

AN ORDINANCE TO AMEND CHAPTERS 22 AND 90 OF THE CODE OF ORDINANCES OF THE CITY OF MONROE, GEORGIA, REGARDING THE CITY'S BUSINESS REGULATION ORDINANCES AND HOTEL MOTEL EXCISE TAXATION FOR THE PURPOSE OF PROVIDING FOR THE REGULATION AND TAXATION OF SHORT-TERM RENTALS.

THE MAYOR AND THE COUNCIL OF THE CITY OF MONROE HEREBY ORDAIN AS FOLLOWS:

Article I.

Chapter 22 of the Code of Ordinances is hereby amended by adding Sections 22-380 through 22-400 to said Chapter as follows, and Chapter 90 of the Code of Ordinances is hereby amended by deleting Sections 90-231 through 90-233 in their entirety and replacing them with the following in lieu thereof:

SEE ATTACHED "EXHIBIT A" FOR THE COMPLETE TEXT OF THE ADDITIONS AND AMMENDMENTS TO CHAPTER 22 and CHAPTER 90

Article II.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Article III.

This ordinance shall take effect January 1, 2023.

FIRST READING. This 11th day of October, 2022.

SECOND READING AND ADOPTED on this 8th day of November, 2022

CITY OF MONROE, GEORGIA

By: _____ (SEAL)

John Howard, Mayor

Attest: _____ (SEAL)

Debbie Kirk, City Clerk

EXHIBIT A

Chapter 22 – BUSINESSES AND BUSINESS REGULATIONS

ARTICLE VI. – SHORT-TERM RENTALS

Sec. 22-380. Purpose.

(a) The purpose of this article is to ensure the continued availability of quality transient lodging within the city, proper maintenance of short-term rentals and to protect the health, safety and welfare of short-term rental inhabitants and the citizens of Monroe by ensuring the structures meet minimum life safety code standards.

(b) Unless otherwise stated in this article, the requirements of this article apply to those who occupy, visit, patronize, frequent, operate, keep, conduct, or own a short-term rental within the city, regardless of the date of the short-term rental structure's construction.

(c) This article is essential to the public's interest, safety, health and welfare and this article shall be liberally construed to effectuate its purposes.

Sec. 22-381. Definitions.

Code compliance verification form means a document executed by a short-term rental owner certifying that the short-term rental unit complies with applicable zoning, building, health and life safety code provisions. No person shall allow occupancy or possession of any short-term rental unit if the premises or owner thereof is in violation of any applicable zoning, building, health or life safety code provisions.

Local contact person means an owner or local property manager authorized by the owner of a short-term rental to take remedial action and respond to any notice of violation of this section, who resides in the City of Monroe or no more than 50 miles from the short-term rental.

Noise regulations means those regulations contained in the Code of Ordinances of the City of Monroe, Georgia, Sec. 62-8.

Owner means a person(s) or entity that holds legal and/or equitable title to private property.

Short-term rental means a dwelling unit, including either a single-family home, duplex or single multifamily residential unit, or accessory dwelling or accessory apartment rented not more than 30 consecutive nights.

Sec. 22-382. Applicability.

(a) All requirements, regulations and standards imposed by this section apply in addition to any other applicable requirements, regulations and standards imposed elsewhere in this Code.

(b) The restrictions and obligations contained in this section shall apply to short-term rentals at all times during which such units are marketed and used as short-term rentals.

(c) The allowance of short-term rentals pursuant to this section shall not prevent enforcement of additional restrictions that may be contained in restrictive covenants or other private contractual agreements or arrangements.

(d) It shall be unlawful for any owner of any property within the City of Monroe, Georgia, to rent or operate a short-term rental contrary to the procedures and regulations established in this section, other provisions of the Code of Ordinances or Zoning Ordinance of the City of Monroe, Georgia, or any applicable state law.

Sec. 22-383. Short-term rental business license requirements.

Pursuant to Chapter 90 (Occupation Taxes) of the Code of Ordinances of the City of Monroe, Georgia, a separate business license shall be required for each short-term rental unit (except where an owner owns multiple short-term rentals in a residential community or multiple residential communities and applies for a business license for a single business license for such short-term rental units). The licensing requirements of this section are in addition to any hotel/motel tax registration or any other permit or licensing requirements. However, at the discretion of the director of planning and development, the processing of such license required under this section may be combined with the processing of hotel/motel tax registration or any other related permit or license process administered by the city. The director of planning and development is authorized to prescribe forms and procedures for the processing of licenses under this section.

(1) Application for short-term rental business license. An application for a short-term rental business license shall be filed with the planning department prior to the use of the property as a short-term rental. Applications shall be on the forms provided by the city. Only the owner of the short-term rental may submit an application for short-term rental business license. Additionally, all applications for a short-term rental business license must contain, at a minimum, the following information:

- a. The name, address telephone number, and email address of the owner of the short-term rental for which the registration is being issued;
- b. The name, address, telephone number, and email address of the local contact person for the owner of the short-term rental;
- c. The number of bedrooms and approximate square footage of the short-term rental, and the maximum number of overnight occupants permitted;
- d. An executed code compliance verification form acknowledging that all designated bedrooms meet all local building and life, safety, and fire code requirements;
- e. A diagram and/or photograph of the premises showing and indicating the number and location of designated on-site paved parking spaces and the maximum number of vehicles allowed for overnight occupants. Landscaped areas of any kind shall not be counted as parking spaces;

f. Evidence of a valid hotel/motel occupancy tax registration certificate issued by the city for the short-term rental. Application for such registration may be filed concurrently with the application for registration under this chapter;

g. Acknowledgment that the owner and local contact person have read all regulations pertaining to the operation of a short-term rental;

h. Certification of the accuracy of the information submitted, and agreement to comply with all conditions of the registration;

i. Acknowledgement that the owner or local contact person has or will post, at the short-term rental, the notice required in section 22-384; and

j. Application fee. An application for a short-term rental business license shall be accompanied by an initial fee in accordance with section 90-107 (Levied; limitations) of the Code of Ordinance of the City of Monroe, Georgia.

Sec. 22-384. License conditions.

All business licenses issued pursuant to this chapter are subject to the following standard conditions:

(1) The owner shall, by written agreement with the occupants, limit overnight occupancy of the short-term rental to the specific number of occupants designated in the business license application, with the number of overnight occupants not to

exceed two persons per bedroom meeting building code and life-safety code requirements, plus two additional persons per residence inclusive of any owner occupants. A bedroom is a room that is designed to be, or meets the building code requirements to be, used as a sleeping room and for no other primary purpose. 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 unit. The emergency door or window shall be operable from the inside to provide a full, clear opening without the use of separate tools. Escape or rescue windows shall have a minimum net clear openable area of 5.7 square feet. The minimum net clear openable height dimension shall be 24 inches. The minimum net clear openable width dimension shall be 20 inches. When windows are provided as a means of escape or rescue, they shall have a finished sill height not more than 44 inches above the floor. These dimensions shall be required unless otherwise approved by the Code Enforcement Officer for historic preservation purposes only;

b. Bedrooms shall have a ceiling height of not less than eight feet, except as provided in this section. If any room has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half of the area thereof.

(2) The owner shall, by written agreement with the occupants, limit the number of

vehicles of overnight occupants to the number designated in the business license application; with the number of vehicles of overnight occupants not to exceed the number of designated on-site parking spaces of the short-term rental property.

(3) The owner shall use best efforts to ensure that the occupants and/or guests of the short-term rental do not violate noise regulations by notifying the occupants of the rules regarding short-term rentals and responding when notified that occupants are violating laws regarding their occupancy. It is not intended that the owner or local contact person, act as a peace officer or place himself or herself in harm's way.

(4) The owner shall, by written agreement, limit the daytime visitors at any time in a home rental to no more than six persons in addition to the maximum overnight occupancy designated in the business license application.

(5) The owner of the short-term rental shall post a copy of the business license and a copy of the conditions set forth in this section in a conspicuous place within the short-term rental.

(6) No business license issued under this section shall be transferred or assigned or used by any person other than the owner to whom it is issued, or at any location other than the one for which it is issued.

(7) All business licenses issued under this section shall be valid for no more than one year, beginning on the date of issuance and expiring on December 31st of that year.

(8) Sign and notification requirements. Each short-term rental shall have a clearly visible and legible notice conspicuously posted within the unit on or adjacent to the front door, containing the following information:

a. The name of the local contact person or owner of the unit, and a telephone number at which that party may be reached on a 24-hour basis;

b. The maximum number of overnight occupants permitted to stay in the unit;

c. The maximum number of vehicles allowed to be parked on the property, including a sketch of the location of the on-site parking spaces;

d. The maximum number of daytime visitors allowed in addition to the overnight occupants;

e. The 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 a curbside container, and that the curbside container shall not be placed sooner than 24 hours prior to the pickup day, and must be removed no later than 24 hours after pickup (if owner provides daily trash removal, then this notice is not necessary);

f. Notification that an occupant may be cited and fined for creating a disturbance or for violating this section or other provisions of the Code of Ordinances;

g. Notification that failure to conform to the parking and occupancy requirements of the structure is a violation of this section; and

h. A statement advising the occupant that any failure to conform to the noise regulations is a violation of this section.

(9) Parking. Short-term rentals shall comply with all applicable ordinances regarding parking. Owner shall provide sufficient parking for guests such that all parking is accomplished on parking spaces approved by the Code Officer.

(10) Local contact person.

a. Each owner of a short-term rental shall designate a local contact person who has access and authority to assume management of the unit and take remedial measures. An owner of a short-term rental who resides in the city limits of Monroe, Georgia or within 50 miles of the short-term rental may designate himself or herself as the local contact person. The local contact person shall be required to respond to the location of the short-term rental within one hour after being notified by the police or code enforcement of the existence of a violation of this chapter or any other provision of this Code, or any disturbance requiring immediate remedy or abatement.

b. The owner must immediately notify the director of planning and development 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 director of planning and development. The new, revised business license will not extend the expiration date of the business license, and will be issued for a fee of \$25.00, and must

be posted within ten days of any change of local contact person information.

(11) Limited Zoning Requirements. In addition to the provisions in this Code, the occupancy of each short-term shall be limited in the following manners and as subject to the Zoning Ordinance of the City of Monroe, Georgia:

a. Short-term rentals shall consist of an entire dwelling unit, accessory apartment, or accessory dwelling.

b. Dwelling units, accessory apartments, or accessory dwellings may contain only one short-term rental.

c. Each address may contain only one short-term rental.

d. Short-term rentals must consist of a minimum of 300 square feet and contain at least one bedroom, one bathroom, and kitchen or kitchenette facilities containing at a minimum the following: a kitchen sink, a microwave, and a refrigerator.

(12) Hotel/motel tax. All short-term rentals shall be subject to section 90-231 et seq., of the City of Monroe, Georgia, Municipal Code, concerning the imposition and collection of the applicable hotel/motel tax.

(13) Other requirements. All short-term rentals shall comply with the following:

a. An interconnected and hard-wired smoke detection and notification system is required and must be operable and in good working order at all times.

b. Owner must install and maintain security cameras that provide video coverage and recording of the driveway and all entry points for the short-term rental property.

c. A sufficient number of UL-approved and tested fire extinguishers shall be maintained in all short-term rentals as required by the Code Officer.

d. Any advertising of the short-term rental unit shall conform to information included in the short-term rental business license and requirements of this section, and shall include notification of the maximum occupancy, maximum number of vehicles allowed, and provisions regulating noise.

e. Compliance with these standards shall be in addition to compliance with all other provisions of this Code relating to nuisance, peace and safety.

f. In addition to any requirements of this section, any structure being operated as a short-term rental, with a capacity for more than ten overnight guests at a time shall be required to meet all local, state and federal access and life safety codes, rules and regulations that are otherwise applicable to hotels as defined in such codes, rules and regulations. In the event there is a conflict between the requirements of this section and such other codes rules or regulations, the requirement that is more protective of the public health, safety and welfare shall prevail.

(14) Short-term rentals shall not conflict with existing homeowners association or

other applicable private restrictive covenants.

Sec. 22-385. Violation and penalties.

(a) Violations of this Article shall be managed on each individual short-term rental, and any resulting penalties shall only be assessed against such short-term rental. The following conduct shall constitute a violation for which the penalties specified in this section may be imposed, or the business license suspended or revoked:

(1) The owner has violated any of the provisions of this chapter; or

(2) The owner has failed to collect and remit to the city the hotel/motel occupancy tax as required by Sec 90-233 of city Code.

(b) The penalties for violations of this Article shall be as follows:

(1) For the first violation within any 12-month period, the penalty shall be a warning notice of violation;

(2) For a second violation within any 12-month period, the penalty shall be a fine not to exceed \$500.00;

(3) For a third violation within any 12-month period, the penalty shall be a fine not to exceed \$1,000.00 and/or suspension of the business license (or suspension of the violating short-term rental from the applicable business license) for a period not to exceed six months; if the period of suspension runs beyond December 31st, the owner shall not be eligible to apply for

renewal of the business license (or reinstatement of the violating short-term rental under the business license) until expiration of the full suspension period; and

(4) For a fourth violation within any 12-month period, the business license may be revoked (or removal of the violating short-term rental from the applicable business license) in accordance with the provisions below. An owner shall not be eligible to reapply for a business license (or reinstatement of the violating short-term rental under the business license) for a period of 12 months from the date of revocation.

(c) A short-term rental that is determined to be operating without the necessary business license required under this section shall subject the owner to a penalty of \$1,000.00. Each day the unit is marketed or rented for overnight accommodation shall constitute a separate violation.

(d) Procedure for imposition of penalties/suspension/revocation. Penalties, including a notice of violation, shall be imposed, and business licenses shall be revoked (or suspension or removal of a short-term rental from the applicable business license), only in the manner provided in this subsection.

(1) Initial violations shall result in a notice of violation being directed to the owner and the person designated in the business license application as the local contact person if other than the owner. The local contact person shall be responsible for contacting the occupant to correct the problem within

60 minutes. This local contact person is required to visit the property to confirm compliance with this chapter, unless compliance can reasonably be confirmed without visiting the property.

(2) If non-compliance with provisions of this section reoccurs, the director of planning and development or their designee shall conduct an investigation whenever there is reason to believe that an owner has failed to comply with the provisions of this section. The investigation may include an inspection of the premises, review of law enforcement/security reports, online searches, citations, or neighbor documentation consisting of photos, sound recordings and video all of which may constitute evidence of a violation. Should the investigation support a finding that a violation occurred, the director of planning and development or designee shall issue written notice of the violation and intention to impose a penalty and/or suspend or revoke the business license (or suspend or remove a short-term rental from the applicable business license). The written notice may be served either by first class mail, by commercial overnight delivery, by personal service on the owner, or by any other reasonable means of delivery, including email, and shall specify the facts which, in the opinion of the director of planning and development, constitute grounds for imposition of the penalties and/or suspension or revocation, and specify that the penalties will be imposed and/or that the business license will be suspended or revoked (or suspension or removal of a short-term rental from the applicable business license) 15 calendar days from the

date of the notice unless the owner files with the director of planning and development a request for an appeal hearing before the mayor and city council. In considering such appeal, the mayor and city council shall determine whether the director of planning and development has erred in his/her interpretation and/or enforcement of this section.

(3) Except as otherwise provided in this section, violation of this section will be enforced in accordance with the Code of the City of Monroe, Georgia and the Zoning Ordinance of the City of Monroe, Georgia.

(e) Business license and fees not exclusive. The business license and fees required by this section shall be in addition to any license, permit or fee required under any other provision of this Code, or other local or state law. The issuance of any business license pursuant to this section shall not relieve the owner of the obligation to comply with all other provisions of this Code pertaining to the use and occupancy of the short-term rental or the property on which it is located.

(f) Penalty. In addition to the penalties described above, any person violating the provisions of this section by operating a

short-term rental without a valid business license may be prosecuted according to the general penalties described in Section 1-11 of this Code.

(g) Enforcement. The director of planning and zoning or their designee is hereby authorized and directed to establish such procedures as may from time to time be required to carry out the purpose and intent of this Article. City of Monroe Code Enforcement Officers, as well as the Monroe Police Department shall also have authority to enforce this Article.

(h) Violations by occupants of short-term rentals. Any violation of the provisions of this section shall be enforced pursuant to this section and any other applicable Code sections. Enforcement actions may be brought against occupants of a short-term rental for violations of this section and any other provision of this Code notwithstanding that this section may also make the owner of the short-term rental responsible for the conduct constituting the violation.

Secs. 22-386--22-400. – Reserved.

Chapter 90 – TAXATION

ARTICLE VII. – HOTEL/MOTEL EXCISE TAX

Sec. 90-231. Definitions.

The following words, terms and phrases shall, for the purposes of this article and

except where the context clearly indicates a different meaning, be defined as follows:

City means the City of Monroe and, variously, the incorporated territory of Monroe, wherein the city government is empowered to impose this tax by O.C.G.A. § 48-13-50(a)(3).

Due date means the 20th day after the close of the monthly period for which the tax is to be computed.

Destination marketing organization means a private sector nonprofit organization or other private entity which is exempt from federal income tax under Section 501(c)(6) of the Internal Revenue Code of 1986 that is supported by the tax under this article, government budget allocations, private membership, or any combination thereof and the primary responsibilities of which are to encourage travelers to visit their destinations, encourage meetings and expositions in the area, and provide visitor assistance and support as needed.

Estimated tax liability means the lodging provider's prospective tax liability based upon the average monthly tax remittance in the prior fiscal year, as adjusted for change in tax rate or substantial change in circumstances due to damage to the hotel.

Finance director means The duly appointed finance director of the city or his designee.

Folio means primary documentation produced by a hotel that demonstrates interaction between the lodging provider and the occupant, and which, at a minimum, reflects the name and address given by the occupant, the date(s) of occupancy, the amount of rent charged for each date together with the amounts of applicable excise tax(es), and the method(s) of payment.

Guest room means accommodations occupied, or intended, arranged, or designed for transient occupancy, by one or more occupants for the purpose of living quarters or residential use.

Hotel means any facility, or any portion of a facility, where a room, rooms or lodgings are furnished for value to any person, persons or legal entity, including a hotel, motel, inn, lodge, tourist camp, tourist cabin, campground or any other place in which rooms, lodgings or accommodations are regularly furnished for value.

Innkeeper means any person who is subject to taxation under this article for the furnishing for value to the public any rooms, lodgings, or accommodations.

Lodging provider means any person operating a hotel, guesthouse, bed and breakfast, or short-term rental in the city including, but not limited to, the owner or proprietor of such premises, lessee, sub-lessee, lender in possession, licensee or any other person operating such hotel; and who is subject to the taxation imposed for furnishing for value to the public any rooms, lodgings, or accommodations.

Monthly period means the calendar months of any year.

Occupancy means the use or possession, or the right to the use or possession of any guest room in a hotel or the right to the use or possession of the furnishings or to the services and accommodations accompanying the use and possession of the guest room.

Occupant means any person who, for a consideration, uses, possesses, or has the right to use or possess any guest room in a hotel under any lease, concession, permit,

right of access, license to use or other agreement, or otherwise.

Permanent resident means any occupant who, as of a given date, has or shall have occupied or has or shall have the right of occupancy of any guest room in a hotel for not less than 30 continuous days next preceding such date.

Person means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, cooperative, estate, trust, receiver, trustee, syndicate, or any other group or combination acting as a unit, the plural as well as the singular number; excepting the United States, the State of Georgia and any instrumentality of either thereof upon which the city is without power to impose the tax.

Private sector nonprofit organization means a chamber of commerce, a convention and visitors bureau, a regional travel association, or any other private group organized for similar purposes which is exempt from federal income tax under Section 501(c)(6) of the Internal Revenue Code of 1986; provided, however, that a county or municipality which has prior to April 1, 1990, contracted for a required expenditure under this Code section with a private group which is exempt from federal income tax under provisions of Section 501(c) of the Internal Revenue Code other than Section 501(c)(6) may continue to contract for required expenditures with such a private group.

Promoting tourism, conventions, and trade shows means the planning, conducting, or participating in programs of information and publicity designed to attract or advertise tourism, conventions, or trade shows.

Rent means the consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits, and property or services of any kind or nature, and also the amount for which credit is allowed by the lodging provider to the occupant, without any deduction therefrom whatsoever

Short-term rental means one or more dwelling units, including either a single-family home, duplex or single multifamily residential unit, or accessory dwelling or accessory apartment rented not more than 30 consecutive nights.

State authority means an authority created by state law which serves a state-wide function, including, but not limited to, the Geo. L. Smith II Georgia World Congress Center Authority, but shall not mean an authority created for support of a local government or a local purpose or function and shall not include authorities such as area planning and development commissions and any organizational entities they may create, regional commissions and any organizational entities they may create, or local water and sewer authorities.

Tax means the tax on occupants imposed by this article, as provided for by O.C.G.A. § 48-13-51(a)(3).

Tourism product development means the expenditure of funds for the creation or expansion of physical attractions which are available and open to the public and which improve destination appeal to visitors, support visitors' experience, and are used by visitors. Such expenditures may include capital costs and operating expenses. Tourism product development may include: lodging for the public for no longer than 30 consecutive days to the same customer;

overnight or short-term sites for recreational vehicles, trailers, campers, or tents; meeting, convention, exhibit, and public assembly facilities; sports stadiums, arenas, and complexes; golf courses associated with a resort development that are open to the general public on a contract or fee basis; racing facilities, including dragstrips, motorcycle racetracks, and auto or stock car racetracks or speedways; amusement centers, amusement parks, theme parks, or amusement piers; hunting preserves, trapping preserves, or fishing preserves or lakes; visitor information and welcome centers; wayfinding signage; permanent, nonmigrating carnivals or fairs; airplanes, helicopters, buses, vans, or boats for excursions or sightseeing; boat rentals, boat party fishing services, rowboat or canoe rentals, horse shows, natural wonder attractions, picnic grounds, river-rafting services, scenic railroads for amusement, aerial tramways, rodeos, water slides, or wave pools; museums, planetariums, art galleries, botanical gardens, aquariums, or zoological gardens; parks, trails, and other recreational facilities; or performing arts facilities.

Sec. 90-232. Tax Rate.

There shall be paid for every occupancy of a guest room in a hotel, guesthouse, bed and breakfast, or short-term rental in the city a tax at the rate of five percent of the amount of rent unless an exemption is provided under section 90-234.

Sec. 90-233. Collection of tax by lodging provider.

Every lodging provider furnishing guest rooms in a hotel, guesthouse, bed and breakfast, or short-term rental in the city shall collect a tax of five percent on the

amount of rent from the occupant unless an exception is provided under section 90-234.

The lodging provider shall provide a receipt to each occupant, which receipt shall reflect both the amount of rent and the amounts of this and other tax(es) applicable. This tax shall be due from the occupant, and shall be collected by the lodging provider at the same time that the rent is collected. The lodging provider shall be liable for any amount of tax that he fails to collect appropriately; and must remit to the city any amount of tax collected in excess of that which should have been collected.

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