

ORDINANCE NO. 2016-07B
AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
PERTAINING TO SHORT TERM RENTAL PROPERTIES
FOR THE CITY OF TYBEE ISLAND, GEORGIA

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is authorized under Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, and welfare of the citizens of Tybee Island, Georgia,

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is the Mayor and Council thereof;

WHEREAS, the governing authority desires to adopt ordinances under its police, zoning, and home rule powers;

WHEREAS, the City of Tybee Island desires to create a new ordinance to be Chapter 34, Article VII, Sections 34-195 through 34-200 of the Code of Ordinances pertaining to short term rental properties;

WHEREAS, the City is a popular tourist destination;

WHEREAS, the City's tourist industry has continued to grow; and,

WHEREAS, the following extensive debate and review on the matter of short term vacation rentals, the City Council has determined that the regulation of short term rental properties is appropriate in order to protect the health, welfare and safety of the general public and the citizens, residents and visitors to the island.

NOW, THEREFORE, it is hereby ordained by the governing authority of the City of Tybee Island in open meeting that the following shall be known as the "Tybee Island Short-Term Rental Ordinance" and shall be referred to herein as "this Ordinance:"

CHAPTER 34

ARTICLE VII

Sec. 34-195. Purpose and Intent

(a) The purpose of this Article is to establish regulations for the use of residential dwelling units as short-term vacation rentals and to ensure the collection and payment of hotel/motel fees and occupation tax certificate fees.

(b) “Short-term Vacation Rental” means an accommodation for transient guests where, in exchange for compensation, a residential dwelling unit is provided for lodging for a period of time less than thirty consecutive days. Such use may or may not include an on-site manager. For the purposes of this definition, a residential dwelling shall include all housing types and shall exclude bed and breakfast accommodations as they are defined by the City of Tybee’s Land Development Code. This is also identified as “STVR”.

(c) An Owner shall be required to designate an agent for any short-term vacation rental unit, whose responsibility it will be to comply with the requirements of this section on behalf of the Owner. The Owner may be the agent.

(d) “Short-term vacation rental agent” is a local contact person designated by the owner who shall be available at all times to respond to complaints regarding the condition, operation, or conduct of occupants of the STVR. Such person is customarily present at a location within the City for purposes of transacting business, and is responsible for taking remedial action to promptly resolve issues.

(e) The Owner or agent shall not be relieved of any personal responsibility or personal liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the residential dwellings unit as a short-term vacation rental unit.

Sec. 34-196. Application

(a) Within 90 days of the effective date of this Ordinance, no person shall rent, lease or otherwise exchange for compensation all or any portion of a dwelling unit as a short-term vacation rental, as defined in Sec. 34-195, without the owner or rental agent first obtaining an occupation tax certificate and registering each STVR with the City.

(b) The City must be notified in writing within seven days when there is a change in property ownership, management, agent, or emergency contact. Failure to do so will void any registration.

(c) Registrant for a short-term vacation rental shall submit, on an annual basis a registration for a short-term vacation rental to the City of Tybee Island. The registration shall be furnished on a form specified by the City Manager, accompanied by a non-refundable registration fee as established by City Council and on file with the Clerk. Such application should include:

- (1) The complete street address of the STVR;
- (2) Ownership, including the name, address, e-mail and telephone number of each person or entity with an ownership interest in the property;

- (3) The number of bedrooms, the maximum occupancy and the number and location of off-street parking spaces on the premises and any off-premises parking applicable;
- (4) The name, address and telephone number of a short-term vacation rental agent or local emergency contact if applicable; and,
- (5) Any other information that this Chapter requires the owner to provide to the City as part of the registration for a short-term vacation rental. The City Manager or his or her designee shall have the authority to obtain additional information from the applicant as necessary to achieve the objectives of this Chapter.
- (6) The emergency contact number required by subsection 34-200.
- (d) The registration form pursuant to this Code section shall be processed, and added to a database to be kept by staff listing STVR unit information and any citations that occur. The City shall notify the owner and agent of any instances that result in a citation for a code violation or other legal infraction.

Sec. 34-197. Registration Fee/ Renewal

- (a) The short-term vacation rental application shall be accompanied by an initial registration fee and subject to an annual registration fee every January 1 thereafter, as established by the Mayor and City Council.
 - (1) The 2016 rental registration fee shall be \$0.00 per rental unit.
 - (2) The annual registration fee thereafter shall be \$25.00 per rental unit. A registration fee is valid from the date the completed registration is filed with the City and payment of the registration fee has been made. Renewals are due not later than January 1 of the upcoming year.
- (b) Each property shall be issued a registration number.
- (c) Failure to register as prescribed by this law will result in a fine of \$100 for each month that the unit continues to operate without registration.

Sec. 34-198. Good Neighbor Policy

The City shall make available on its website a list of STVR good neighbor policies which STVR agents are encouraged to share with their clients.

Sec. 34-199. Signs

All one and two family STVR units shall post a sign visible from the street listing emergency contact name and phone number. Such sign shall not exceed 24" x 24". Multifamily units shall post a sign visible from outside the unit listing emergency contact name and phone number. Such signs shall not exceed 8 ½" x 11". Variances to this sign rule may be administered by staff.

Sec. 34-200. Emergency Contact

Not later than January 01, 2017, all STVR units shall be furnished with a telephone that is connected to a landline or similar type connection, including a voice over internet protocol, in order that 911 dispatch will be able to readily identify the address and location from where the call is made when dialed.

Sec. 34-201 Compliance

(a) It shall be the responsibility of the owner or agent to pay all required taxes required by Chapter 58, Article IV Room excise tax.

It is the intention of the governing body, and it is hereby ordained, that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Tybee Island, Georgia, and the sections of this ordinance may be renumbered if necessary to accomplish such intention.

This Ordinance shall become effective on 26 day of May, 2016.

ADOPTED THIS 26 DAY OF May, 2016.


MAYOR

ATTEST:


CLERK OF COUNCIL

FIRST READING: 2/11/16

SECOND READING: 5/26/16

ENACTED: 5/26/16

EMH/Tybee/Ordinances/2011/28-2015 - Short term rentals 09.28.15

EMH/Tybee/582-Short Term Rental Properties/28-2015

EMH/Tybee/Ordinances/2016/2016-07-A short term rentals formerly 28A-2015 02.04.16