

UNION COUNTY, GEORGIA
SHORT-TERM RENTAL ORDINANCE - DRAFT TWO

Sec. Purpose.

The purpose of this ordinance is to establish regulations for the use of an accommodation as a short-term rental (STR) in order to support the health, well-being, and safety of guests and residents while minimizing the negative secondary effects on surrounding properties, to ensure proper safety precautions are in place, and to facilitate the collection and payment of STR taxes and related fees.

Sec. Definitions.

As used in this ordinance, the following terms shall have the meanings ascribed to them in this section:

Accommodation. Any single or multifamily home, or any portion thereof, studio, condominium, townhouse, duplex, guest house, tiny home, cabin, tent, yurt, treehouse, container, cave, houseboat, hostel, bunkhouse, or recreational vehicle. The term accommodation shall not include land leases providing sites for camping, RVs or similar non-permanently affixed lodging.

Bedroom. A room that is intended primarily for sleeping as reflected on the building permit, tax assessors' records or site inspection. It must have its own access door, closet, and means of emergency egress.

Union County. Unincorporated Union County.

County Agent. Any representative of Union County Government responsible for enforcing this ordinance. This includes but is not limited to the Fire Department, Environmental Health, Building & Development, Code Enforcement, and Sheriff's Office.

Fee Schedule. Official document established by resolution outlining fees associated with STR licensing and regulations.

Good Neighbor Notification. A document provided by the property owner/registered agent to surrounding properties annually.

Guest. Any person or persons renting a short-term rental.

Daytime Occupancy. Daytime occupancy based on sleeping capacity as determined by the Union County Environmental Health Department.

Overnight Occupancy. Sleeping capacity as determined by the Union County Environmental Health Department.

Property Owner. The person(s) or entity that holds legal title to the property as registered with Union County to include:

- a) An Individual;
- b) A Business Entity. In the case of a Business Entity, the owner shall be the majority shareholder and will be responsible for any violations. However, all shareholders must be disclosed for the purposes of this ordinance; and

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- c) A Business with over 50 Employees. In the case of a business with over 50 employees, the STR license shall be granted to the individual or partners primarily responsible for personally supervising and conducting the operation of the STR and will be responsible for any violations. Any person applying on behalf of a corporation must disclose the extent of his representative capacity as well as the names and addresses of the officers of the corporation. The applicant must also furnish the names and addresses of any persons, firms, or corporations who have a financial interest in the ownership of the STR.

Local Registered agent. An individual(s) with the legal authority to make and act on decisions of tenancy, building maintenance, complaints, and repairs.

Short-term rental advertisement. Any method soliciting use of a lodging accommodation or any part thereof for short-term rental purposes.

Short-term rental. A lodging accommodation offered to transient guests for a period of time not to exceed 30 consecutive days.

Short-term rental resort (or park). A lodging accommodation property that is owned by one person, entity or company offering four (4) or more separate rental accommodations on the same property.

Surrounding Properties. Properties within 100 feet of the STR property boundaries.

Union County Online STR Tax Collection System. The online system for processing STR applications, licenses, fees, and taxes associated with operating an STR in Union County.

Sec. License required.

The property owner must be the STR license holder. It is unlawful for any person or entity to operate or advertise as an STR within the county without a valid STR license issued for each short-term rental accommodation **or each short-term rental resort** pursuant to this ordinance.

- a) The non-refundable annual fees for the issuance of an STR license shall be established by resolution and shall be set forth in the STR fee schedule.
- b) An STR license shall expire July 31st of each year and must be renewed annually.
- c) STR licenses are non-transferable.
- d) This license applies to all short-term rentals in unincorporated Union County.
- e) A penalty of \$75 will be assessed to all late annual renewal license fee payments received after August 31.
- f) Operation of an STR business for more than 60 days without renewal of the license can result in termination and non-renewal of the STR license.

Any STR facility consisting of two or more accommodations either joined together or separate on a common piece of property must also obtain a Tourist Accommodation Permit from the Union County Environmental Health Office as required by the Georgia Department of Public Health Tourist Accommodations Rules and Regulations Chapter 511-6-2.

Sec. Inspections and issuance of STR license.

Upon receipt of a completed application for the issuance or renewal of an STR license, the County Agent may periodically inspect the STR for compliance with all applicable laws, rules, permits, regulations, and operational requirements set forth by this ordinance.

SEC. STR License applications.

1. Total number of STR licenses in Union County are limited to no more than 3.5% of total number of housing units as reported by the Union County Tax Assessor's Office annually. In the event that housing units decrease to a level lower than allowed previously, all existing licenses will be grandfathered in for renewal purposes, but new licenses will not be issued.
2. Application for the initial issuance or renewal of a short-term rental license shall be completed on the Union County Online STR Tax Collection System.
3. The STR license applicant shall be the owner(s) of the property.
4. Upon receipt of the application, an inspection will be done by the County Agent. There is no charge for the initial inspection; however, if an additional inspection is required, a \$75 fee shall be paid at the time the new inspection is scheduled.
5. There is hereby established an STR Board comprised of five members to include one (1) each representative from the Union County Fire Department, Union County Building & Development, Union County Environmental Health, the STR Enforcement Officer, and one community member at large. The governing authority shall establish powers, duties, rules, and regulations governing short-term rentals consistent with the provisions of this article. The members of the STR Enforcement Board:
 - a) Shall in no way be connected nor any member of their family be connected with the ownership or operation of an STR.
 - b) Shall meet at such times as may be deemed necessary or appropriate with adequate notice given with a minimum of 6 times per year. All meetings shall be open to the public consistent with the Georgia Open Meetings Law.
 - c) The STR Enforcement Officer shall serve as secretary and shall make a full and complete record of all proceedings consistent with the Georgia Open Meetings Law and shall retain all relevant documents to meetings.

SEC. Operational Requirements for Owners.

All short-term rentals applications must provide required documentation and a signed Declaration of Compliance with subsections (1) through (16) below:

Regulations. Compliance with all applicable laws, rules and regulations pertaining to the use and occupancy of a short-term rental.

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1. **Address.** Identification of each STR with a unique 911 address for the purpose of emergency services response.
 2. **License Limitations.** Acknowledgement that a property owner can hold a maximum of two STR licenses in Union County. Any individual listed as a shareholder in an LLC owning an STR property is considered an owner of the STR as it pertains to this ordinance.
 3. **Registered Agent.** Identification of a local registered agent who will serve as the primary contact in cases of violations of this ordinance. Owner shall provide County with any changes to contact information for the local registered agent within 24 hours of change. The person designated by the owner as the local registered agent shall be available twenty-four hours per day, seven days per week for the purpose of violation resolution. The registered agent shall respond within one (1) hour to violations of this ordinance.
 4. **Neighbor Notification.** Attest to distributing a *Good Neighbor Notification* letter to those within 100 feet of the short-term rental's property boundary. Owner shall provide neighbors with any changes to contact information for the local registered agent within 24 hours of the change.
 5. **Fee Collection.** Register with Union County's Online STR Tax Collection System and use this system to: submit initial license application, report related taxes, and submit annual renewal application. STR renewals must be submitted and paid by July 31 annually.
 6. **STR Tax Return.** File an STR tax return for each licensed property monthly regardless of who remits the taxes. STR tax returns are due and payable no later than the 20th day of the month following the period reported. Licensees that do not use third party rental platforms to remit STR taxes on their behalf (Airbnb, VRBO, HomeAway, etc.) are responsible for remitting all applicable STR tax proceeds through Union County's Online STR Tax Collection System according to the STR fee schedule. If return or payment is received after the 20th of the month following the reporting period, late fees will be assessed.
 - a) Pursuant to O.C.G.A 48-13-58.1 it shall be unlawful for any STR property owner to fail to make a return and pay the taxes due under this ordinance to any applicable governing authority imposing a tax under this ordinance.
 - b) Pursuant to O.C.G.A 48-13-60 it shall be unlawful for any property owner required by this ordinance to make, render, sign, or verify any return to make a false or fraudulent return with intent to evade the tax levied by this ordinance.
 - c) Pursuant to O.C.G.A 48-13-61 it shall be unlawful for any property owner subject to this ordinance to fail or refuse to furnish any return required to be made by this ordinance or to fail or refuse to furnish a supplemental return or other data required by the governing authority imposing a tax under this article.
 7. **Tax Obligations.** An inquiry will be made into the county records to determine if the applicant, or other parties with an interest in an application for a license under this ordinance has any outstanding taxes or special assessments that are delinquent against
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his property or any other monies owing to the county, or if any taxes or assessments are owing on the property where the licensed establishment will be located. No license shall be issued or renewed until such debts are paid in full.

8. **STR Advertisements.** Ensure short-term rental license number and permitted occupancy is listed in all short-term rental advertisements, including but not limited to digital, online, or print materials.
9. **Occupancy.** Ensure that STR occupancy aligns with the following regulations as dictated by the Union County Environmental Health Department branch of the Georgia Department of Public Health: Allowed day-time occupancy of STR will be equal to twice the over-night occupancy as set by the on-site sewage management system permit or existing on-site sewage management system performance evaluation report issued by the Union County Environmental Health Department. The number of permitted bedrooms per the Union County Environmental Health Department dictates overnight occupancy, and acceptable overnight occupancy is equal to 2 adults per permitted bedroom plus 2 additional people. Additionally, occupancy shall meet all life-safety codes, but in no case shall a rental occupancy exceed 15 overnight persons. If an evaluation is necessary to determine permitted bedrooms due to lack of septic permit or age of home, criteria concerning replacement area will be required.
10. **Septic Capacity.** Provide a copy of STR's septic permit or a copy of septic evaluation completed by the Union County Environmental Health Department.
11. **Fire and Life Safety.** Post emergency escape routes in conspicuous areas when STR is multi-story. Ensure one 5lb. fire extinguisher is available on each floor. If dwelling is heated by gas, mount carbon monoxide detectors on each floor. Ensure one functioning smoke alarm is installed in each sleeping room, hallways of sleeping areas, basement, and any enclosed garages.
12. **Parking.** Ensure that vehicle parking areas are designated. All parking must be within the property boundaries of the STR. Vehicles shall not be parked within the right-of-way of roads or easements. Special considerations should be given to emergency vehicle access.
13. **Amplified Sound.** As outlined by Sec 48-04, owners cannot allow amplified sound from their tenants that disturbs or causes a nuisance to neighboring properties. While tenants can be fined under the Union County Amplified Sound Ordinance, property owners are responsible for amplified sound that causes a nuisance to neighboring properties under this ordinance.
14. **Pets.** Pets shall always be secured within the boundaries of the STR if permitted under STR property rules. If the STR property is not fenced, permitted pets must be kept on a leash and always accompanied by the pet owner while outside.
15. **Solid waste/trash.** Ensure that trash and refuse is not to be left stored within public view, except in proper enclosed containers for purposes of collection by an authorized waste hauler.
16. **Interior posting.** Ensure the following information is posted in a conspicuous place within the short-term rental:

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- a) Contact information for the local registered agent;
 - b) 911 street address for STR;
 - c) Floor plan indicating fire exits, fire extinguishers and escape routes;
 - d) Maximum daytime occupancy and maximum sleeping capacity;
 - e) Maximum parking and parking instructions.
 - f) "In Case of Emergency", Dial 911.
 - g) Instructions for garbage storage and removal.
 - h) Copy of Amplified Noise Ordinance.

SEC. Violations/Consequences.

- 1. Any section of this ordinance that is not followed constitutes a violation.
- 2. The County Agent has the discretion to issue a warning or a citation on a case-by-case basis.
- 3. A first violation of this ordinance, the property owner shall be guilty of a misdemeanor punishable by a fine of up to \$500.00 or imprisonment for 30 days or both for a first offense. Each day of a continuing violation may constitute a subsequent violation.
- 4. A second violation of this ordinance within 12 months of the first violation, the property owner shall have a maximum punishment not to exceed a fine of \$1,000.00, imprisonment for 60 days, suspension or revocation of STR license or all of the above as per the fines and penalties of a misdemeanor under Georgia law.
- 5. A third or subsequent violation of this ordinance within 12 months of the first violation, the property owner shall have a maximum punishment not to exceed a fine of \$1,000.00, imprisonment for 60 days as per the fines and penalties of a misdemeanor under Georgia law in addition to a suspension or permanent revocation of the STR license.
- 6. Any property owner with 8 violations within a 24-month period or revocation of any license may be subject to permanent revocation of all STR licenses issued for any property in Union County past, present, or future in addition to penalties not to exceed a fine of \$1,000.00, imprisonment for 60 days as per the fines and penalties of a misdemeanor under Georgia law
- 7. Any property operating as an STR without a valid STR license shall immediately cease and desist rental operations and will be subject to penalties not to exceed a fine of \$1,000.00, imprisonment for 60 days as per the fines and penalties of a misdemeanor under Georgia law.

Sec. Enforcement.

- 1. This article shall be enforced by the STR Board, STR Code Enforcement, any County Agent and state and county law enforcement. Enforcement by the STR Board may result in additional

civil fines and penalties beyond those assessed by any court.

2. The STR board shall have the right to make such inquiry or investigation as it may find to be reasonably necessary to determine compliance with this ordinance. Such investigation may consist, among other actions, of calling licensees for examination under oath, obtaining evidence under oath from other persons; their procurement of documents and records including records of the licensee, and inspection and examination of records and documents from whatever source obtainable.
3. The STR board shall be authorized to suspend or revoke a license previously granted under this article. If the STR board seeks to suspend or revoke a license, the STR board shall give written notification to the applicant of such action and such notice shall contain the specifics of the violation or violations and shall be served upon the licensee at least ten days prior to a hearing. The licensee shall be given at least ten days' written notice of the time and place of the hearing.
4. The STR board, if it finds cause, shall be authorized to suspend or revoke a license in the event of any one or more of the following:
 - a. Any licensee gave false or misleading information in the original application process;
 - b. Any licensee has knowingly allowed the violation of a county ordinance or a violation of any criminal law of the state to occur on the premises, to include the entire owned parcel;
 - c. Violation of any of the provisions of this article by the holder of a license issued under this article or its agents or employees, whether compensated or not;
 - d. Any licensee fails to pay any fee, tax, fine or other amount of money due to the county under this article or any other ordinance provision of the county;
 - e. The performance of any act prohibited by this article or the failure to perform any act required by this article as well as the violation of any law, state or federal, relating to the business of the licensee. If such act, omission or violation is done by an agent, servant, employee, or officer of the licensee, whether paid or unpaid, the lack of knowledge on the part of the licensee or the lack of authorization for such act or omission or violation shall be no defense;
 - f. Any other act or omission with respect to the operation of a business licensed under this article which the STR board shall find to be contrary to the public interest, health or welfare, or which shall render the licensee or the business location unfit for the continued operation of the business.
 - g. In the event the STR board shall suspend any license under this article, the suspension shall be for a period of not less than one day or more than one year, within the discretion of the STR board. The STR board shall forward to the county clerk the establishment's license which shall be retained as revoked by the clerk until final adjudication of the suspension of the license by the STR board any license suspended for more than one year shall be considered revoked. The STR board has the authority to permanently revoke a license for good cause shown.

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- h. No applicant may apply for a license during any period of suspension or revocation.
 - i. The STR board shall have the power to assess civil penalties for any violation of this article after a hearing. For a first violation of any provision of this article, a civil fine shall be at least in the amount of \$150.00 for each violation and no more than \$1,000.00. For a second and any subsequent violation of any provision of this article the civil fine shall be at least in the amount of \$500.00 and no more than \$1,000.00. Such civil fines shall be in addition to any suspension or revocation of a license as provided in this article and in addition to any fines imposed by the Magistrate Court of Union County.

Sec. - Hearing; basis of determination.

1. Whenever the STR board finds preliminary cause to suspend or revoke any license issued under this article, there shall be a hearing before the STR board on the matter of which at least ten days' written notice shall be given to the licensee in person by a Union County Code Enforcement Officer, by certified mail or by sheriff's service.
2. Such notice shall specify the time, place and purpose of the hearing and a statement of the charges upon which such hearing shall be held. At such hearing, the licensee shall have the right to appear in person and by attorney, and both the county attorney or his designee and the licensee shall have the right to present evidence under oath, introduce documentary evidence, subpoena and cross examine witnesses and generally present evidence of violation of this article or absence thereof. The hearing shall be conducted before the STR board.
3. Whether a license shall be suspended or revoked, and if suspended, for what period of time, shall be determined by the STR board after consideration of the evidence in the case and in accordance with the STR board's finding as to the severity of the offense. Upon a determination of violation of this article by the STR board, the STR board may in its discretion recommend suspension of the license for a period of time up to one year and/or revocation of the license as provided in this article, and/or assessment of civil fines as provided in this article. The decision of the STR board shall be conclusive unless modified by the governing authority in writing on or before the tenth day following the decision by the STR board.
4. Any person aggrieved by act or omission of the STR board or the governing authority with respect to its proceedings under this article including the suspension or revocation of a license shall have the right to appeal from the decision of the STR board or the governing authority. Appeals shall be to the superior court of the county filed within 30 days from the final action of the STR board or governing authority. If the applicant/licensee does not file an appeal from any decision of the STR board or governing authority, as provided in this section, the decision of the STR board or governing authority shall be final.

Sec. - No new license to be issued after revocation.

When a license has been revoked under the provisions of this article, no application for a new STR license for the same location by a different and unrelated owner following the sale of the business will be received for a period of 30 days, and no application for a new license from the licensee involved shall be received for a period of either two or five years.

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