

CITY OF CLAYTON

AN ORDINANCE TO ADOPT REGULATIONS APPLYING TO SHORT-TERM RENTALS; TO PROVIDE REQUIREMENTS FOR PROPER LICENSURE AND TAXATION IN ACCORDANCE WITH THE LAWS OF THE STATE OF GEORGIA AND THIS CITY; TO PROVIDE PROPER LIFE AND SAFETY STANDARDS AND REQUIREMENTS;

WHEREAS, The Constitution of the State of Georgia provides in Article IX, Section 2, Paragraph 3 that the governing authority of the City may adopt reasonable Ordinances To protect and improve public health, safety, and the welfare of the citizens of the City Of Clayton; and

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

WHEREAS, the governing authority desires to create and adopt rules to regulate short-Term rentals within the City; and

WHEREAS, the requirements contained herein are appropriate for short-term rentals to provide for the regulation, taxation, and the safety of the occupants of short-term rentals and to provide for the peace, safety and tranquility for the neighborhoods;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF CLAYTON, GEORGIA THAT THE CODE OF ORDINANCES OF THE CITY OF CLAYTON BE AMENDED TO INCLUDE ARTICLE II, DIVISION I, SECTIONS 46-49 THROUGH 46-67 SHORT-TERM RENTALS AS HEREAFTER PROVIDED IN EXHIBIT "A".

1ST READING _____

2ND READING _____

MAYOR: _____
JORDAN GREEN

ATTEST: _____
CITY CLERK

(EXHIBIT “A”)

ARTICLE II
DIVISION I
SECTIONS 46-49 THROUGH 46-67
SHORT-TERM RENTAL ORDINANCE

Sec.46-49

Definitions

Bedroom occupancy standard means the reasonable occupant limit for a bedroom and shall be based on 50 square feet allowed for each occupant, the number of permanently erected bed(s) or sleeping device(s), emergency egress capacity and the configuration of the entire unit and structure.

Code compliance verification form means a document executed by the Zoning Administrator that certifies that the short-term rental complies with the safety provisions of this Article and applicable Codes at such short-term rental location. No person shall allow occupancy or possession of any short-term rental unit if the premises are in violation of any applicable zoning, building, residential, health, water or sewer, or life safety code(s) or provisions thereof.

Curtilage means an area of land attached to a house, building or structure and forming one enclosure along the boundary.

Designated Responsible person means an individual designated to care for and responsible for a short-term rental unit that is a minimum age of 18 years of age, and is an individual that is knowledgeable and perceptive of the responsibilities and availability needed for that designation to ensure compliance with the laws, Codes and rules and regulations of the City and State.

Emergency evacuation diagram means a diagram that is conspicuously and permanently affixed to the walls of a structure that reflects the actual floor arrangement of the structure and defines the exit locations, such diagram shall be posted in multiple locations within the structure and upon each floor. The diagram shall be large enough to be clearly visible to occupants and shall define the present location of the posting, show orientation to the North by arrow, mark egress paths that are available from that present location and throughout the structure, show location of extinguishers and define exterior paths that will take occupants a safe distance from the structure to a gathering location.

Health department means the department of the government of the State of Georgia or Rabun County which focuses on issues related to the general health and disease protection for the community.

License or licensure means permission issued by the City of Clayton to allow an activity or business.

Managing agency or agent means a person, firm or agency representing an owner(s) of a short-term rental(s), or a person, firm or agency that owns a short-term rental.

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

Sec. 46-52 Property owner(s), local contact person, and responsible person

(a) Property owner(s):

The owner(s) 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 Codes, laws and rules and regulations pertaining to the use and occupancy of the short-term rental unit, and shall further use reasonably prudent business practices to ensure occupants and/or guests of the rental do not create disturbances, engage in disorderly conduct or violate any City Code, law or rule or regulation pertaining to the use and occupancy of the subject short-term rental unit.

(b) Local contact person:

- (1) Each owner of a short-term rental shall designate a local 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 or occupied by an occupant and/or guest. An owner of a short-term rental may designate himself or herself as the local contact person;
- (2) The local contact person shall be at least 18 years of age;
- (3) There shall be only one (1) designated contact person for a short-term rental at any given time;
- (4) The local contact person shall be required to respond to the location of the short-term rental 24 hours a day, 7 days a week, regardless of holidays and within one (1) hour after being notified by the City of Clayton Police or other law enforcement agency of the existence of a violation of this Article or any other provision of this code, the Code of Ordinances or state law; or any disturbance or complaint requiring immediate remedy or abatement regarding the condition, operation, or conduct of occupants of the short-term rental;
- (5) An owner may retain a managing agent, managing agency, operator, or representative to serve as a local contact person to comply with the requirements of this Article if such individual or agency representative lives a maximum of twenty-five (25) miles from the subject rental unit. This shall include without limitation, the permitting of the short-term rental, the management of the short-term rental and compliance with the conditions of the short-term rental Ordinance. The owner of the short-term rental is responsible for compliance with this Article and all other Codes and rules and regulations, to include the failure of an agent, representative, operator, or local contact person to comply with this Article that shall be deemed as a violation, either by fault or failure, by the owner;
- (6) The owner shall immediately notify the City of Clayton Zoning Administrator in writing upon a change of the local contact person or the local contact person's contact number. The short-term rental license will be revoked, and a new revised business short-term rental license shall be required that shall not extend beyond the expiration date of the original short-term rental license. Such revised license will be issued for a fee of \$25.00 and must be posted in the short-term rental within three (3) days of any change of local contact person information and before any occupants shall rent or occupy the short-term rental unit.

The local contact person's information shall be posted in a legible manner and in a conspicuous location within three (3) days of reissuance, and before the short-term rental unit is rented or occupied unless such time limit is extended for extenuating circumstances by the City.

If extenuating circumstances occur the owner shall ensure the contact information is provided to the Police Department who shall be responsible for responding to incidents and complaints at the short-term rental location. Failure or refusal to comply with this requirement may be reason for suspension of the license granted pursuant to this Article for a period not to exceed 30 days for the first offense.

(c) Responsible person:

Every short-term rental shall be rented to a designated responsible person. The owner of the short-term rental is responsible for compliance with the provisions of this Article, and the failure to designate a responsible person prior to the occupancy of the short-term rental shall be deemed refusal to comply by the owner.

Sec. 46-53

Occupational license for short-term rental and transferability

(A) Required occupational licensure and short-term rental:

(1) It shall be unlawful for any owner, individual, business organization or partnership within the incorporated limits of the City of Clayton to rent or operate a short-term rental unit, building or structure without proper licensure or contrary the procedures and regulations established in this Article, other provisions of Code, or any applicable State Law.

(2) The owner shall pay the required occupation tax as defined in Sec. 12-175 and shall comply with all applicable provisions of Article II of Chapter 12 of the Code of Ordinances for occupation licenses and regulations;

(3) The owner shall be required to report and pay all excise fees monthly by the 20th day of the following month on each location, unit, area, space, room, building or structure at the fee percentage approved by the City Council as defined in Article V of Chapter 12 of the Code of Ordinances and O.C.G.A §§ 48-13-51.

(4) No person, individual, agency, or local contact person of a short-term rental shall rent, lease, or otherwise allow the occupation of or otherwise exchange for compensation all or any portion of a short-term rental without first obtaining an occupational license for short-term rental and providing for payment of excise fees with the City Clerk;

(5) An occupational license shall be required for each short-term rental location used for the purpose of short-term rental.

(6) An occupational license for short-term rental application may be denied if the applicant has had a prior short-term rental for the same location revoked within the previous 12-month period;

(7) An owner, or their designated representative, of a short-term rental unit shall submit an application for an occupational license for short-term rental with the required information updated to the City on an annual basis. The application shall be furnished on a form specified by the City, accompanied by a non-refundable permit fee as established by the City Council;

(8) Such application shall include:

- (a) The complete street address and parcel code of the short-term rental;
- City of Clayton Short-Term Rental Ordinance

(b) Ownership information including the name, address, email, and phone number of each person or entity with an ownership interest in the rental location;

(c) The name, address, 24-hour contact number, and email of the local contact person for the rental;

(d) The number of bedrooms and square footage of the short-term rental. This information shall be used to determine the maximum occupancy of the rental;

(e) A completed Code compliance verification form (executed by the Zoning Administrator), certifying that the rental satisfies the fire and safety requirements to include extinguisher requirements, detectors, egress, and all fire and safety requirement(s) as adopted by the City;

(f) A completed health department approval form as may be required for large or multiple rental units;

(g) Acknowledgement that the owner and local contact person have read all requirements of this Article and other applicable Codes pertaining to the operation of the short-term rental;

(h) Acknowledgement that the owner or local contact person understands that the "Notice to be Posted" located in Sec. 46-58, an emergency escape route diagram permanently affixed as defined in Sec. 46-49, and the local contact 24/7 contact number shall be posted before licensure and shall be maintained in compliance with this Article;

(i) A copy of the insurance policy for the short-term rental property (that contains a rider specifically for short-term or rental property), and such policy shall not contain an expiration that shall occur during the period of the short-term licensure. If the carrier for such insurance is changed during the period of licensure, the owner or designated representative shall within 5 days provide the updated information to the City. If the owner or representative fails, regardless of the reason, to provide the updated insurance information to the City, the short-term rental licensure may be revoked;

(9) Any false or inaccurate information provide in the application may be grounds for denial or revocation of the license, including denial of future applications.

(B) License fee(s)/renewal

(1) The short-term rental license application shall be accompanied by an initial license application fee of \$150 and be subject to an annual renewal fee of \$100 every year or the required fee as amended by the City Council, thereafter;

(2) All licensure granted by this Article shall expire on December 31st of each year. Renewal applicants shall file a renewal application accompanied by the required fee with the City Clerk on or before the second Tuesday in December of each year without penalty. If an application is received after the second Tuesday in December, a new application and new application fee shall be required, as renewal eligibility will not be considered past this date.

(3) The short-term rental license is non-transferrable, and should ownership of the rental property change, a new license shall be required.

Sec. 46-54 License conditions

All short-term rental licenses issued pursuant to this Article are subject to the following standard conditions:

(a) The owner or local contact person shall, by written agreement with the responsible person, limit overnight occupancy of the short-term rental to the maximum allowable occupancy authorized by the Zoning Administrator;

(b) Any advertising of the short-term rental shall conform to information included in the short-term rental license and the requirements of this Article, and shall include notification of the maximum allowable occupancy and the maximum number of vehicles that shall be parked on the short-term rental property;

(c) The number of overnight occupants shall not exceed the occupancy allowed under the “*bedroom occupancy standard*” as defined in Sec. 46-49 plus two additional persons per rental unit complying with building code, life and safety code, and environmental health requirements. Exceeding the maximum occupancy authorized by the Zoning Administration shall be a serious violation of the life and safety requirements of this Article and shall require that the police department, law enforcement, fire department, or the Zoning Administrator remove and banish all individuals that exceed the maximum allowable occupants for the structure or unit. The public safety officer or employee that observes this violation shall report it to the Zoning Administrator who shall document such occurrence and provide for possible action as defined in Sections 46-62 through 46-65. Violation of this Section can result in the revocation of short-term rental license.

(d) A bedroom or sleeping quarters shall be a room that is designed to be and complies with the building code requirements to be used as a bedroom or sleeping quarters and no other primary purpose. Every sleeping quarters shall have the required alarms(s) for the structure (fire, CO) and an emergency escape or exit complying with the requirements of the life and safety code. Each bedroom or sleeping quarters shall have at least one (1) operable window or door for emergency escape that opens directly to the exterior of the structure and provides a path or means of escape to a safe distance as defined in Sec. 46-61. Each bedroom or sleeping quarter shall comply with all current requirements of the Code or Ordinances or adopted codes.

(e) Each short-term rental unit shall have a minimum ceiling height of eight (8) feet at center and may be graduated from a shorter ceiling height;

(f) The owner or local contact person shall, by written agreement with the responsible person, limit daytime occupancy of the short-term rental to the authorized occupants designated upon the short-term rental permit, with the number of additional visitors not to exceed twenty (20) guests. In no case shall the daytime occupancy of a short-term rental exceed thirty (30) persons total. Daytime guests shall not be allowed on the premises of a short-term rental between the hours of 10:00 pm and 7:00am;

(g) The owner or local contact person shall, by written agreement with the designated responsible person, ensure that no motor homes, campers, tents, or temporary sleeping structures or devices be occupied or erected on the short-term rental property. Vehicles such as motor homes, travel trailers, or campers are permitted to be parked upon the rental property;

(h) Prior to permitting occupancy of a short-term rental by a transient occupant(s), the owner or local contact person shall:

- (1) Obtain the name, address and a copy of a valid government issued identification of the designated responsible person;
- (2) Provide information about the short-term rental regulations to the designated responsible person; and

(3) Provide and require that such designated responsible person execute a formal acknowledgement that he or she is legally responsible for compliance by all occupants and/or guests at the rental property with all applicable Codes and this Article.

This information shall be maintained by the owner or local contact person for a period of one (1) year and be made readily available upon request of a police officer, law enforcement officer, or Zoning Administrator for the enforcement of any provision of this Article, Code, or any other applicable law or regulation.

Sec. 46-55 **Vehicles**

(a) Vehicles shall be limited by written agreement between the owner or local contact person, and the designated responsible person to the number that shall be specified in the short-term rental code compliance verification form containing the maximum allowable vehicles not exceeding two (2) vehicles per bedroom at any given period of time and additional vehicles as permitted for daytime guests if an adequate parking area exists;

(b) The agreement shall be maintained by the owner or local contact person and include the name and address of each occupant and the corresponding vehicle to include the vehicle make, model, year, state of registration, and tag number. This information shall be readily available upon request of any law officer or the Zoning Administrator. Occupant's vehicles shall not be parked upon the road right-of-way along any road or street in the City or upon private property not associated with the short-term rental;

(c) Large vehicles such as motor homes or towable campers are permitted to be parked upon such property but at no time shall be occupied or erected for use as a temporary structure or additional sleeping areas.

Sec.46-56 Transferability of Occupational License for Short-Term Rental

No short-term rental license issued under this Article shall be transferred, assigned, or used by any other individual other than the owner or local contact person for which it was assigned or upon any other location than the one for which it was issued.

Sec. 46-57 **Abandonment**

The abandonment or failure to use a property as a short-term rental for a period of seven (7) consecutive months during any period shall be deemed an abandonment of the short-term rental use and the owner shall be required to obtain a new short-term rental license for the property.

Sec. 46-58 **Notice to be posted**

A posted information notice shall be legible and posted in at least one (1) conspicuous location within the short-term rental unit adjacent to the front door or the kitchen area that shall contain the following language and information:

(a) The name of the owner and the local contact person of the short-term rental and contact number at which the owner or local contact person can be reached on a 24-hour, 7 days a week basis;

- (b) The name and address of the nearest hospital;
- (c) The maximum number of overnight occupants authorized to be at the short-term rental;
- (d) The maximum number of vehicles authorized to be parked on the property, including a sketch of the location(s) of the on-site parking location;
- (e) The following stipulations for good neighborhood relations:
 - (1) Please respect the neighborhood and your neighbors' right to quiet enjoyment of their home. Sounds, animals, or things that interfere with the peace and disturb the quiet of the neighborhood are a violation of Law. Loud music or noise are prohibited anytime. Quiet time: 10pm to 7am;
 - (2) Animals may run at large within the curtilage of the short-term rental property but are required to be on a leash if they leave the property. Animals running at large are subject to seizure;
 - (3) No motor homes, campers, tents or temporary sleeping structures shall be occupied or erected on this property;
- (f) Notification that the failure to comply with the occupancy or parking requirements of the short-term rental is a violation of this Article and Law;

Sec. 46-59 **Occupancy**

The number of overnight occupants at the short-term rental shall comply with Sec. 46-54 (c), City Code and NFPA 101 the Life Safety Code.

Exceeding the maximum occupancy authorized by the Zoning Administrator shall be a serious violation of the life and safety requirements of this Article and shall require and authorize any police officer, law enforcement officer, Zoning Administrator, or member of the fire department to remove and banish all individuals that exceed the maximum allowable occupants for the structure or unit. The public safety officer or employee that observes this violation shall report it to the Zoning Administrator in a reasonable period of time, who shall document such occurrence and provide for possible action as defined in Sections 46-62 through 46-65. Violation of this Section can result in revocation of a short-term rental license.

Sec. 46-60 **Life and Safety Inspection**

All short-term rental units or locations shall be required to obtain a fire and life safety inspection yearly for licensure.

Short-term rental units or locations may be inspected as required or upon complaint for fire and safety requirements as a term of licensure. Failure of the licensee or the local contact person to permit inspection or to mitigate all deficiencies of inspection shall result in suspension of short-rental licensure until such point as the inspection is permitted or those deficiencies observed are mitigated. Violations of fire and life safety requirements shall require that the owner or local contact person suspend rental or occupation of the unit until such time as the unit or structure shall comply with those requirements.

Sec. 46-61**Life and safety minimum requirements**

The licensee shall comply with all fire and safety requirements as defined in City Ordinance, NFPA 101 the Life Safety Code and the requirements of the Georgia Safety Fire Commissioner as defined in Chapter 120 and O.C.G.A §§ Title 25 Chapter 12

The following shall be provided:

- (a) Every sleeping quarters or bedroom shall be provided an operating fire detector that complies with the aforementioned code(s);
- (b) Every unit or structure that utilizes fossil fuels or other substances that may cause carbon monoxide to collect within the short-term rental shall provide operational CO detectors as recommended by manufacturer;
- (c) Each sleeping quarters or bedroom shall be equipped with at least one (1) operable window or door that opens directly to the exterior of the structure and shall comply with the requirements of applicable code. The window shall have a clear opening of not less than 5.7 square feet. The width shall not be less than 20 inches, and the height shall not be less than 24 inches and shall comply with applicable code. The bottom of the window opening shall not be more than 44 inches above the floor;
- (d) The door shall be the size and type that complies with applicable code;
- (e) The door or window shall be operable from the interior and shall not require the use of tools, keys, special effort or strength and shall provide a full, clear opening;
- (f) The window or door shall discharge to the exterior of the structure and shall provide a clear, level path to the public way or a place of safety that is distant to the structure;
- (g) All floors above or below main level shall provide means of egress or escape that complies with Code(s);
- (h) Each short term rental unit shall provide an approved fire extinguisher that complies with Code as to the type and weight and be located no more than eight (8) feet from a cooking area, fireplace, gas stove /fireplace or logs or any other device or area that provides the use of flame or extreme heat. Additionally, an extinguisher shall be located upon each floor of the rental property such are to be fully charged, satisfy expiration requirements, and meet all NFPA standards including those as set forth in NFPA 10: Standard for Portable Fire Extinguishers;
- (i) Private swimming pools shall comply with the current International Swimming Pool and Spa Code and Georgia State Law;
- (j) The owner and/or local contact person shall maintain 9-1-1 numbering upon the structure and at the roadway entrance to the property that has a minimum 4-inch lettering, reflective and two-sided signage that is visible from both directions of travel upon the City Street, to assist emergency responders to locate the rental.

Sec. 46-62 **Suspension or revocation of short-term rental license**

(a) Any short-term rental license issued under this Ordinance for the operation of a short-term rental shall be immediately revoked in the case of bankruptcy, receivership or levy of legal process upon the owner or subject short-term rental property.

(b) A short-term rental license shall be immediately suspended or revoked upon learning that an applicant furnished fraudulent or untruthful information in the application for permit or omitted information required in the application for permit or fails to pay all fees, taxes, utilities (water-sewer), or other charges imposed under the provisions of this Article or City Codes.

(c) A short-term rental license shall be suspended by the Zoning Administrator for a violation of the fire or the life safety requirements of this Article. Such violation shall be such that an unsafe condition exists where a fundamental safety precaution or device defined in this Article or adopted Codes is rendered inoperable or does not exist.

(d) Other than for those reasons set forth in parts (a), (b), and (c) of this section; suspension, revocation or forfeiture of a short-term license issued by the City of Clayton shall occur only after notice and opportunity for a hearing before the City Council pursuant to Sections 46-65 and 46-66.

Sec. 46-63 **Violation of this Article**

Except when defined in this Article requiring an appearance before City Council, Penalty(s) for violation of this Article shall be at the discretion of the Municipal Judge who possess the authority to fix punishment in accordance with the City Charter, the City Charter, Ordinances and State Law or by a Court of Competent Jurisdiction.

Sec. 46-64 **Civil Penalty**

The City Council shall possess the authority to impose a civil penalty against any entity that is licensed for short-term rentals which may include suspension or revocation of licensure, fine, and forfeiture as determined for violations of this Article. Civil penalties shall not relieve the owner, individual, business organization, or partnership from mitigating specified violations and may include fines and penalties as may be prescribed by the Municipal Court or a Court of Competent Jurisdiction.

Sec. 46-65 **Enforcement**

(a) Penalties, including notice of code violation or citation may be imposed and the short-term rental licensure may be suspended or revoked in the manner provided in this subsection;

(b) Any complaints or response by the City agency or other agencies regarding a short-term rental shall result in a notice of the complaint and shall be directed to the local contact person or owner if the local contact person cannot be determined or located. Such notice may be made electronically or in writing. The local contact person or owner is required to visit the short-rental location and shall ensure that compliance is obtained within seven

- (c) (7) days after verbal or written notice. The short-term rental shall not be occupied by renters if the violation is safety related placing occupants in an elevated risk hazard. Additionally, notice may be delivered by emergency dispatch verbally to the owner or local contact person, requiring the appropriate individual to respond to the short-term rental location as may be required by police officer, law enforcement, fire department, or the Zoning Administrator;
- (d) The Zoning Administrator or designee shall conduct an investigation whenever there is a reason to believe that the owner or local contact person is unsuccessful either by failure or refusal to comply with the provisions of this Article. The investigation may include an inspection without limitation of the premises, review of response and incident report(s), online searches, review of citations or notice(s), and interview and documentation of community members affected by the event; all of which may constitute evidence of a violation of this Article, Code, or State Law. Should the investigation support a finding that a violation occurred, the Zoning Administrator shall issue written notice of the violation and advance the accusation to the City Council or Municipal Court as may be deemed appropriate. The notice shall be served by certified mail or personally and shall specify all pertinent facts (as deemed necessary by the Zoning Administrator) to set forth grounds for the imposition of penalties or for suspension or revocation of the license.

Sec. 46-66 Hearing on denial, suspension or revocation

Upon receipt of notice pursuant to section 46-65 and setting forth a specific date, time, and place of hearing; the owner or local contact person may appear in person to present evidence either to deny, confirm, or mitigate the accusation. A decision of the City Council or Municipal Court may be appealed to the Superior Court of Rabun County.

Sec. 46-67 Severability Clause

Should any word, phrase, sentence, paragraph, or Section of this Article or the application thereof to any person, individual, business organization, partnership, circumstance be held invalid by a Court of Competent Jurisdiction; such invalidity shall not affect the other provisions of this Article. This Article is hereby declared severable. Any modification of Federal or State Law or regulation which would effect a change in the provisions of this Article are hereby incorporated herein by reference and made a part hereof.

This Article shall take effect and shall be enforced from and after the date of adoption.