

SECTION 2.

SEVERABILITY.

If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to effect the portions of this ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Blue Ridge to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

SECTION 3.

REPEAL OF CONFLICTING ORDINANCES TO THE EXTENT OF THE CONFLICT.

All parts of prior ordinances, in conflict with the terms of this ordinance are hereby repealed to the extent of the conflict; but it is hereby provided, that any ordinance, or any provision of any ordinance, or law which may be applicable hereto and aid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

SECTION 4.

EFFECTIVE DATE.

The effective date of this ordinance shall be upon its passage by the City Council.

SO ORDAINED this 21 day of February, 2023.

MAYOR AND CITY COUNCIL OF BLUE RIDGE



Mayor, City of Blue Ridge



Clerk, City of Blue Ridge



EXHIBIT "A"

ARTICLE V. SHORT-TERM VACATION RENTALS

Sec. 10-191. Short title.

This article shall be titled the "City of Blue Ridge Short-Term Vacation Rental Ordinance."
(Ord. No. BR2019-07, § 1, 7-9-2019)

Sec. 10-192. Definitions.

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:

Short-term vacation rental means an accommodation for transient guests where, in exchange for compensation, a residential dwelling unit is provided for lodging for a period of time not to exceed 30 consecutive days. The term "short-term vacation rental" shall not include any residential dwelling unit not regularly offered for rental, which shall be defined as any residence offered for rental less than 14 days in any given calendar year. For the purposes of this definition, a residential dwelling shall include all housing types and shall exclude group living or other lodging uses.

(Ord. No. BR2019-07, § 2, 7-9-2019)

Sec. 10-193. Regulations for short-term vacation rentals.

Short-term vacation rentals may be offered to the public for rental only on properties zoned Central Business District (CBD). No short-term rental may be offered to the public for rental until issuance of a short-term vacation rental certificate, receipt of an occupation tax certificate, and payment of any and all applicable state and city taxes. Any taxes owed to the city shall be paid and any failure to remit the same or to register pursuant to this article shall be subject to the penalties set forth in this Code. Owners shall also use their best efforts to ensure occupants do not disrupt or interfere with rights of adjacent property owners to quiet enjoyment of their property and shall adhere to the following requirements:

- (1) Owners shall not allow occupants to violate any federal, state, or local law, statute, rule or ordinances.
- (2) Owners shall not allow overnight occupancy to exceed the maximum capacity as identified in the rental certificate application.

(Ord. No. BR2019-07, § 3, 7-9-2019)

Sec. 10-194. Application; fee.

- (a) An application for a short-term vacation rental certificate shall be submitted, under oath, on a form specified by the city administrator or his designee, accompanied by a non-refundable application fee as set forth by the city council, which application shall include at a minimum the following information or documentation:

- (1) The name, address, telephone and email address of the owner of record 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 of any such entity, including personal contact information;
 - (2) The address of the unit to be used as a short-term vacation rental;
 - (3) The name, address, telephone number and email address of the short-term vacation rental agent, which shall constitute his 24-hour contact information and who shall:
 - a. Be reasonably available to handle any problems arising from use of the short-term vacation rental unit;
 - b. Be available by telephone within 24 hours following notification from the city administrator, police chief, or their 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 article;
 - (4) The owner's sworn acknowledgment that he 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 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 which obligates the occupant to abide by all of the requirements of this article, and other city ordinances, state and federal law, and that such a violation of any of these rules may result in the immediate termination of the agreement and eviction from the premises, as well as potential liability for payment of fines levied;
 - (8) Proof of the owner's (and/or property management company's contract with the owner) current ownership of the short-term vacation rental unit; and
 - (9) Proof of visible rental sign that includes 911 address of property.
- (b) Registration under this section is not transferrable and should ownership of a short-term vacation rental change, a new application is required, including application fee. In the event of any other change in the information or facts provided in the application, the holder of the short-term rental certificate shall amend the filed application without payment of any additional application fee.
- (c) After issuance of a rental certificate, the holder shall identify on each monthly hotel/motel tax return the current identification number of the dwelling unit on any internet based

advertising, listing or on-line rental platform including, but not limited to, www.vrbo.com, www.airbnb.com, www.homeaway.com or other similar services.

(Ord. No. BR2019-07, § 4, 7-9-2019)

Sec. 10-195. Review of application.

Review of an application shall be conducted by the city administrator or his designee, in accordance with due process principles and shall be granted unless the applicant fails to meet the conditions and requirements of this article, or otherwise fails to demonstrate the ability to comply with local, state, or federal laws. Any false statements or information provided in the application are grounds for revocation, suspension and/or imposition of penalties, including denial of future applications. A certificate shall not be issued unless the owner demonstrates compliance with the applicable codes.

(Ord. No. BR2019-07, § 5, 7-9-2019)

Sec. 10-196. Annual Permit Fee.

The owner of a property used for short-term vacation rental shall remit an annual permit fee of \$100.00 to the City's Planning and Zoning Department.

Sec. 10-197. Violations; revocation.

- (a) In any instance in which use of the short-term rental by a guest results in a violation of this article, or any other ordinance of the city, notice of such violation shall be provided to the short-term vacation rental agent. Failure to remedy any notice of violations may result in the issuance of a citation, which shall be prosecuted pursuant to this Code. Upon a conviction of violation, the city clerk or the city attorney may revoke the short-term vacation rental certificate and may reject all applications for the subject premises for a period of 12 consecutive months.
- (b) Short-term rentals occurring on or after July 15, 2019, without a valid rental certificate shall constitute a violation of this article and shall be subject to a minimum fine of \$250.00. Each occurrence shall constitute a separate offense.
- (c) Nothing in this article shall be construed to limit any action by the city to seek the remediation of any dangerous condition at the short-term vacation rental or to take any action seeking to protect and preserve against any threat to public safety.

(Ord. No. BR2019-07, § 6, 7-9-2019)

Sec. 10-198. Appeal rights.

A person aggrieved by the city administrator's decision to revoke, suspend or deny a short-term vacation rental certificate may appeal the decision to the city council. The appeal must be filed with the city clerk's office in writing, within 30 calendar days after the adverse action and it shall contain a concise statement of the reasons for the appeal. A decision from the city council rendered at its next regularly scheduled meeting and the council may hold any hearing deemed

necessary in consideration of the appeal or may simply vote to reverse or confirm the appealed decision.

(Ord. No. BR2019-07, § 7, 7-9-2019)

Sec. 10-199. Effective date; tolling; nonconforming grandfathered use.

- (a) The effective date of the ordinance from which this article is derived shall be immediately upon its passage by the city council and execution by the mayor or upon 15 days expiring from the date of its passage without a veto of said ordinance by the mayor as set forth in the city Charter at section 3.23(b).
- (b) In the event an owner or the owner's agent is currently operating a short-term rental upon property which is not within a category eligible for the issuance of a short-term rental certificate and has been paying the monthly hotel/motel tax as required by law, said operation shall be considered to be grandfathered and allowed to continue operation until there is a change in ownership of said property, unless the property is zoned C-1 (Limited Commercial) or C-2 (General Commercial), in which case the operation may continue even with a change in ownership of the property or if a building permit was applied for property located in C-1 or C-2 prior to January 1, 2023, in which case the property can obtain a short-term rental permit and be grandfathered. However, all other terms and conditions of this article shall apply to any grandfathered short-term rental.

(Ord. No. BR2019-07, § 10, 7-9-2019; Ord. No. BR2022-05 , § 1, 3-15-2022)

Secs. 10-199—10-221. Reserved.