

PART II - CODE OF ORDINANCES
Chapter 22 - BUSINESSES
ARTICLE II. SHORT-TERM RENTAL ORDINANCE

ARTICLE II, SECTIONS 22-31 to 22-40. SHORT-TERM RENTAL ORDINANCE

Sec. 22-31. Purpose.

- (a) The purpose of this article is to establish standards for short-term rentals of privately owned residential structures used as short-term rentals and rented to transient occupants, minimize adverse effects of short-term rental uses on surrounding residential neighborhoods, and preserve the character of neighborhoods in which short-term rental use occurs.
- (b) This article is not intended to regulate hotels, motels, inns, boarding houses, agritourism or non-vacation type rental arrangements.

Sec. 22-32. Applicability.

- (a) It shall be unlawful for any owner of any property within the unincorporated areas of Hart County to rent or operate a short-term rental of residential property contrary to the procedures and regulations established in this article, other provisions of this Code, or any applicable state law.
- (b) The restrictions and obligations contained in this article shall apply to short-term rentals at all times during which such short-term rentals are marketed and used as short-term rentals.
- (c) The allowance of short-term rentals pursuant to this article shall not prevent enforcement of additional restrictions that may be contained in restrictive covenants or other private contractual agreements or arrangements. Hart County shall not be responsible for enforcement of such covenants, agreements, or arrangements.
- (d) A property that has been advertised or listed via the internet or other media sources (e.g. www.vrbo.com, www.airbnb.com, etc.) for short-term rental shall be prima facie evidence the property is being used as a short-term rental.

Sec. 22-33. 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.]

Bedroom: A room that meets the building code requirements to be used as a sleeping room and for no other primary purpose.

Managing agency or agent: A person, firm or agency representing an owner or owners of a short-term rental.

Local contact person: A designated person and an optional alternate person, each who are at least 21 years of age, who can respond to the County's or Sheriff's Department's telephone call within a reasonable amount of time, who is familiar with the property, is authorized to make decisions, is authorized to and can send assistance if necessary, and who has been designated by

the property owner as being responsible for insuring compliance with this ordinance, in all respects.

Owner: A person who holds legal and/or equitable title to private property.

Person: A natural human being, estate, association, firm, partnership, corporation, or other legal entity.

Private: Intended for or restricted to the occupants and/or guests of his or her short-term rental; not for public use.

Rental term: The period of time a responsible person rents or leases a short-term rental.

Responsible person: An occupant of a short-term rental who is at least 21 years of age and who is legally responsible for ensuring that all occupants and/or guests of the short-term rental comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject short-term rental.

Short-term rental: An accommodation for transient guests, rented for the purpose of overnight lodging for a period of less than 30 days. For the purposes of this definition, a short-term rental shall include all housing types.

Sec. 22-34. Property owners, local contact person, and responsible person.

(a) *Property owners:*

The owner and/or local contact person shall use reasonably prudent business practices to ensure the short-term rental 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, and shall further use reasonably prudent business practices to ensure the occupants and/or guests of the short-term rental do not create noise or nuisance in violation of the nuisance regulations of Georgia Code (found in O.C.G.A. § 41-1-1) or disturbances, or engage in disorderly conduct (found in O.C.G.A. § 16-11-39 and § 16-11-44), or violate any other applicable law, rule or regulation pertaining to the use and occupancy of the subject short-term rental.

(b) *Local contact person:*

- (1) Each owner of a short-term rental shall designate a contact person and up to one alternate contact person who has access and authority to assume management of the short-term rental and take remedial measures while the short-term rental is being rented to an occupant and/or guest. A resident owner of a short-term rental may designate himself or herself as the local contact person;
- (2) The local contact person, and the alternate person if any, shall be: at least 21 years of age, familiar with the property, authorized to make decisions, and who can send assistance if necessary;
- (3) There shall be at least one designated local contact person, but no more than two, for a short-term rental at any given time;
- (4) The local contact person, or the alternate if any, shall be required to respond to a County representative or Sheriff's Department personnel within a reasonable amount of time, and be on the rental location or send assistance if requested by a County representative

within a reasonable amount of time after being notified by a duly authorized representative of Hart County of the existence of a violation of this article or any other provision of this Code, or any disturbance or complaint requiring immediate remedy or abatement regarding the condition, operation, or conduct of occupants of the short-term rental. Whether the local contact person shall be required to respond to the location of the short-term rental to address a violation, disturbance, or complaint shall be determined in the discretion of the Sheriff, and Sheriff Deputies, and the county officer or employee responding to said violation, disturbance, or complaint. Nothing in this section shall be construed as limiting Hart County or any officer or employee thereof or any other State or Federal office in responding to any violation, disturbance, or complaint or taking any enforcement action under this article;

- (5) An owner may retain a local managing agent, managing agency, operator, or representative to serve as the local contact person to comply with the requirements of this Section, including, without limitation, the permitting of the short-term rental (except executing the application which shall be the responsibility of the owner), the management of the short-term rental, and the compliance with the conditions of the short-term rental license. The owner of the short-term rental is responsible for compliance with the provisions of this section and the failure of an agent, representative, or local contact person to comply with this section shall be deemed noncompliance by the owner; and
- (6) The owner must immediately notify the County Administrator in writing upon a change of local contact person or the local contact person's telephone number. This notification will be on forms prescribed by the county permit office. The new, revised business short-term rental license will not extend the expiration date of the original short-term rental license, will be issued for a fee of \$250.00, and must be posted in the short-term rental within ten days of any change of local contact person information and before occupants can rent or occupy the short-term rental. Failure to do so within 14 days after such change shall, unless such time limit is extended for good cause, be reason for revocation of a license granted pursuant to this article.

(c) *Responsible person:*

Every short-term rental shall be rented to a designated responsible person at least 21 years of age. The owner of the short-term rental is responsible for compliance with the provisions of this article, and the failure to ensure the short-term rental is rented to a designated responsible person shall be deemed noncompliance by the owner.

Sec. 22-35. Licenses and transferability.

(a) *Required licenses:*

- (1) The owner shall pay the required annual license fee of two hundred fifty dollars (\$250.00) by November 1st each year (all filings made and/or fees paid after November 1st will be subject to a late fee of \$250) and shall comply with all applicable provisions of this article. However, if the owner is also a full time occupant of the property and issues a sworn statement that the owner is a full time occupant residing inside of the dwelling being rented, the annual license fee shall be reduced to \$100 (all such filings made and/or fees paid after November 1st will be subject to a late fee of \$100);

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- (2) The owner shall timely pay all property taxes owed for the real property on which the short-term rental is located;
 - (3) No owner or local contact person of a short-term rental shall rent, lease, or otherwise exchange for compensation all or any portion of such short-term rental without first obtaining a short-term rental license from the county;
 - (4) A separate short-term rental license shall be required for each structure used for short-term rental;
 - (5) No short-term rental license shall be issued for multi-unit housing developments, it being the intention of the County that only single family residences shall be offered for a short-term rental in Hart County;
 - (6) An owner of a short-term rental shall submit an application for a short-term rental license to the county permit office on an annual basis no later than November 1 of each year. The application shall be furnished on a form specified by the County and accompanied by a non-refundable license fee as established in this section. Such application shall include:
 - a. The complete street address of the short-term rental;
 - b. Ownership information, including the name, address, e-mail address, and telephone number of each person and/or entity with an ownership interest in the property;
 - c. The name, address, telephone number, and email address of the local contact person for the short-term rental and the name, address, telephone number, and email address of the alternate local contact person, if any;
 - d. The number of bedrooms and approximate square footage in the short-term rental;
 - e. A sworn statement from the applicant certifying that all designated bedrooms, including egress from all designated bedrooms, meet applicable state safety code requirements;
 - f. Signed acknowledgment that the owner has read all regulations pertaining to the operation of a short-term rental;
 - g. Signed acknowledgment that the local contact person and any alternate has/have read all regulations pertaining to the operation of a short-term rental;
 - h. Acknowledgement that the owner or local contact person has or will post, at the short-term rental, the notice required in section 22-35; and
 - i. If applicable, a sworn statement that the applicant is a full time occupant residing inside of the dwelling being rented.
 - (7) Any false statements or information provided in the application are grounds for denial or revocation of a license, including the denial of future applications;
 - (8) Upon the filing of a completed permit application, the county permit office shall review the application for compliance with the requirements of this article. Within 30 days of the filing of the completed application, the permit officer or his or her designee shall either issue a short-term rental license to the applicant or issue a written notice of denial. A short-term rental license shall be issued to an applicant unless:
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- a. The applicant has had a short-term rental license revoked within the previous 12-month period;
 - b. The property taxes have not been paid and are delinquent;
 - c. The health department notifies the county of an inadequate septic system or other health concerns; and/or
 - d. The application or the property does not meet the minimum requirements of this article.
- (9) A decision to deny an application shall be issued in writing and may be appealed to the board of commissioners in accordance with the procedures set forth in this article.
- (b) *License fee/renewal:*
- (1) The short-term rental license application shall be accompanied by an application fee of \$250.00, and any additional late fee if applicable. In the event of a renewal application for a remaining term (such as is required if the local contact person has changed) shall be accompanied by an application fee of \$250.00. The application fee for an owner occupied rental dwelling shall be \$100.00.
 - (2) All licenses granted under this article shall expire on December 31st of each year. Applicants shall file a renewal application accompanied by the requisite fee with the county on or before November 1st of each year without penalty. If a renewal application is submitted after November 1st, a new application shall be required together with a late fee, as renewal eligibility will not be considered past this date.
 - (3) The short-term rental license is not transferrable and should ownership of a unit change, a new license application shall be required prior to any use of the property as a short-term rental.
- (c) *All short-term rentals are subject to the following:*
- (1) Any advertising of the short-term rental shall conform to information included in the short-term rental license and requirements of this article, and shall include the short-term rental license number issued by the County, and provisions prohibiting disorderly conduct, disturbing the peace, and maintenance of nuisance;
 - (2) A bedroom shall be a room that is designed to be, or meets the state code requirements to be used as a sleeping room. Every bedroom shall have an emergency escape or rescue exit and a minimum ceiling height as follows:
 - a. Each bedroom shall have at least one operable window or door for emergency escape or rescue that opens directly to the exterior of the residence. The emergency door or window shall be operable from the inside to provide a full, clear opening without the use of separate tools, and shall comply with all requirements of the International Residential Code ("IRC") as were in effect on the date the short-term rental was issued a certificate of occupancy;
 - b. Bedroom ceilings shall comply with all requirements of the IRC as were in effect on the date the short-term rental was issued a certificate of occupancy;
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- (3) Prior to permitting occupancy of a short-term rental by a transient occupant, the owner or the local contact person shall: (a) verify the rental is to a responsible person and obtain their name and address; (b) provide information about the short-term rental regulations to the responsible person; and (c) require written confirmation from the responsible person that he or she:
- a. Has read the pertinent regulations;
 - b. Understands all applicable laws, rules, and regulations pertaining to the use and occupancy of the short-term rental, including, but not limited to, the county and state regulations regarding nuisance, disorderly conduct and disturbing the peace;
 - c. Understands that they are bound to all applicable laws, rules, and regulations; and
 - d. Agrees to comply with all applicable laws, rules, and regulations, and agrees to be legally responsible for compliance by all occupants and/or guests of the short-term rental with all applicable laws, rules and regulations pertaining to the use and occupancy of the short-term rental, including, but not limited to, to the county and state regulations regarding nuisance, disorderly conduct and conduct constituting disturbance.

(4) Parked vehicles.

Vehicles shall not be parked on or within the county right-of-way or along any public roadways at any time.

- (5) The owner and/or local contact person shall use best efforts to ensure that the occupants and/or guests of the short-term rental do not violate the regulations set forth in Georgia laws regarding nuisance, disorderly conduct, and disturbing the peace by notifying the occupants of the rules regarding short-term rentals and responding appropriately when notified that occupants are violating laws regarding their occupancy. Any violation of these regulations by a guest at a short-term rental shall be considered a violation under this article. It is not intended that the owner and/or local contact person act as a peace officer or place himself or herself in harm's way, but he or she shall be expected to alert local law enforcement.

(d) *Transferability:*

No short-term rental license issued under this article shall be transferred or assigned or used by any person other than the owner or local contact person to whom it is issued, or at any location other than the one for which it is issued.

Sec. 22-36. Standard operational requirements and conditions.

(a) *Posted information notice:*

Each short-term rental shall have a clearly visible and legible notice conspicuously posted within the short-term rental on or adjacent to the front door, containing the following information:

- (1) The name of the owner and local contact person, and alternate if applicable, of the short-term rental, and a telephone number at which that party or parties may be reached on a 24-hour, seven days a week, basis;

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- (2) The name and address of the nearest hospital;
 - (3) Restrictions stating that parking in the public road or road right of way is strictly prohibited and is a violation of this article;
 - (4) The anticipated trash pickup day and notification that trash and refuse shall not be left or stored on the exterior of the property unless it is placed in an enclosed container;
 - (5) The times that quiet hours are observed (from 11:00 p.m. until 7:00 a.m.);
 - (6) A statement advising the occupant that any failure to comply with the any applicable regulations is a violation of this article; and
 - (7) A copy of the short-term rental license with the license number displayed.

(b) *Life safety and sanitation.*

- (1) All designated bedrooms, including egress from all bedrooms, shall comply with all applicable state and national safety codes as were in effect on the date the short-term rental was built.
- (2) Every bedroom, adjoining hallway, and common area shall be equipped with an operational smoke detector that meets current IRC standards and shall be maintained in good working order at all times. The placement and mounting of each smoke detector shall comply with all applicable requirements of the current IRC.
- (3) Each habitable floor shall be equipped with an operational carbon monoxide detector that meets applicable state law standards and shall be maintained in good working order at all times.
- (4) Each floor of the short-term rental shall be equipped with a fire extinguisher that is properly installed, fully charged, not past expiration date, and that meets all National Fire Protection Association (NFPA) standards, including those as set forth in NFPA 10: Standard for Portable Fire Extinguishers.
- (5) Private swimming pools shall comply with the current International Swimming Pool and Spa Code.
- (6) The owner and/or local contact person shall maintain a house number that is visible from the street at all times.

Sec. 22-37. Suspension or revocation of license.

Any suspension, revocation, or forfeiture of an issued license by the board of commissioners shall occur only after notice and opportunity for a hearing before the board of commissioners consistent with the procedures set forth in this article and upon the following occurrences:

- (1) A short-term rental, its owner, local contact person, responsible person, or occupants are found to be in violation of this article or in violation of the regulations set forth may be subject to criminal citation and prosecution.
- (2) An applicant who furnished fraudulent or untruthful information in the application for a license, or omitted information required in the application for a license, or failed to pay all fees, taxes, or other charges imposed under the provisions of this article, in which

case the board of commissioners may immediately suspend or revoke the short-term rental license.

- (3) A short-term rental does not meet the licensing qualifications set forth in this article at any time such knowledge becomes known to the county administrator, board of commissioners, in which case the board of commissioners shall immediately suspend or revoke the short-term rental license.
- (4) A short-term rental has been used as a short-term rental during a period of suspension of a license, in which case the board of commissioners shall immediately revoke the short-term rental license.

Sec. 22-38. Violation and penalties.

- (a) Any violation of this article, including any violation of the regulations set forth or referenced herein, shall subject the licensed individual to the following progressive actions by the board of commissioners, except for those violations and occurrences that provide for immediate suspension or revocation upon notice and hearing:
 - (1) The first violation within a consecutive 12-month period shall result in a fine in magistrate court not to exceed \$500.00 and a written warning notice of violation upon a finding of guilt or plea of guilty or nolo contendere in magistrate court.
 - (2) The second violation within a consecutive 12-month period shall result in a fine in magistrate court not to exceed \$750.00 and a license suspension for a period of not less than 30 days nor more than 90 days upon a finding of guilt or plea of guilty or nolo contendere in magistrate court.
 - (3) The third violation within a consecutive 12-month period shall result in a fine in magistrate court not to exceed \$1,000.00 and the revocation of the short-term rental license upon a finding of guilt or plea of guilty or nolo contendere in magistrate court, and neither the owner nor local contact person shall be eligible to reapply for a license for a period of 12 months from the date of revocation.
- (b) Nothing contained in this subsection shall be construed to preclude the board of commissioners from suspending or revoking a license for a period exceeding those periods identified in subsections 22-38(a)(1) through (a)(3) or from revoking the license if the board determines in its discretion that such action is necessary and in the best interest of the public health, safety, and welfare of the county.
- (c) In all cases, the mandatory suspension period may be mitigated by the board of commissioners upon presentation of evidence that the licensee established practices and procedures to prevent the violation from occurring.
- (d) Enforcement action may be brought against any individual, including, but not limited to, the owner, local contact person, responsible person, or occupants and/or guests of a short-term rental for violations of this article and any other provision of this Code. Any violation of the provisions of this article shall be enforced in magistrate court to the full extent authorized by O.C.G.A. § 36-1-20, with a finding of guilt or plea of guilty or nolo contendere subjecting the licensed individual to the same administrative sanctions as set forth in section 22-38(a)(1)—

(3) regardless of whether the finding of guilt as against or the plea of guilty or nolo contendere was by the owner, local contact person, responsible person, or occupants and/or guests.

- (e) Each day the short-term rental is marketed or rented for overnight accommodation without the necessary short-term rental license required under this article shall constitute a separate violation.
- (f) Failure of the owner or local contact person to respond regarding the condition, operation, or conduct of occupants and/or guests of the short-term rental in a timely and appropriate manner shall be grounds for imposition of penalties as set forth in this article. It is not intended that an owner or local contact person act as a peace officer or place himself or herself in an at-risk situation.
- (g) In addition to the penalties described above, any person violating the provisions of this article by operating a short-term rental without a valid short-term rental license may be prosecuted according to the general penalties described in this section 22-38 of this article.

Sec. 22-39. Enforcement.

- (a) The Hart County Sheriff or his or her designee and/or the Hart County Code Compliance officer and/or the County Administrator shall have authority to enforce this article.
- (b) Any complaints received by the county regarding a short-term rental may result in a notice of the complaint being directed to the owner or owners who applied for the short-term rental license;
- (c) Notice of any citations issued for violations of this article shall be provided to the property owner/applicant of the short-term rental license within one week of the issuance of such citations.

Sec. 22-40. Hearing on denial, suspension or revocation.

- (a) Upon receipt of a timely appeal of an administrative denial, upon presentation of evidence to the county permit office of a violation of this article, or upon a showing of any of the other occurrences set forth in section 22-35, the permit officer shall schedule a hearing before the board of commissioners or its designated hearing officer and provide written notice to the adverse party of the time, place and date of the scheduled hearing. The permit officer shall also state in the written notice the basis for the administrative denial or the violation or occurrence alleged that forms the basis for the denial or potential suspension or revocation. After notice of hearing, matters scheduled for hearing may only be continued by agreement of the county attorney and the adverse party and/or counsel for the adverse party.
- (b) The board of commissioners shall have the duty of conducting hearings concerning the denial, revocation, or suspension of a license. The standard of proof on all issues in the hearing shall be a preponderance of the evidence and a determination will be made on the basis of the evidence presented at the hearing.
- (c) At the hearing, after presentation of the case against the adverse party, the adverse party will have an opportunity to present his/her/its case, to rebut the allegations made against him/her/it, and present whatever defenses he or she or the entity may have. The adverse party shall have the right to be represented by an attorney, at the expense of the adverse party, and to present evidence and cross-examine opposing witnesses.

- (d) At the conclusion of the hearing, the findings and conclusions of the board of commissioners shall be forwarded to the county permit office, and it shall be the duty of the permit officer to provide written notification via certified mail to the adverse party of the decision of the board of commissioners.
- (e) The decision of the board of commissioners shall be final unless appealed to the Superior Court of Hart County within 30 days of receipt of the permit officer's written notification to the adverse party of the board's decision.
- (f) For purposes of this section, notice shall be deemed delivered when personally served or when served by certified mail postage prepaid within three days after the date of deposit in the United States Mail.

SO RESOLVED in session for official purposes by the Hart County Board of Commissioners.

**BOARD OF COMMISSIONERS OF
HART COUNTY, GEORGIA**

(OFFICIAL SEAL)

By: _____
Marshall Sayer, Chairman

Michael Bennett, District 1

Frankie Teasley, District 2

Not Present _____
Ricky Carter, District 4

Joey Dorsey, District 5

Attest:

Lawana Kahn, County Clerk

1st Reading: April 25, 2022

2nd Reading: May 10, 2022

3rd Reading and Adoption: _____, 2022 by a vote of ____ to ____.