O-18-0091

SPONSOR: COMMISSIONER VIRGIL WATKINS

COMMITTEE AMENDMENT

AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION, TO ADD A NEW DIVISION TO THE INAUGURAL CODE OF ORDINANCES FOR MACON-BIBB COUNTY, BEING DIVISION 14.5 OF ARTICLE II OF CHAPTER 7, RELATING TO REGULATION OF SHORT-TERM VACATION RENTALS ("STVR"), BY IMPLEMENTING PROCEDURES FOR THE REGISTRATION AND LICENSING OF STVRS; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the Macon-Bibb County Code of Ordinances currently does not expressly address the growing business of short-term vacation rentals ("STVRs"), being the rental for consideration of rooms or residences to members of the public on a private, short-term basis, such as through online advertisement and services; and

WHEREAS, the development of unregulated and unregistered businesses acting as hotels poses certain risks to the health and safety of members of the travelling public wishing to visit Macon-Bibb County; and

WHEREAS, by failing to register such rooms or residential rentals, many persons and entities in the STVR business are also failing to pay proper hotel/motel taxes as should be collected and remitted under Article III of Chapter 26 of the Macon-Bibb County Code of Ordinances; and

WHEREAS, the City of Savannah, Georgia enacted a STVR ordinance in 2014 that has achieved great success in regulating the STVR industry, in ensuring the prompt and accurate payment of hotel/motel taxes, and of providing accountability for travelling guests who might otherwise be a nuisance among the permanent residential populations living near houses used as STVR rentals; and

WHEREAS, upon enactment of this Ordinance into law, the Macon-Bibb County Commission desires for the County Attorney's Office to communicate the fact of said to such companies as are known to offer a platform or brokerage service for completing STVR rental transactions, so as to allow for the direct collection and remittance of applicable hotel/motel taxes by such companies, where feasible; and

WHEREAS, the ordinance contained herein would benefit and promote the health, safety, morals and welfare of the citizens of Macon-Bibb County.

NOW, THEREFORE, BE IT ORDAINED by the Macon-Bibb County Commission and it is hereby so ordained by the authority of the same that:

Section 1.

Chapter 7 of the Inaugural Code of Ordinances for Macon-Bibb County, entitled "Business Regulations" is hereby amended by creating and enacting within Article II, entitled "Businesses," a new Division, known as "Division 14.5 – Short-Term Vacation Rentals," and by repealing the reserved Sections, Numbered Sections 7-370 through 7-380, in their entirety, and reenacting the same to provide as follows:

Chapter 7 – BUSINESS REGULATIONS

ARTICLE II. – BUSINESSES

DIVISION 14.5. – SHORT-TERM VACATION RENTALS

Sec. 7-370. - Intent; purpose.

It is the purpose of this Division to monitor the use and growth of short-term vacation rentals as an alternative to traditional hotel or motel occupancies within Macon-Bibb County, and to provide reasonable means for the County and its citizens to ensure a minimum level of oversight into the development of this industry; and to implement rationally based, reasonably tailored regulations to protect the integrity of Macon-Bibb County.

Sec. 7-371. - Definitions; general provisions.

As used in this Division, the following terms have the following definitions:

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

Owner-occupied property refers to real property which contains one or more dwelling unit(s) where the principal dwelling unit must be occupied by the property owner and constitute his/her primary and usual place of residence. The dwelling units must share the Property Identification Number assigned by the Macon-Bibb County Board of Tax Assessors. Proof of owner-occupancy requires proof of a valid homestead exemption submitted with the application for a short-term vacation rental permit. In lieu of homestead exemption, a sworn affidavit and supporting documentation establishing proof of residency must be submitted by the applicant stating that the primary dwelling unit is the legal residence and domicile of the resident. Proof of residency is required in the form of two of the following: 1) a valid Georgia Driver's License or Georgia Identification Card; 2) registration for vehicles owned by and registered in the name of the applicant; 3) Macon-Bibb County Voter's Registration Card or 4) Previous year's W-2 Form or Internal Revenue Service Tax Return.

Permit and *Short-term vacation rental permit* mean a permit issued under this Division for the operation of a short-term vacation rental.

Short-term vacation rental occupants means guests, tourists, lessees, vacationers or any other person who, in exchange for compensation of any type or amount, occupy a dwelling unit for lodging for a period of time not to exceed 30 consecutive days.

Short-term vacation rental means an accommodation for transient guests where, in exchange for compensation of any type or amount, a residential dwelling unit is provided for lodging for a period of time not to exceed 30 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 group personal care homes or other lodging uses which are provided incidental to other services, such as health care. This definition shall also exclude any premises operating pursuant to a valid Tourist Accommodation Permit from the Georgia Department of Public Health.

Sec. 7-372. - Short-term vacation rental permit.

No person shall rent, lease or otherwise exchange for compensation all or any portion of a dwelling unit as short-term vacation rental, as defined in section 7-371, without first obtaining a business tax certificate from the Macon-Bibb County Department of Business Development Services, or any successor department, and complying with the regulations contained in this section. No permit issued under this Division may be transferred or assigned or used by any person other than the one to whom it is issued, or at any location other than the one for which it is issued.

Sec. 7-373. - Application for short-term vacation rental certificate.

(a) Applicants for a short-term vacation rental permit shall submit, on an annual basis, an application for a short-term vacation rental permit to the Macon-Bibb County Department of Business Development Services, or any successor department. The application shall be furnished under oath on a form specified by the Macon-Bibb County Department of Business Development Services, or any successor department. Such application should include:

(1) The name, address, telephone number and email address of the owner(s) of record of the dwelling unit for which a permit is sought. If such owner is not a natural person, the application shall identify all partners, officers and/or directors of any such entity, up to the three persons holding the highest position or greatest interest in such entity, including personal contact information;

(2) The address of the unit to be used as a short-term vacation rental;

(3) The owner's sworn acknowledgement that he or she has received a copy of this Division, has reviewed it and understands its requirements; and

(4) Any other information that this Division requires the owner to provide to the County as part of an application for a short-term vacation rental permit. The Mayor or County Manager, or the designee of either shall have the authority to obtain additional information from the applicant as necessary to achieve the objectives of this Division.

(b) Attached to and concurrent with submission of the application described in this section, the owner shall provide:

(1) The owner's sworn code compliance verification form;

(2) Proof of the owner's current ownership of the short-term vacation rental unit; and

(3) Proof of insurance indicating the premises is used as a short-term vacation rental.

(c) Each permit holder shall publish the short-term vacation rental permit number and the name of the permit holder in every print, digital, or internet advertisement and any property listing in which the short-term vacation rental is advertised.

Sec. 7-374. - Reserved.

Sec. 7-375. - Grant or denial of application.

Review of an application shall be conducted in accordance with due process principles and shall be granted unless the applicant fails to meet the conditions and requirements of this Division, or otherwise fails to demonstrate the ability to comply with local, state or federal law. Any false statements or information provided in the application, or any violations of this Division, are grounds for the denial, revocation, or suspension of any Permit, or the imposition of penalties, including denial of future applications, or both.

Sec. 7-376. - Short-term vacation rentals.

(a) A legible copy of the applicable short-term vacation rental permit shall be posted within each short-term vacation rental.

(b) Short-term vacation rentals must be properly maintained and regularly inspected by the owner and by any necessary government agencies to ensure continued compliance with all applicable local, state, and federal laws.

Sec. 7-377. - Short-term vacation regulation procedure.

(a) It shall be a violation of this Code for any person or entity to operate a short-term vacation rental without a valid short-term vacation rental permit, issued under this Division.

(b) Citations for code violations and any other violation of the Macon-Bibb County Code of Ordinances may be heard by the Municipal Court of Macon-Bibb County. The judge will receive evidence; however, the official rules of evidence will not govern the proceeding. The judge will issue a written finding as to each alleged infraction, specifically identifying each founded accusation, which shall constitute a violation.

(c) Violations of this Division are subject to the following fines, which may not be waived or reduced and which may be combined with any other legal remedy available to the County:

(1) First violation: $500.00.

(2) Second violation within the preceding 12 months: $750.00.

(3) Third and successive violations within the preceding 12 months: $1,000.00.

(d) A person aggrieved by the County's decision to revoke, suspend or deny a short-term vacation rental permit may appeal the decision to the Municipal Court of Macon-Bibb County. The appeal must be filed with the Clerk of Municipal Court in writing, within 30 calendar days after the adverse action and it shall contain a concise statement of the reasons for the appeal. Timely filing of an appeal shall stay the revocation, suspension or denial pending a decision by the Municipal Court.

(e) The Municipal Court shall thereafter consider the appeal. All interested parties shall have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. All relevant evidence shall be admissible at such hearing. The Municipal Court's determination shall constitute a final ruling on the application.

(f) Nothing in this Division shall limit or prohibit the County from enforcement of its code, or any state or federal law, or serve as a bar to any other legal remedy otherwise available to the County. Nothing in this section shall be construed to limit or supplant the power of any inspector, Sheriff's deputy, or other duly empowered officer under the County's ordinances, rules and regulations, or under the authority granted under state law, as amended, to take necessary action, consistent with the law, to protect the public from property which constitutes a public nuisance or to abate a nuisance by any other lawful means or proceedings.

(g) Nothing in this Division shall be construed as relieving any occupant or guest, whether registered or otherwise, of any short-term vacation rental unit, of their individual criminal or civil responsibility for the violation of any federal, state, or local laws or regulations.

Sec. 7-378. - Taxes.

Short-term vacation rental unit owners are subject to state sales tax, County taxes, including but not limited to the hotel/motel tax, and are liable for payment thereof as established by state law and the Macon-Bibb County Code of Ordinances. The County may seek to enforce payment of all applicable taxes to the extent provided by law, including by obtaining injunctive relief. The exclusion of any premises or business operation, or any category of business operation, from this Division shall have no effect on whether the owner or operator of such premises or business operation is liable for any other taxes levied under this Code, or under any other state or federal law.

Section 2.

It is the intention of the Macon-Bibb County Commission that nothing herein shall be interpreted as amending, altering, abolishing, discharging, or in any manner affecting any advisory committees, fines, fees, charges, assessments, adjudications, or hearing procedures previously

established or adopted by Bibb County, or the City of Macon, or the Consolidated Government of Macon-Bibb County, regarding any application previously filed for any privilege license relating to the manufacture, distribution, or sales of alcoholic beverages in any form, or the granting, denial, revocation, or suspension of any such license by Bibb County, the City of Macon, or Macon-Bibb County, and that any such advisory committees, fees, charges, assessments, adjudications, or procedures shall continue in full force and effect in Macon-Bibb County consistent with the provisions of the Macon-Bibb County Charter, Ga. Law 2012, page 5595 and Ga. Laws 2013, pages 3501, 3942.

Section 3.

The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 4.

This Ordinance, to the extent necessary, shall be codified in a manner consistent with the laws of the State of Georgia and Macon-Bibb County. Upon adoption, the Clerk of Commission is hereby directed to send a certified copy of this Ordinance to the publisher of the Macon-Bibb County Code of Ordinances for inclusion in future publications.

Section 5.

(a) It is hereby declared to be the intention of the Macon-Bibb County Commission that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the Macon-Bibb County Commission to be fully valid, enforceable, and constitutional.

(b) It is hereby declared to be the intention of the Macon-Bibb County Commission that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Chapter is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Macon-Bibb County Commission that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Macon-Bibb County Commission that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 6.

All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed or set aside.

Section 7.

In the event scrivener's errors shall be discovered in this Ordinance or in any Exhibits hereto after the adoption hereof, the Commission hereby authorizes and directs that each such scrivener's error shall be corrected in all multiple counterparts of this Ordinance.

Section 8.

This Ordinance shall become effective on January 1, 2019, subject to its approval by the Mayor or its adoption into law without such approval.

SO ORDERED AND ORDAINED this 16 day of October, 2018.

Robert A.B. Reichert

ROBERT A.B. REICHERT, MAYOR

ATTEST: Janice S. Ross

JANICE S. ROSS, CLERK OF COMMISSION

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O-18-0091

Voided & amended to change date to January 1, 2019

SPONSOR: COMMISSIONER VIRGIL WATKINS

COMMITTEE AMENDMENT

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WHEREAS, the development of unregulated and unregistered businesses acting as hotels poses certain risks to the health and safety of members of the travelling public wishing to visit Macon-Bibb County; and

WHEREAS, by failing to register such rooms or residential rentals, many persons and entities in the STVR business are also failing to pay proper hotel/motel taxes as should be collected and remitted under Article III of Chapter 26 of the Macon-Bibb County Code of Ordinances; and

WHEREAS, the City of Savannah, Georgia enacted a STVR ordinance in 2014 that has achieved great success in regulating the STVR industry, in ensuring the prompt and accurate payment of hotel/motel taxes, and of providing accountability for travelling guests who might otherwise be a nuisance among the permanent residential populations living near houses used as STVR rentals; and

WHEREAS, upon enactment of this Ordinance into law, the Macon-Bibb County Commission desires for the County Attorney's Office to communicate the fact of said to such companies as are known to offer a platform or brokerage service for completing STVR rental transactions, so as to allow for the direct collection and remittance of applicable hotel/motel taxes by such companies, where feasible; and

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Chapter 7 – BUSINESS REGULATIONS

ARTICLE II. – BUSINESSES

DIVISION 14.5. – SHORT-TERM VACATION RENTALS

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Owner-occupied property refers to real property which contains one or more dwelling unit(s) where the principal dwelling unit must be occupied by the property owner and constitute his/her primary and usual place of residence. The dwelling units must share the Property Identification Number assigned by the Macon-Bibb County Board of Tax Assessors. Proof of owner-occupancy requires proof of a valid homestead exemption submitted with the application for a short-term vacation rental permit. In lieu of homestead exemption, a sworn affidavit and supporting documentation establishing proof of residency must be submitted by the applicant stating that the primary dwelling unit is the legal residence and domicile of the resident. Proof of residency is required in the form of two of the following: 1) a valid Georgia Driver's License or Georgia Identification Card; 2) registration for vehicles owned by and registered in the name of the applicant; 3) Macon-Bibb County Voter's Registration Card or 4) Previous year's W-2 Form or Internal Revenue Service Tax Return.

Permit and *Short-term vacation rental permit* mean a permit issued under this Division for the operation of a short-term vacation rental.

Short-term vacation rental occupants means guests, tourists, lessees, vacationers or any other person who, in exchange for compensation of any type or amount, occupy a dwelling unit for lodging for a period of time not to exceed 30 consecutive days.

Short-term vacation rental means an accommodation for transient guests where, in exchange for compensation of any type or amount, a residential dwelling unit is provided for lodging for a period of time not to exceed 30 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 group personal care homes or other lodging uses which are provided incidental to other services, such as health care. This definition shall also exclude any premises operating pursuant to a valid Tourist Accommodation Permit from the Georgia Department of Public Health.

Sec. 7-372. - Short-term vacation rental permit.

No person shall rent, lease or otherwise exchange for compensation all or any portion of a dwelling unit as short-term vacation rental, as defined in section 7-371, without first obtaining a business tax certificate from the Macon-Bibb County Department of Business Development Services, or any successor department, and complying with the regulations contained in this section. No permit issued under this Division may be transferred or assigned or used by any person other than the one to whom it is issued, or at any location other than the one for which it is issued.

Sec. 7-373. - Application for short-term vacation rental certificate.

(a) Applicants for a short-term vacation rental permit shall submit, on an annual basis, an application for a short-term vacation rental permit to the Macon-Bibb County Department of Business Development Services, or any successor department. The application shall be furnished under oath on a form specified by the Macon-Bibb County Department of Business Development Services, or any successor department. Such application should include:

(1) The name, address, telephone number and email address of the owner(s) of record of the dwelling unit for which a permit is sought. If such owner is not a natural person, the application shall identify all partners, officers and/or directors of any such entity, up to the three persons holding the highest position or greatest interest in such entity, including personal contact information;

(2) The address of the unit to be used as a short-term vacation rental;

(3) The owner's sworn acknowledgement that he or she has received a copy of this Division, has reviewed it and understands its requirements; and

(4) Any other information that this Division requires the owner to provide to the County as part of an application for a short-term vacation rental permit. The Mayor or County Manager, or the designee of either shall have the authority to obtain additional information from the applicant as necessary to achieve the objectives of this Division.

(b) Attached to and concurrent with submission of the application described in this section, the owner shall provide:

(1) The owner's sworn code compliance verification form;

(2) Proof of the owner's current ownership of the short-term vacation rental unit; and

(3) Proof of insurance indicating the premises is used as a short-term vacation rental.

(c) Each permit holder shall publish the short-term vacation rental permit number and the name of the permit holder in every print, digital, or internet advertisement and any property listing in which the short-term vacation rental is advertised.

Sec. 7-374. - Reserved.

Sec. 7-375. - Grant or denial of application.

Review of an application shall be conducted in accordance with due process principles and shall be granted unless the applicant fails to meet the conditions and requirements of this Division, or otherwise fails to demonstrate the ability to comply with local, state or federal law. Any false statements or information provided in the application, or any violations of this Division, are grounds for the denial, revocation, or suspension of any Permit, or the imposition of penalties, including denial of future applications, or both.

Sec. 7-376. - Short-term vacation rentals.

(a) A legible copy of the applicable short-term vacation rental permit shall be posted within each short-term vacation rental.

(b) Short-term vacation rentals must be properly maintained and regularly inspected by the owner and by any necessary government agencies to ensure continued compliance with all applicable local, state, and federal laws.

Sec. 7-377. - Short-term vacation regulation procedure.

(a) It shall be a violation of this Code for any person or entity to operate a short-term vacation rental without a valid short-term vacation rental permit, issued under this Division.

(b) Citations for code violations and any other violation of the Macon-Bibb County Code of Ordinances may be heard by the Municipal Court of Macon-Bibb County. The judge will receive evidence; however, the official rules of evidence will not govern the proceeding. The judge will issue a written finding as to each alleged infraction, specifically identifying each founded accusation, which shall constitute a violation.

(c) Violations of this Division are subject to the following fines, which may not be waived or reduced and which may be combined with any other legal remedy available to the County:

(1) First violation: $500.00.

(2) Second violation within the preceding 12 months: $750.00.

(3) Third and successive violations within the preceding 12 months: $1,000.00.

(d) A person aggrieved by the County's decision to revoke, suspend or deny a short-term vacation rental permit may appeal the decision to the Municipal Court of Macon-Bibb County. The appeal must be filed with the Clerk of Municipal Court in writing, within 30 calendar days after the adverse action and it shall contain a concise statement of the reasons for the appeal. Timely filing of an appeal shall stay the revocation, suspension or denial pending a decision by the Municipal Court.

(e) The Municipal Court shall thereafter consider the appeal. All interested parties shall have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. All relevant evidence shall be admissible at such hearing. The Municipal Court's determination shall constitute a final ruling on the application.

(f) Nothing in this Division shall limit or prohibit the County from enforcement of its code, or any state or federal law, or serve as a bar to any other legal remedy otherwise available to the County. Nothing in this section shall be construed to limit or supplant the power of any inspector, Sheriff's deputy, or other duly empowered officer under the County's ordinances, rules and regulations, or under the authority granted under state law, as amended, to take necessary action, consistent with the law, to protect the public from property which constitutes a public nuisance or to abate a nuisance by any other lawful means or proceedings.

(g) Nothing in this Division shall be construed as relieving any occupant or guest, whether registered or otherwise, of any short-term vacation rental unit, of their individual criminal or civil responsibility for the violation of any federal, state, or local laws or regulations.

Sec. 7-378. - Taxes.

Short-term vacation rental unit owners are subject to state sales tax, County taxes, including but not limited to the hotel/motel tax, and are liable for payment thereof as established by state law and the Macon-Bibb County Code of Ordinances. The County may seek to enforce payment of all applicable taxes to the extent provided by law, including by obtaining injunctive relief. The exclusion of any premises or business operation, or any category of business operation, from this Division shall have no effect on whether the owner or operator of such premises or business operation is liable for any other taxes levied under this Code, or under any other state or federal law.

Section 2.

It is the intention of the Macon-Bibb County Commission that nothing herein shall be interpreted as amending, altering, abolishing, discharging, or in any manner affecting any advisory committees, fines, fees, charges, assessments, adjudications, or hearing procedures previously

established or adopted by Bibb County, or the City of Macon, or the Consolidated Government of Macon-Bibb County, regarding any application previously filed for any privilege license relating to the manufacture, distribution, or sales of alcoholic beverages in any form, or the granting, denial, revocation, or suspension of any such license by Bibb County, the City of Macon, or Macon-Bibb County, and that any such advisory committees, fees, charges, assessments, adjudications, or procedures shall continue in full force and effect in Macon-Bibb County consistent with the provisions of the Macon-Bibb County Charter, Ga. Law 2012, page 5595 and Ga. Laws 2013, pages 3501, 3942.

Section 3.

The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 4.

This Ordinance, to the extent necessary, shall be codified in a manner consistent with the laws of the State of Georgia and Macon-Bibb County. Upon adoption, the Clerk of Commission is hereby directed to send a certified copy of this Ordinance to the publisher of the Macon-Bibb County Code of Ordinances for inclusion in future publications.

Section 5.

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(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Macon-Bibb County Commission that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

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All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed or set aside.

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In the event scrivener's errors shall be discovered in this Ordinance or in any Exhibits hereto after the adoption hereof, the Commission hereby authorizes and directs that each such scrivener's error shall be corrected in all multiple counterparts of this Ordinance.

Section 8.

This Ordinance shall become effective immediately upon its approval by the Mayor or upon it adoption into law without such approval.

SO ORDERED AND ORDAINED this 16 day of October, 2018.

Robert A. B. Reichert

ROBERT A.B. REICHERT, MAYOR

ATTEST:_____

JANICE S. ROSS, CLERK OF COMMISSION

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O-18-0091

SPONSOR: COMMISSIONER VIRGIL WATKINS

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ARTICLE II. - BUSINESSES

Sec. 7-370. - Intent; purpose.

It is the purpose of this Chapter to protect the public health, safety and general welfare of individuals and the community at large; to monitor and provide reasonable means for citizens to mitigate impacts created by occupancy of short-term vacation units; and to implement rationally based, reasonably tailored regulations to protect the integrity of the County's neighborhoods.

Sec. 7-371. - Definitions; general provisions.

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

Owner-occupied property refers to real property which contains one or more dwelling unit(s) where the principal dwelling unit must be occupied by the property owner and constitute his/her primary and usual place of residence. The dwelling units must share the Property Identification Number assigned by the Macon-Bibb County Board of Tax Assessors. Proof of owner-occupancy requires proof of a valid homestead exemption submitted with the application for a short-term vacation rental certificate. In lieu of homestead exemption, a sworn affidavit and supporting documentation establishing proof of residency must be submitted by the applicant stating that the primary dwelling unit is the legal residence and domicile of the resident. Proof of residency is required in the form of two of the following: 1) a valid Georgia Driver's License or Georgia Identification Card; 2) registration for vehicles owned by and registered in the name of the applicant; 3) Macon-Bibb County Voter's Registration Card or 4) Previous year's W-2 Form or Internal Revenue Service Tax Return.

Short-term vacation rental occupants means guests, tourists, lessees, vacationers or any other person who, in exchange for compensation of any type or amount, occupy a dwelling unit for lodging for a period of time not to exceed 30 consecutive days.

Short-term vacation rental means an accommodation for transient guests where, in exchange for compensation of any type or amount, a residential dwelling unit is provided for lodging for a period of time not to exceed 30 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 group personal care homes or other lodging uses which are provided incidental to other services, such as health care.

Short-term vacation rental agent means a natural person designated by the owner of a short-term vacation rental on the short-term vacation rental certificate application. Such person shall be available for and responsive to contact at all times and someone who is customarily present at a location within Macon-Bibb County for purposes of transacting business.

Sec. 7-372. - Short-term vacation rental certificate.

(a) No person shall rent, lease or otherwise exchange for compensation all or any portion of a dwelling unit as short-term vacation rental, as defined in section 7-371, without first obtaining a business tax certificate from the Macon-Bibb County Department of Business Development Services, or any successor department, and complying with the regulations contained in this section. No certificate issued under this Chapter may be transferred or assigned or used by any person other than the one to whom it is issued, or at any location other than the one for which it is issued.

(b) Each property for which a certificate is sought to be issued or renewed under this Section shall be subject to the approval of the Macon-Bibb County Planning and Zoning Commission for compliance with all applicable regulations of that body.Sec. 7-373. - Application for short-term vacation rental certificate.

(a) Applicants for a short-term vacation rental certificate shall submit, on an annual basis, an application for a short-term vacation rental certificate to the Macon-Bibb County Department of Business Development Services, or any successor department. The application shall be furnished under oath on a form specified by the Macon-Bibb County Department of Business Development Services, or any successor department, accompanied by a non-refundable annual application fee of $300.00. Such application should include:

(1) The name, address, telephone and email address of the owner(s) of record of the dwelling unit for which a certificate is sought. If such owner is not a natural person, the application shall identify all partners, officers and/or directors of any such entity, including personal contact information;

(2) The address of the unit to be used as a short-term vacation rental;

(3) The name, address, telephone number and email address of the short-term vacation rental agent, which shall constitute his or her 24-hour contact information;

(4) The owner's sworn acknowledgement that he or she has received a copy of this section, has reviewed it and understands its requirements;

(5) The number and location of parking spaces allotted to the premises;

(6) The owner's agreement to use his or her best efforts to assure that use of the premises by short-term vacation rental occupants will not disrupt the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties; and

(7) Any other information that this Chapter requires the owner to provide to the County as part of an application for a short-term vacation rental certificate. The Mayor or County Manager, or the designee of either shall have the authority to obtain additional information from the applicant as necessary to achieve the objectives of this Chapter.

(b) Attached to and concurrent with submission of the application described in this section, the owner shall provide:

(1) The owner's sworn code compliance verification form;

(2) A written exemplar rental agreement, which shall consist of the form of document to be executed between the owner and occupant(s), which shall contain the following provisions and which shall be posted in the short-term vacation rental unit:

a. The occupant(s)' agreement to abide by all of the requirements of this Chapter, any other Macon-Bibb County ordinances, state and federal law and acknowledgement that his or her rights under the agreement may not be transferred or assigned to anyone else;

b. The occupant(s)' acknowledgement that it shall be unlawful to allow or make any noise or sound that exceeds the limits set forth in the County's noise ordinance;

c. The occupant(s)' acknowledgement and agreement that violation of the agreement or this Chapter may result in immediate termination of the agreement and eviction from the short-term vacation rental unit by the owner or agent, as well as the potential liability for payments of fines levied by the County; and

d. The occupant(s)' acknowledgement on the maximum occupancy of the short-term vacation rental unit and, if available, the location of on-site parking.

(3) Proof of the owner's current ownership of the short-term vacation rental unit;

(4) Proof of insurance indicating the premises is used as a short-term vacation rental;

(5) A written certification from the short-term vacation agent that he or she agrees to perform the duties specified in subsection 7-374(b); and

(6) For condominiums, as defined by the Georgia Condominium Act, O.C.G.A. §§ 44-3-70, et seq., provide a copy of the adopted condominium declaration either explicitly permitting leasing of the dwelling unit(s) for less than 30 days or adopted condominium declaration which contains no prohibition on short-term vacation rentals or the leasing of dwelling units for less than 30 days.

(c) If the rental agent changes, the property owner shall notify Macon-Bibb County within five business days.

(d) Certificate holder shall publish a short-term vacation rental certificate number and exemplar rental agreement in every print, digital, or internet advertisement and any property listing in which the short-term vacation rental is advertised.

Sec. 7-374. - Short-term vacation rental agent.

(a) The owner of a short-term vacation rental shall designate a short-term vacation rental agent on its application for a short-term vacation rental certificate. A property owner may serve as the short-term vacation rental agent. Alternatively, the owner may designate a natural person as his or her agent who is over age 18.

(b) The duties of the short-term vacation rental agent are to:

(1) Be reasonably available to handle any problems arising from use of the short-term vacation rental unit;

(2) Appear on the premises of any short-term vacation rental unit within two hours following notification from the Macon-Bibb County government or the Bibb County Sheriff's Office of issues related to the use or occupancy of the premises. This includes, but is not limited to, notification that occupants of the short-term vacation rental unit have created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of the Macon-Bibb County Code of Ordinances or other applicable law pertaining to noise, disorderly conduct, overcrowding, consumption of alcohol or use of illegal drugs. Failure of the agent to timely appear to two or more complaints regarding violations may be grounds for penalties as set forth in this Chapter. This is not intended to impose a duty to act as a peace officer or otherwise require the agent to place himself or herself in a perilous situation;

(3) Receive and accept service of any notice of violation related to the use or occupancy of the premises; and

(4) Monitor the short-term vacation rental unit for compliance with this Chapter.

(c) An owner may change his or her designation of a short-term vacation rental agent temporarily or permanently; however there shall only be one such agent for a property at any given time. To change the designated agent, the owner shall notify the tourism management and ambassadorship director in writing of the new agent's identity, together with all information regarding such person as required by the applicable provisions of section 3-373.

Sec. 7-375. - Grant or denial of application.

(a) All of-record property owners adjacent to a proposed short-term vacation rental shall be notified of the use prior to the issuance of an initial short-term vacation rental certificate. Notification shall be issued by the short-term vacation rental applicant and proof of notification provided to the County. The notification to the property owners shall include:

(1) Street address of the proposed short-term vacation rental;

(2) Location of any on-site parking for short-term vacation rental occupants;

(3) Maximum occupancy requirements;

(4) Copy of the short-term vacation exemplar rental agreement;

(5) Name of the property owner(s); and

(6) Name of rental agent and contact information.

Review of an application shall be conducted in accordance with due process principles and shall be granted unless the applicant fails to meet the conditions and requirements of this Chapter, or otherwise fails to demonstrate the ability to comply with local, state or federal law. Any false statements or information provided in the application are grounds for revocation, suspension and/or imposition of penalties, including denial of future applications.

Sec. 7-376. - Short-term vacation rental units.

(a) A legible copy of the short-term vacation rental unit certificate shall be posted within the unit and include all of the following information:

(1) The name, address, telephone number and email address of the short-term vacation rental agent:

(2) The business tax certificate number;

(3) The maximum occupancy of the unit;

(4) The maximum number of vehicles that may be parked at the unit; and

(b) Short-term vacation rental units must be properly maintained and regularly inspected by the owner to ensure continued compliance with applicable zoning, building, health and life safety code provisions.

Sec. 7-377. - Short-term vacation regulation procedure.

(a) To ensure the continued application of the intent and purpose of this Chapter, the Bibb County Sheriff's Office, shall notify the owner of a short-term vacation rental unit of all instances in which nuisance behavior of the rental guest or the conduct of his or her short-term vacation rental unit agent results in a citation for a code violation or other legal infraction.

(b) The Bibb County Sheriff's Office shall maintain in each short-term vacation rental location file a record of all code violation charges, founded accusations and convictions occurring at or relating to a short-term vacation rental unit. When a property owner has accumulated three code violations for a particular property within a period of 12 consecutive months, the County shall revoke any pending certificates and reject all applications for the subject premises for a period of 12 consecutive months.

(c) If a short-term vacation rental unit owner has been cited and found to be in violation of any zoning, building, health or life safety code provision, the owner must demonstrate compliance with the applicable code prior to being eligible to receive a short-term vacation rental certificate.

(d) Citations for code violations and any other violation of the Macon-Bibb County Code of Ordinances may be heard by the Municipal Court of Macon-Bibb County. The judge will receive evidence; however, the official rules of evidence will not govern the proceeding. The judge will issue a written finding as to each alleged infraction, specifically identifying each founded accusation, which shall constitute a violation.

(e) Violations of this Chapter are subject to the following fines, which may not be waived or reduced and which may be combined with any other legal remedy available to the County:

(1) First violation: $500.00.

(2) Second violation within the preceding 12 months: $750.00.

(3) Third violation within the preceding 12 months: $1,000.00.

(f) A person aggrieved by the County's decision to revoke, suspend or deny a short-term vacation rental certificate may appeal the decision to the county manager. The appeal must be filed with the county manager's office in writing, within 30 calendar days after the adverse action and it shall contain a concise statement of the reasons for the appeal. Timely filing of an appeal shall stay the revocation, suspension or denial pending a decision by the county manager.

(g) The county manager or appointed designee shall consider the appeal within 30 days after receipt by the county manager of a request unless otherwise agreed in writing by the County and aggrieved party. All interested parties shall have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The county manager or designee shall render a determination, which will constitute a final ruling on the application.

(h) Nothing in this section shall limit the County from enforcement of its code, state or federal law by any other legal remedy available to the County. Nothing in this section shall be construed to limit or supplant the power of any inspector, Sheriff's deputy, or other duly empowered officer under the County's ordinances, rules and regulations, or under the authority granted under state law, as amended, to take necessary action, consistent with the law, to protect the public from property which constitutes a public nuisance or to abate a nuisance by any other lawful means of proceedings.

Sec. 7-378. - Taxes.

Short-term vacation rental unit owners are subject to state sales tax, County taxes, including but not limited to the hotel/motel tax, and are liable for payment thereof as established by state law and the Macon-Bibb County Code of Ordinances. The County may seek to enforce payment of all applicable taxes to the extent provided by law, including injunctive relief.

Section 2.

It is the intention of the Macon-Bibb County Commission that nothing herein shall be interpreted as amending, altering, abolishing, discharging, or in any manner affecting any advisory committees, fines, fees, charges, assessments, adjudications, or hearing procedures previously established or adopted by Bibb County, or the City of Macon, or the Consolidated Government of Macon-Bibb County, regarding any application previously filed for any privilege license relating to the manufacture, distribution, or sales of alcoholic beverages in any form, or the granting, denial, revocation, or suspension of any such license by Bibb County, the City of Macon, or Macon-Bibb County, and that any such advisory committees, fees, charges, assessments, adjudications, or procedures shall continue in full force and effect in Macon-Bibb County consistent with the provisions of the Macon-Bibb County Charter, Ga. Law 2012, page 5595 and Ga. Laws 2013, pages 3501, 3942.

Section 3.

The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 4.

This Ordinance, to the extent necessary, shall be codified in a manner consistent with the laws of the State of Georgia and Macon-Bibb County. Upon adoption, the Clerk of Commission is hereby directed to send a certified copy of this Ordinance to the publisher of the Macon-Bibb County Code of Ordinances for inclusion in future publications.

Section 5.

(a) It is hereby declared to be the intention of the Macon-Bibb County Commission that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the Macon-Bibb County Commission to be fully valid, enforceable, and constitutional.

(b) It is hereby declared to be the intention of the Macon-Bibb County Commission that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Chapter is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Macon-Bibb County Commission that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Macon-Bibb County Commission that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 6.

All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed or set aside.

Section 7.

In the event scrivener's errors shall be discovered in this Ordinance or in any Exhibits hereto after the adoption hereof, the Commission hereby authorizes and directs that each such scrivener's error shall be corrected in all multiple counterparts of this Ordinance.

Section 8.

This Ordinance shall become effective immediately upon its approval by the Mayor or upon it adoption into law without such approval.

[SIGNATURES ON THE FOLLOWING PAGE]

SO ORDERED AND ORDAINED this _____ day of _____, 2018.

_____
ROBERT A.B. REICHERT, MAYOR

ATTEST:_____
JANICE S. ROSS, CLERK OF COMMISSION

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SPONSORED BY

Commissioner Virgil Watkins

COMMITTEE REPORT

	Yes	No
Virgil Watkins	✓	
Lamar Allen	✓	

ACTION TAKEN AND DATE:

RECOMMEND: approved

(Approved/Disapproved/Approved as Amended)

September 11, 2018

Date

• tabled September 25, 2018

approved October 9, 2018

APPROVED AS TO FORM BY COUNTY ATTORNEY

Michael J. McNeill

Michael J. McNeill
Assistant County Attorney

AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION, TO ADD A NEW DIVISION TO THE INAUGURAL CODE OF ORDINANCES FOR MACON-BIBB COUNTY, BEING DIVISION 14.5 OF ARTICLE II OF CHAPTER 7, RELATING TO REGULATION OF SHORT-TERM VACATION RENTALS ("STVR"), BY IMPLEMENTING PROCEDURES FOR THE REGISTRATION AND LICENSING OF STVRS; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

Referred to the Committee on _____

Date: _____

REPORT

Rendered September 18, 2018

and returned to Committee

Rendered October 16, 2018 and approved

VOTE

	Yes	No	Abstain	Absent
Wynn	✓			
Schlesinger	✓			
Lucas	✓			
Jones				✓
Bivins	✓			
Allen	✓			
Shepherd	✓			
Watkins	✓			
Tillman	✓			
Mayor Reichert				
Total:				

O-18-0091

SPONSORED BY Commissioner Virgil Watkins

COMMITTEE REPORT

	Yes	No
	✓	
	✓	

ACTION TAKEN AND DATE:

RECOMMEND: Tabled

(Approved/Disapproved/Approved as Amended)

June 12, 2018
Date

APPROVED AS TO FORM BY COUNTY ATTORNEY

Michael J. McNeill
Assistant County Attorney

AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION, TO ADD A NEW DIVISION TO THE INAUGURAL CODE OF ORDINANCES FOR MACON-BIBB COUNTY, BEING DIVISION 14.5 OF ARTICLE II OF CHAPTER 7, RELATING TO REGULATION OF SHORT TERM VACATION RENTALS ("STVR"), BY IMPLEMENTING PROCEDURES FOR THE REGISTRATION AND LICENSING OF STVRS AND THE APPOINTMENT OF RESPONSIBLE PARTIES THEREFOR; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

Referred to the Committee on _____

Date: _____

REPORT

Rendered June 19 2018

and _____

VOTE

	Yes	No	Abstain	Absent
Schlesinger				
Lucas				
Jones				
Bivins				
Allen				
Shepherd				
Watkins				
Tillman				
Mayor Reichert				
Total:				

O-18-0091