

STATE OF GEORGIA

HENRY COUNTY

ORDINANCE NO. 22-10

**AN ORDINANCE BY HENRY COUNTY GEORGIA, TO AMEND CHAPTER 3 OF THE
HENRY COUNTY CODE OF ORDINANCES TO AMEND SUBSECTION 3-3
REGARDING THE REGULATION OF SHORT-TERM RENTAL PROPERTIES**

WHEREAS, the Henry County Code of Ordinances was adopted by the Henry County Board of Commissioners (BOC) on May 1, 1984 and amended periodically thereafter; and

WHEREAS, *Section 3-1-6, Amendments; effect of new ordinances and resolutions; amendatory language* of the Henry County Code of Ordinances outlines the procedural process for amendments to the Code; and

WHEREAS, staff has reviewed the Henry County Code of Ordinances and proposes to amend *Chapter 3, Section 3-3*, as it pertains to the regulation of short-term rentals properties;

WHEREAS, County and State requirements for legal advertisement and a public hearing have been met;

NOW, THEREFORE, BE IT RESOLVED by the Henry County Board of Commissioners, and it is hereby ordained by the authority of the same, that:

I.

The Henry County Code, is hereby amended by adding an article to be numbered *Chapter 3-3, Article VII. Short-Term Rentals*, which said article reads as follows:

ARTICLE VII. - SHORT-TERM RENTALS

Sec. 3-3-201. - Purpose and applicability.

The purpose of this article is to establish regulations for the use of short-term rentals for residential living units. The requirements of this article apply only to short-term rental, as defined herein, located in residential zoning districts established as per the Henry County Unified Land Development Code. Nothing in this article, however, shall be construed to be a waiver of the requirement to assess and collect hotel occupancy taxes for any residential rental for no more than thirty (30) consecutive days, or any other applicable provision of the Henry County Code of Ordinances.

Sec. 3-3-202. - Definitions.

Advertise means the written, audio, oral or other methods of drawing the public's attention whether by brochure, written literature or online posting to a short-term rental in order to promote the availability of the short-term rental.

Hotel Occupancy Tax means the tax as defined in *Chapter 3-3, Article IV* of the Henry County Code of Ordinances.

Local Emergency Contact means an individual other than the applicant, who resides within 20 miles of the subject property, and who is designated by the owner/applicant to act as the owner's authorized agent if the owner has traveled outside of the immediate area or is otherwise unavailable. The local emergency contact should be reachable on a 24-hour basis, have access to the short-term rental property, and be authorized by the owner to act in the owner's absence to address any complaints, disturbances, and emergencies.

Owner means any person having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or code official of the estate of such person if ordered to take possession of real property by a court. The term "owner" does not include the holder of a nonpossessory security interest in the property.

Party means a social gathering of people, including those who have not rented the residence, for the primary purpose of eating, drinking or entertaining in a manner that constitutes a nuisance to surrounding property owners in accordance with *Chapter 3-16 Nuisances*.

Primary Residence means the usual dwelling place of the applicant's residential dwelling and is documented as such by the applicant's driver's license and one of the following: Motor vehicle registration, Georgia State Identification card, voter registration, property tax documents, or utility bill. For purposes of this article, a person may have only one primary residence.

Short-Term Rental (STR) is defined as the rental of any residence or residential structure, or a portion of a residence or residential structure for a period of no more than thirty (30) days. The term does not include:

1. A unit that is used for a nonresidential purpose, including but not limited to institutional care, educational uses, health care, retail, restaurant, banquet space, event center purpose, or other similar use;
2. A bed and breakfast;
3. A boarding and rooming house; or
4. A hotel/residence hotel or motel

Sec. 3-3-203. - Short-term rental application requirements.

No person shall hereafter advertise, offer to rent, lease, license or sublicense a residential property within unincorporated Henry County as a short-term rental for which an occupational tax certificate has not been properly filed for and obtained through the Henry County Occupational Tax department.

Short-term rental occupational tax certificate shall be made upon forms furnished by the Occupational Tax department for such purpose and shall specifically require the following minimum information:

1. Name, address, phone number and e-mail address of the property owner of the short-term rental property;
2. Verification that the short-term rental application is for property within unincorporated Henry County;

- a) A short-term rental business license may be applied for up to three dwelling units without additional requirements, fees, permits, or related restrictions.
3. Name, address, phone number and e-mail address of the designated Local Emergency Contact;
4. The number of bedrooms and square footage of each.
5. A signed affidavit from a licensed building inspector, attesting that the property meets all applicable building and life safety codes.
6. Informational Brochure.
7. Short-term rental properties located within a subdivision with an active HOA shall provide written approval from the HOA.

Sec. 3-3-204. - Right to inspect premises.

The County reserves the right, with reasonable notice to the Owner, to inspect the residential premises to determine compliance with this section as well as with the current adopted version of the International Property Maintenance Code (IPMC). The Henry County Building, Code Enforcement, Fire and Police Departments are authorized to enforce the provisions of this article, including inspection of the residential premise.

1. If only a portion of the premises is offered for rent, then that portion and any shared amenities, areas, and points of access may be inspected.
2. If, upon completion of an inspection, the premises are found to be in violation of one or more provisions of applicable Codes and County Ordinances, the County shall provide written notice of such violation and shall set a re-inspection date for a violation to be corrected prior to its occupancy.

Sec. 3-3-205. - Standards.

The following standards shall apply to short-term rental:

1. Rentals shall be no more than thirty (30) days.
2. The business owner shall post emergency contact information (police, fire, hospital) and show renters the location of fire extinguishers in the short-term rental.
3. A business owner must provide the name, address, and phone number for the managing agent or local contact to all property owners within 300' of the property boundary. The business owner shall provide certified mailed notice to all property owners within 100' of the property boundary within 10 days of a change in the managing agent or local contact's contact information.
4. A business owner must disclose in writing to their renters the following information:
 - (a) The managing agent or local contact's name, address, and phone number.
 - (b) The maximum number of guests allowed at the property as determined by county officials.
 - (c) The maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked.

- (d) Property rules related to use of exterior features of the property, such as decks, patios, grills, recreational fires, pools, hot tubs, saunas and other outdoor recreational facilities.
 - (e) Applicable sections of County ordinances governing noise and parking.
5. Additional occupancy by use of recreational vehicles, tents, or accessory structures is not permitted, except legally permitted accessory dwelling units.
 6. The business owner shall keep a report; detailing use of the short-term rental by recording the full name, address, phone number and vehicle license number of guests using the rental. A copy of the report shall be provided to County upon request.
 7. A business owner must post their license number on all print, poster or web advertisements.
 8. Shall comply with *Chapter 3-16, Nuisances* and *Chapter 3-17, Article IV Noise Control* of the Henry County Code of Ordinances.

Sec. 3-3-206. - Restrictions on short-term rentals.

1. External signage. There shall be no external on-site or off-site advertising signs or displays indicating the property is a short-term rental.
2. Limits on number of vehicles. There shall be a maximum of one car per bedroom, or the maximum number of cars that can be accommodated within any garage(s), carport(s), and driveway. Vehicles shall be located on a hard surface or gravel and outside of any and all easements, and shall not encroach on any public or private streets, right of way, sidewalks, drainage areas, or similar.
3. Sublease. No property shall be subleased for the purpose of a short-term rental.
4. Other restrictions. It shall be unlawful:
 - (a) To operate or allow to be operated a short-term rental without first receiving an approved occupational tax certificate, in accordance with this article, the property in which the rental is to occur;
 - (b) To advertise or offer a short-term rental without first receiving an approved occupational tax certificate, in accordance with this article, the property in which the rental is to occur; documented advertisement of the subject property as a short-term rental, online or offline, shall be considered evidence of a violation of this article;
 - (c) To operate a short-term rental that does not comply with all applicable County and state laws and codes;
 - (d) To operate a short-term rental without paying the required hotel occupancy taxes;
 - (e) To offer or allow the use of a short-term rental for the sole or primary purpose of having a party venue;
 - (f) To operate the residence in a manner that constitutes a nuisance to surrounding property owners in accordance with *Chapter 3-16 Nuisances*;

- (g) To fail to include a written prohibition against the use of a short-term rental for having a party venue in every advertisement, listing, or other publication offering the premises for rent; and
- (h) Permit the use of short-term rental for the purpose of: operating a structured sober, recovery or other purpose living home or similar enterprise; selling illegal drugs; selling alcohol or another activity that requires a permit or license, or operating as a sexually oriented business.
- (i) To operate or allow the property to be operated or serve as a pick-up or drop-off location for a commercial vehicle transportation service.

Sec. 3-3-207. - Brochure and safety features.

1. Informational brochure. Each business owner operating a short-term rental shall provide to guests a brochure that includes:
 - (a) The business owner's 24-hour contact information;
 - (b) A local responsible party's 24-hour contract information if the owner is not within the County limits when guests are renting the premises;
 - (c) Pertinent neighborhood information including, but not limited to, parking restrictions, restrictions on noise and amplified sound, and trash collection schedules; and
 - (d) Information to assist guests in the case of emergencies posing threats to personal safety or damage to property, including emergency and non-emergency telephone numbers for police, fire and emergency medical services providers and instructions for obtaining severe weather, natural or manmade disaster alerts and updates.

Sec. 3-3-208. - License term, fees, and renewal.

1. All occupational tax certificates approved under this article shall be valid for a period of one (1) year from January 1 to December 31 or July 1 to June 31.
2. The fee for occupational tax certificate of a short-term rental shall be determined by using Gross Receipts with a \$60.00 admin fee and the rate class fee in addition to any inspection fees.
3. Upon receipt of an application for renewal of the occupational tax certificate, the Tax Commissioner or their designee may deny the renewal if there is reasonable cause to believe that the applicant has plead no contest to or been convicted of a violation of any ordinance of the County, or any state, or fee law on the premises or has permitted such a violation on the premises by any other person.

Sec. 3-3-209. - Violations and penalties.

1. Unless otherwise specified within a particular chapter of the Code of Henry County, Georgia, any person violating any of the provisions of this ordinance or failure to comply with any of its requirements, shall, upon conviction or plea of guilty thereof, be punishable by a fine not to exceed one thousand dollars (\$1,000.00), or by imprisonment of not more than sixty (60) days, or both, such fine and imprisonment as the facts of the case may justify. Upon the third violation for the same property, the County shall revoke

any pending licenses and reject all applications for that particular property for a period of twenty-four (24) consecutive months. Each day that such condition continues shall be regarded as a new and separate offense.

2. All costs, attorney's fees, expert witness fees and other expenses incurred by the county in connection with the enforcement of this ordinance shall be recovered from the violator.

II.

It is the intention of the BOC, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Henry County, Georgia.

III.

All ordinances, parts of ordinances, or regulations in conflict herewith are hereby repealed.

IV.

Should any section, part or provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof not specifically declared to be invalid or unconstitutional.

V.

This ordinance shall take effect and be in force from and after the date of its adoption, the public welfare demanding it.

BE IT SO ORDAINED, THIS 4TH DAY OF OCTOBER, 2022.

**BOARD OF COMMISSIONERS
OF HENRY COUNTY, GEORGIA**



Carlotta Harrell, Chair

ATTEST:



Stephanie Braun, County Clerk