

FIRST READING February 15, 2022

SECOND READING March 15, 2022

PASSED March 15, 2022

AN ORDINANCE NO. BR2022-05

AN ORDINANCE TO AMEND CHAPTER 10 (“BUSINESS REGULATIONS”), ARTICLE V (“SHORT-TERM VACATION RENTALS”), SEC. 10-198 (“EFFECTIVE DATE; TOLLING; SPECIAL LAND USE PERMIT; NONCONFORMING GRANDFATHERED USE”) OF THE CODE OF THE CITY OF BLUE RIDGE, GEORGIA TO ELIMINATE THE USE OF SPECIAL LAND USE PERMITS FOR SHORT-TERM VACATION RENTALS AND FOR OTHER PURPOSES.

WHEREAS, on or about July 9, 2019, the City Council of the City of Blue Ridge, Georgia, adopted the “City of Blue Ridge Short-Term Vacation Rental Ordinance,” which is now codified at Sec. 10-191 through Sec. 10-198 of the Code of the City of Blue Ridge, Georgia;

WHEREAS, the City of Blue Ridge Short-Term Vacation Rental Ordinance limits short-term vacation rentals to properties zoned for commercial use and requires eligible property owners to obtain a short-term vacation rental certificate;

WHEREAS, as initially adopted, the City of Blue Ridge Short-Term Vacation Rental Ordinance contained a 30-day “grace period,” whereby owners of property used for short-term vacation rentals but not zoned for commercial use could apply for either a rezoning to a commercial category or a special land use permit and continue to use the property for short-term vacation rentals;

WHEREAS, the 30-day grace period having since expired, the City Council of the City of Blue Ridge, Georgia, finds that it is in the best interest of the City and its citizens to eliminate the use of special land use permits for short-term vacation rentals.

NOW, THEREFORE, BE IT ORDAINED, AND IT IS HEREBY ORDAINED by the authority of the City Charter and general law, that Chapter 10 (“Business Regulations”), Article V (“Short-Term Vacation Rentals”), Sec. 10-198 (“Effective date; tolling; special land use permit; nonconforming grandfathered use”) of the Code of the City of Blue Ridge, Georgia, is hereby amended to read as follows:

SECTION 1.

ARTICLE V (“SHORT-TERM VACATION RENTALS”), SEC. 10-198 (“EFFECTIVE DATE; TOLLING; SPECIAL LAND USE PERMIT; NONCONFORMING GRANDFATHERED USE”)

Chapter 10 (“Business Regulations”), Article V (“Short-Term Vacation Rentals”), Sec. 10-198 (“Effective date; tolling; special land use permit; nonconforming grandfathered use”) is hereby amended to read as follows:

Sec. 10-198. Effective date; tolling; special land use permit; 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) A holder of any existing special land use permit permitting short term rentals on property that is not within a category eligible for the issuance of a short term rental certificate may be subject to suspension or revocation via a show-cause hearing conducted by the city council if the owner/property owner/operator is found in violation of any local, state or federal laws, regulations or ordinance regulating such business or the violation any of the city council's stipulations of the special land use permit. The city shall be authorized to conduct a show-cause hearing if the violations are not corrected within ten days of official notification provided by the city, and/or are habitual in nature, and/or endanger the public health, safety and welfare.

(c) 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. However, all other terms and conditions of this article shall apply to any grandfathered short-term rental located on property zoned a category other than a commercial category set forth in this article.

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.

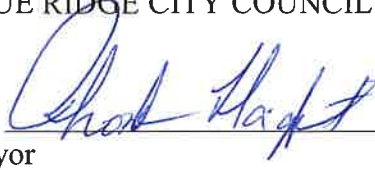
EFFECTIVE DATE.

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

SO ORDAINED this 15 day of March, 2022.

BLUE RIDGE CITY COUNCIL

By: _____
Mayor



Attest:



Amy Mintz, City Clerk