not regularly
39 offered for rental, which shall be defined as any residence offered for
40 rental less than fourteen (14) days in any given calendar year. For the
41 purposes of this definition, a residential dwelling shall include all
42 housing types and shall exclude group living or other lodging uses.

43 **SECTION 3**
44 **REGULATIONS FOR SHORT TERM VACATION RENTALS**
45

46 Short term vacation rentals may be offered to the public for rental only on
47 properties zoned for commercial use which currently are Central Business District
48 (“CBD”), Limited Commercial (“C-1”), General Commercial (“C-2”). No short
49 term rental may be offered to the public for rental until issuance of a short term
50 vacation rental certificate, receipt of an occupation tax certificate, and payment of
51 any and all applicable State and City taxes. Any taxes owed to the City shall be
52 paid and any failure to remit the same or to register pursuant to this ordinance shall
53 be subject to the penalties set forth in the City of Blue Ridge, Georgia’s Code of
54 Ordinances. Owners shall also use his or her best efforts to insure occupants do
55 not disrupt or interfere with rights of adjacent property owners to quiet enjoyment
56 of their property and shall adhere to the following requirements:

- 57 A. Owners shall not allow occupants to violate any federal, state, or local
58 law, statute, rule or ordinances.
- 59 B. Owners shall not allow overnight occupancy to exceed the maximum
60 capacity as identified in the rental certificate application.

61
62 **SECTION 4**
63 **APPLICATION; FEE**
64

65 A. An application for a short term vacation rental certificate shall be
66 submitted, under oath, on a form specified by the City Clerk or City
67 Attorney, or their designee, accompanied by a \$25.00 non-refundable
68 application fee as set forth by the City Council, which shall include at
69 a minimum the following information or documentation:

70 1. The name, address, telephone and email address of the owner(s)
71 of record of the dwelling unit for which a certificate is sought.
72 If such owner is not a natural person, the application shall
73 identify all partners, officers and/or directors of any such entity,
74 including personal contact information;

75 2. The address of the unit to be used as a short term vacation
76 rental;

77 3. The name, address, telephone number and email address of the
78 short term vacation rental agent, which shall constitute his or
79 her 24-hour contact information and who shall:

80 a. Be reasonably available to handle any problems arising
81 from use of the short term vacation rental unit;

82 b. Be available by telephone within 24 hours following
83 notification from the City Clerk, Police Chief or the City

84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103

Attorney, or his/her designee, of issues related to the use or occupancy of the premises.

- c. Receive and accept service of any notice of violation related to the use or occupancy of the premises; and
- d. Monitor the short term vacation rental unit for compliance with this ordinance.

4. The owner's sworn acknowledgment that he or she has received a copy of this section, has reviewed it and understands its requirements;

5. The owner shall state the maximum occupancy for the residence, which shall be the same number as advertised and marketed to potential renters by or on behalf of the owner;

6. The owner's agreement to use his or her best efforts to assure that use of the premises by short term vacation 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. A copy of an agreement between the owner and occupant(s) which obligate the occupant to abide by all of the requirements of the ordinance, and other City ordinances, state and federal

104 law, and that such a violation of any of these rules may result in
105 the immediate termination of the agreement and eviction from
106 the premises, as well as potential liability for payment of fines
107 levied;

108 8. Proof of the owner's and/or property management company's
109 contract with the owner] current ownership of the short term
110 vacation rental unit; and

111 9. Proof of visible rental sign that includes 911 address of
112 property.

113 B. Registration under this code section is not transferrable and should
114 ownership of a short term vacation rental change, a new application is
115 required, including application fee. In the event of any other change in
116 the information or facts provided in the application, the holder of the
117 short term rental certificate shall amend the filed application without
118 payment of any additional application fee.

119 C. After issuance of a rental certificate, the holder shall identify on each
120 monthly hotel/motel tax return the current identification number(s) of
121 the dwelling unit on any internet based advertising, listing or on-line
122 rental platform including, but not limited to, www.vrbo.com,
123 www.airbnb.com, www.homeaway.com or other similar services.

124 **SECTION 5**
125 **REVIEW OF APPLICATION**
126

127 Review of an application shall be conducted by the City Clerk or the City
128 Attorney, or their designee, in accordance with due process principles and shall be
129 granted unless the applicant fails to meet the conditions and requirements of this
130 Ordinance, or otherwise fails to demonstrate the ability to comply with local, state,
131 or federal laws. Any false statements or information provided in the application are
132 grounds for revocation, suspension and/or imposition of penalties, including denial
133 of future applications. A certificate shall not be issued unless the owner
134 demonstrates compliance with the applicable codes.

135 **SECTION 6**
136 **VIOLATIONS; REVOCATION**
137

138 A. In any instance in which use of the short term rental by a guest results
139 in a violation of these ordinances, or any other ordinance of the City,
140 notice of such violation shall be provided to the short term vacation
141 rental agent. Failure to remedy any notice of violations may result in
142 the issuance of a citation, which shall be prosecuted pursuant to this
143 Code. Upon a conviction of violation, the City Clerk or the City
144 Attorney may revoke the short term vacation rental certificate and

145 may reject all applications for the subject premises for a period of 12
146 consecutive months.

147 B. Short term rentals occurring on or after July 15, 2019 without a valid
148 rental certificate shall constitute a violation of this ordinance and shall
149 be subject to a minimum fine of \$250.00. Each occurrence shall
150 constitute a separate offense.

151 C. Nothing in this ordinance shall be construed to limit any action by the
152 City to seek the remediation of any dangerous condition at the short
153 term vacation rental or to take any action seeking to protect and
154 preserve against any threat to public safety.

155 **SECTION 7**
156 **APPEAL RIGHTS**

157
158 A person aggrieved by the City Clerk's or City Attorney's decision to revoke,
159 suspend or deny a short term vacation rental certificate may appeal the decision to
160 the Blue Ridge City Council. The appeal must be filed with the City Clerk's office
161 in writing, within 30 calendar days after the adverse action and it shall contain a
162 concise statement of the reasons for the appeal. A decision from the City Council
163 rendered at its next regularly scheduled meeting and the Council may hold any
164 hearing deemed necessary in consideration of the appeal or may simply vote to
165 reverse or confirm the appealed decision.

166 **SECTION 8**
167 **REPEAL OF CONFLICTING ORDINANCES TO REMOVE CONFLICT**
168

169 All parts of ordinances in conflict with the terms of this ordinance are hereby
170 repealed to the extent of the conflict, but it is hereby provided that any ordinance
171 or law which may be applicable hereto and aid in carrying out and making
172 effective the intent, purpose and provisions hereof, is hereby adopted as a part
173 hereof and shall be legally construed to be in favor of upholding this Ordinance on
174 behalf of the City of Blue Ridge, Georgia.

175 **SECTION 9**
176 **SEVERABILITY**
177

178 If any paragraph, subparagraph, sentence, clause, phrase or any other portion
179 of this Ordinance should be declared invalid or unconstitutional by any Court of
180 competent jurisdiction or if the provisions of any part of this Ordinance as applied
181 to any particular person, situation or set of circumstances is declared invalid or
182 unconstitutional, such invalidity shall not be construed to affect the provisions of
183 this Ordinance not so held to be invalid, or the application of this Ordinance to
184 other circumstances not so held to be invalid. It is hereby declared to be the
185 legislative intent of the City Council of the City of Blue Ridge, Georgia to provide
186 for separate and divisible parts and it does hereby adopt any and all parts hereof as
187 may not be held invalid for any reason.

188 **SECTION 10**
189 **EFFECTIVE DATE/TOLLING/SPECIAL LAND USE**
190 **PERMIT/NONCONFORMING GRANDFATHERED USE**
191

192 The effective date of this Ordinance shall be immediately upon its passage
193 by the City Council and execution by the Mayor or upon fifteen (15) days expiring
194 from the date of its passage without a veto of said Ordinance by the Mayor as set
195 forth in the City Charter at Section 3.23(b). The Ordinance shall be tolled and not
196 enforced against any owner of property who is currently operating a short-term
197 rental upon property which is not within a category eligible for the issuance of a
198 short term rental certificate if the owner or the owner's agent files an application
199 seeking a rezoning to a commercial category or a special land use permit within
200 thirty (30) days of the effective date of this Ordinance.

201 All applications for special land use permits shall be reviewed and processed
202 in the same manner as applications for rezoning and shall be made on forms
203 approved by the City. The City Council may grant a special land use permit to
204 allow operation of a short term rental on any property located within the City limits
205 and for any period of time. The City Council shall consider, at a minimum, the
206 following in its determination of whether or not to grant a special land use permit:

207 (1) Whether or not there will be a significant adverse effect on the
208 neighborhood or area in which the proposed use will be located.

209 (2) Whether or not the use is otherwise compatible with the neighborhood.

210 (3) Whether or not the use proposed will result in a nuisance as defined
211 under state law.

212 (4) Whether or not quiet enjoyment of surrounding property will be
213 adversely affected.

214 (5) Whether or not property values of surrounding property will be
215 adversely affected.

216 (6) Whether or not adequate provisions are made for parking and traffic
217 considerations.

218 (7) Whether or not the site or intensity of the use is appropriate.

219 (8) Whether or not special or unique conditions exist so as to overcome
220 the general requirements of this Ordinance.

221 (9) Whether or not adequate provisions are made regarding hours of
222 operation.

223 (10) Whether or not adequate controls and limits are placed on any
224 commercial and business deliveries.

225 (11) Whether or not the public health, safety, welfare or moral concerns
226 of the surrounding neighborhood will be adversely affected.

227 (12) Whether the applicant has provided sufficient information to allow a
228 full consideration of all relevant factors.


229 In all applications for a special land use permit the burden shall be on the
230 applicant both to produce sufficient information to allow the City to fully to
231 consider all relevant factors and to demonstrate that the proposal otherwise
232 complies with all applicable requirements and is otherwise consistent with this
233 Ordinance. A holder of a special land use permit may be subject to suspension or
234 revocation via a show-cause hearing conducted by the City Council if the
235 owner/property owner/operator is found in violation of any local, state or federal
236 laws, regulations or ordinance regulating such business or the violation any of the
237 City Council's stipulations of the special land use permit. The City shall be
238 authorized to conduct a show-cause hearing if the violations are not corrected
239 within ten days of official notification provided by the City, and/or are habitual in
240 nature, and/or endanger the public health, safety and welfare.

241 If the rezoning or special land use permit is denied, the Ordinance will no
242 longer be tolled and will be immediately enforceable. In the event an owner or the
243 owner's agent is currently operating a short-term rental upon property which is not
244 within a category eligible for the issuance of a short term rental certificate AND
245 has been paying the monthly hotel/motel tax as required by law , said operation
246 shall be considered to be grandfathered and allowed to continue operation until
247 there is a change in ownership of said property. However, all other terms and
248 conditions of this Ordinance shall apply to any grandfathered short-term rental

249 located on property zoned a category other than a commercial category set forth in
250 this ordinance.

251 SO ORDAINED, this 9 day of July, 2019.

252 **BLUE RIDGE CITY COUNCIL**

253
254 By: 
255 _____
256 Mayor

257
258 Attest:

259 
260 _____
261 Kelsey Ledford, City Clerk
262