

STATE OF GEORGIA
HENRY COUNTY
CITY OF STOCKBRIDGE

ORDINANCE NO. OR21-487

AN ORDINANCE TO PROVIDE FOR THE REGULATION AND TAXATION OF SHORT-TERM RENTALS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE OF JULY 1, 2021; AND FOR OTHER PURPOSES.

WHEREAS, the governing authority of the City of Stockbridge is the Mayor and Council thereof;

WHEREAS, the governing authority of the City of Stockbridge, Georgia desires to adopt an ordinance providing for the regulation and taxation of short-term rentals; and,

WHEREAS, the health, safety, and welfare of the citizens of Stockbridge, Georgia, will be positively impacted by the adoption of this Ordinance.

NOW THEREFORE, THE COUNCIL OF THE CITY OF STOCKBRIDGE HEREBY ORDAINS:

Section 1. That Title 9 of the Stockbridge Municipal Code is hereby amended by adding a new Chapter 9.105 attached hereto as Exhibit A.

Section 2. That Section 3.16.240 of the Stockbridge Municipal Code is hereby amended by deleting said section in its entirety and replacing it with the following in lieu thereof:

"3.16.240 - Levy of tax.

There is hereby set and levied on the occupant of a guest room of any hotel/motel/cabin/residence/lodge and any short term rental (as defined in Chapter 9.105 of the Stockbridge Municipal Code) located within the special district (being the entire City limits) a tax in the amount of eight percent (8.00%) of the gross rent for such occupancy."

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

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this

Ordinance 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 Mayor and Council 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 Mayor and Council 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 5. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.


Section 6. Penalties in effect for violations of the City of Stockbridge at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

Section 7. The effective date of this Ordinance shall be the date of its enactment.


ORDAINED this 1 day of July 2021.

CITY OF STOCKBRIDGE, GEORGIA


Anthony S. Ford, Mayor

ATTEST:

Vanessa Holiday, City Clerk

APPROVED AS TO FORM:


Quinton G. Washington, City Attorney

Date Presented to Mayor: 6-15-2021

Date Received from Mayor: 6-15-2021

EXHIBIT A

CHAPTER 9.105 - SHORT-TERM RENTALS

9.105.010 - Purpose and applicability.

The purpose of this article is to establish regulations for the registration and use of Short-Term Rentals for residential living units. The requirements of this division apply only to Short-Term Rentals, as defined herein, located in residential zoning districts established under the city's Zoning Ordinance. Nothing in this article, however, shall be construed to be a waiver of the requirement to assess and collect hotel occupancy taxes for any residential rental for less than 30 consecutive days, or any other applicable provision of the Stockbridge Municipal Code.

9.105.020 - Definitions.

Advertise means the written, audio, oral or other methods of drawing the public's attention whether by brochure, written literature or on-line posting to a Short-Term Rental in order to promote the availability of the Short-Term rental.

Hotel Occupancy Tax means the hotel occupancy tax as defined in Chapter 3.16, Article V of the Stockbridge Municipal Code.

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

Owner means any person, agent, operator, firm, trust, corporation, limited liability company, partnership or business organization having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or code official of the estate of such person if ordered to take possession of real property by a court. The term "owner" does not include the holder of a non-possessory security interest in the property.

Party means a social gathering of people, including those who have not rented the residence, for the primary purpose of eating, drinking or entertainment in a manner that is disruptive to the surrounding properties.

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

Short-Term Rental (STR) is defined as "the rental of any residence or residential structure, or a portion of a residence or residential structure for a period of less than 30 days". The term does not include:

- (1) A unit that is used for a nonresidential purpose, including an educational, health care, retail, restaurant, banquet space, or event center purpose or another similar use;
- (2) A bed and breakfast; or
- (3) A hotel/residence hotel.

9.105.030 - Short-term rental registration requirements.

No person shall hereafter advertise, offer to rent or rent, lease, sublease, license or sublicense a residential property within the City as a Short-Term Rental for which a registration has not been properly made and filed with the City. Registration shall be made upon forms furnished by the City for such purpose and shall specifically require the following minimum information:

- (1) Name, address, phone number and e-mail address of the property owner of the Short-Term Rental property;
- (2) Verification of that this Short-Term Rental property is the applicant's Primary Residence;
- (3) Name, address, phone number and e-mail address of the designated Local Emergency Contact;
- (4) The maximum number of occupants permitted for the dwelling unit or sleeping room;
- (5) A submission of a sketch floor plan of the dwelling with dimensional room layout; and
- (6) Site Plan/Survey of the property indicating maximum number of vehicles that can be legally parked on the property, without encroaching onto streets, sidewalks or alleys; other public rights-of-way or public property.

9.105.040 - Right to inspect premises.

The City reserves the right, with reasonable notice to the Owner, to inspect the residential premises to determine compliance with this section as well as with the current adopted version of the International Property Maintenance Code.

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

9.105.050 - Standards.

The following standards apply to Short Term Rentals:

1. Rentals shall be at least 3 days but no more than 14 days.
2. Designated off street parking is required.
3. All rental properties must be registered with and inspected by the Fire Marshal.
4. The permit holder shall post emergency contact information (police, fire, hospital) and show renters the location of fire extinguishers in the short-term rental.
5. A permit holder must provide the name, address, and phone number for the managing agent or local contact to all property owners within 100' of the property boundary. The permit holder shall notify all property owners within 100' of the property boundary within 10 days of a change in the managing agent or local contact's contact information.
6. A permit holder must disclose in writing to their renters the following information:
 - a. The managing agent or local contact's name, address, and phone number
 - b. The maximum number of guests allowed at the property
 - c. The maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked
 - d. Property rules related to use of exterior features of the property, such as decks, patios, grills, recreational fires, pools, hot tubs, saunas and other outdoor recreational facilities
 - e. Applicable sections of City ordinances governing noise, parks, parking and pets
7. A short-term rental shall have a full bathroom (sink, toilet and tub or shower).
8. Additional occupancy by use of recreational vehicles, tents, accessory structures or fish houses is not permitted.
9. The permit holder shall keep a report; detailing use of the short-term rental by recording the full name, address, phone number and vehicle license number of guests using the rental. A copy of the report shall be provided to City upon request.
10. A permit holder must post their permit number on all print, poster or web advertisements;

9.105.060 - Restrictions on short-term rentals.

- (a) *External signage.* There shall be no external on-site or off-site advertising signs or displays indicating the property is a Short-Term Rental.
- (b) *Limit on occupants allowed.* No more than two adult guests per bedroom, plus no more than two additional adults shall be allowed when renting a property as a Short-Term Rental, except that there shall be a maximum occupancy of ten persons, adult and children.
- (c) *Limits on number of vehicles.* There shall be a maximum of one car per bedroom, or the maximum number of cars that can be accommodated with in the garage and driveway, without extending over the public rights-of-way (alleys and sidewalks) whichever is less.
- (d) *Other restrictions.* It is unlawful:
 - (1) To operate or allow to be operated a Short-Term Rental without first registering, in accordance with this article, the property in which the rental is to occur;
 - (2) To advertise or offer a Short-Term Rental without first registering, in accordance with this article, the property in which the rental is to occur; documented advertisement of the subject property as a Short-Term Rental, online or offline, shall be considered evidence of a violation of this article;
 - (3) To operate a Short-Term Rental in any location that is not the registrant's primary residence;
 - (4) To operate a Short-Term Rental that does not comply with all applicable city and state laws and codes;
 - (5) To operate a Short-Term Rental without paying the required hotel occupancy taxes;
 - (6) To offer or allow the use of a Short-Term Rental for the sole or primary purpose of having a party venue;
 - (7) To operate the building in a manner that constitutes a nuisance to surrounding property owners;
 - (8) To fail to include a written prohibition against the use of a Short-Term Rental for having a party venue in every advertisement, listing, or other publication offering the premises for rent; and
 - (9) Permit the use of Short-Term Rental for the purpose of: housing sex offenders; operating a structured sober, recovery or other purpose living home or similar enterprise; selling illegal drugs; selling alcohol or another activity that requires a permit or license or operating as a sexually oriented business.

9.105.070 - Brochure and safety features.

- (a) *Informational brochure.* Each registrant operating a Short-Term Rental shall provide to guests a brochure that includes:
 - (1) The registrant's 24-hour contact information;

- (2) A local responsible party's 24-hour contract information if the owner is not within the city limits when guests are renting the premises;
 - (3) Pertinent neighborhood information including, but not limited to, parking restrictions, restrictions on noise and amplified sound, and trash collection schedules; and
 - (4) Information to assist guests in the case of emergencies posing threats to personal safety or damage to property, including emergency and non-emergency telephone numbers for police, fire and emergency medical services providers and instructions for obtaining severe weather, natural or manmade disaster alerts and updates.
- (b) *Safety features.* Each Short-Term Rental registrant shall provide, in the premises, working smoke detectors in accordance with adopted codes and at least one working carbon monoxide detector and alarm, and one working fire extinguisher. The premises shall, otherwise comply with applicable Code of Ordinance requirements, including, but not limited to, Building and Fire Codes.

9.105.080 - Registration term, fees, and renewal.

- (a) All registrations approved under this Chapter shall be valid for a period of one year from the date of its issuance.
- (b) The fee for registration of a Short-Term Rental shall be established by resolution of the City Council.
- (c) Upon receipt of an application for renewal of the registration, the director or their designee may deny the renewal if there is reasonable cause to believe that the registrant has plead no contest to or been convicted of a violation of any ordinance of the City, or any state, or federal law on the premises or has permitted such a violation on the premises by any other person.

9.105.090 - Violations and penalties.

Violation of this Article upon conviction shall be punished by the fine not to exceed the sum of \$500.00 for each offense and each and every day such violation shall continue shall be deemed to constitute a separate offense.