

ORDINANCE NUMBER 5641-2019

AN ORDINANCE AMENDING CHAPTER 22 (BUSINESSES), ARTICLE VIII - SHORT-TERM RENTALS OF THE CODE OF WOODSTOCK, GEORGIA, PROVIDING REGULATIONS FOR SHORT-TERM RENTALS WITHIN THE CITY LIMITS OF WOODSTOCK.

Whereas, the City of Woodstock, Georgia (hereinafter sometimes referred to as the “City”) is a municipality duly formed and existing pursuant to Georgia law; and

Whereas, the 1983 Constitution of the State of Georgia provides for the self-government of municipalities without the necessity of action by the General Assembly¹; and

Whereas, the City of Woodstock, Georgia, has the legislative power to adopt clearly reasonable ordinances, resolutions or regulations relating to its property, affairs and local government for which no provision has been made by general laws or which are expressly allowed by general laws, and which are not inconsistent with the Constitution or any charter provision applicable thereto²; and

Whereas, the governing body of the City has determined that it is in the best interest of the City and its citizens to adopt the following; and

NOW THEREFORE BE IT RESOLVED, THE MAYOR AND COUNCIL OF THE CITY OF WOODSTOCK, GEORGIA HEREBY ORDAINS:

That Chapter 22 (Businesses) of the Code of Woodstock, Georgia shall be amended to include Article VIII – Short-Term Rentals, Sec. 22-250 through Sec. 22-258 as follows in the attachment entitled Exhibit “A”, pages 1-4 .

¹ Ga. Const., 1983, Article IX, Section II, Paragraph II provides in pertinent part as follows:

“The General Assembly may provide by law for the self government of municipalities and to that end is expressly given the authority to delegate its power so that matters pertaining to the municipalities may be dealt with without the necessity of action by the General Assembly. “

²O.C.G.A. § 36-35-3 (a) provides as follows:

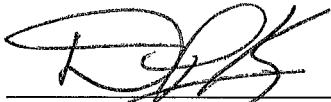
“(a) The governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto. Any such charter provision shall remain in force and effect until amended or repealed as provided in subsection (b) of this Code section. This Code section, however, shall not restrict the authority of the General Assembly, by general law, to define this home rule power further or to broaden, limit, or otherwise regulate the exercise thereof. The General Assembly shall not pass any local law to repeal, modify or supersede any action taken by a municipal governing authority under this Code section, except as authorized under Code Section 36-35-6.”

Ordinance No. 5641-2019 Continued....

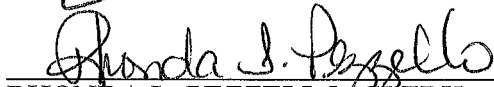
Effective Date. This Ordinance shall take effect immediately upon adoption by City Council.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF
WOODSTOCK, GEORGIA, THIS 25th DAY OF February 2019.

1st Reading: February 11, 2019 2nd Reading: February 25, 2019



DONNIE HENRIQUES, MAYOR



RHONDA L. PEZZELLO, CLERK



EXHIBIT A – Ordinance No. 5641-2019

CHAPTER 22

ARTICLE VIII. SHORT-TERM RENTALS

Section 22-250. 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 units; and to implement rationally based, reasonably tailored regulations to protect the integrity of the city's neighborhoods.

Section 22-251. Definitions; general provisions.

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

Short-term rental certificate is the certificate issued by the Development Services Division to applicants who have submitted the required documentation and met the requirements set for in this Article for the operation of a short-term rental.

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

Short-term rental unit means an accommodation for transient guests where, in exchange for compensation, a residential dwelling unit, either the primary structure or any approved accessory dwelling 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 single family and multi-family housing types with no more than 5 bedrooms offered for rent and shall exclude group living or other lodging uses, as defined in Chapter 2 of the Land Development Ordinance and regulated separately throughout the Municipal Code of Ordinances for the City of Woodstock, GA. A motor vehicle as defined in Title 40 of the Official Code of Georgia Annotated may not be used as a short term rental.

Short-term rental agent means a natural person designated by the owner of a short-term rental on the short-term 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 the city for purposes of transacting business.

Section 22-252. Short-term rental certificate.

No person shall rent, lease or otherwise exchange for compensation all or any portion of a dwelling unit as short-term rental, as defined in Section 22-251, without first obtaining a short-term rental certificate pursuant to the regulations contained in this Article and then obtaining a home occupation license from the Development Services Division. 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.

Section 22-253. Application for short-term rental certificate.

- A. Applicants for a short-term rental certificate shall submit, on an annual basis, an addendum to the home occupation license provided by the City of Woodstock, Georgia for a short-term rental certificate to the Development Services Division. The application shall be furnished under oath on a form specified by the City Manager. Such application should include:

EXHIBIT A – Ordinance No. 5641-2019

1. The name, address, telephone and email address of the owner(s) of record that hold more than 20% ownership 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 that hold more than 20% ownership of the dwelling unit or which a certificate is sought, including personal contact information;
 2. The address of the unit to be used as a short-term rental;
 3. The name, address, telephone number and email address of the short-term 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 as determined by residential parking requirements in section 7.511 of the City of Woodstock's Land Development Ordinance; required parking spaces must be located on the same property as the short-term rental, parking not owned by the short-term rental shall not be used to meet this requirement;
 6. The owner's agreement to use his or her best efforts to assure that use of the premises by short-term 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 city as part of an application for a short-term rental certificate. The City Manager or his or her designee shall have the authority to obtain additional information from the applicant as necessary to achieve the objectives of this chapter.
 8. If applicable, a written statement from the Home Owner's Association where the short-term rental is located state that the HOA does not prohibit short-term rentals in accordance with its' bylaws.
- B Attached to and concurrent with submission of the application described in this section, the owner shall provide:
1. A written exemplar agreement, which shall consist of the form of document to be executed between the owner and occupant(s) and which shall contain the following provisions:
 - (A) The occupant(s)' agreement to abide by all of the requirements of this chapter, any other City of Woodstock, Georgia 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 City's noise ordinance; and
 - (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 rental unit by the owner or agent, as well as the potential liability for payments of fines levied by the city.
 2. Proof of the owner's current ownership of the short-term rental unit;
 3. Proof of insurance satisfactory in accordance with administrative guidelines published by the City of Woodstock, Georgia; and
 4. A written certification from the short-term agent that he or she agrees to perform the duties specified in Section 22-254.
- C. Certificate holder shall publish a short-term rental certificate number in every print, digital, or internet advertisement and any property listing in which the short-term rental is advertised.

EXHIBIT A – Ordinance No. 5641-2019

Section 22-254. - Short-term rental agent.

- A. The owner of a short-term rental shall designate a short-term rental agent on its application for a short-term rental certificate. A property owner may serve as the short-term rental agent. Alternatively, the owner may designate a representative as his or her agent who is over age 18.
- B. The duties of the short-term rental agent are to:
 - 1. Be reasonably available to handle any problems arising from use of the short-term rental unit;
 - 2. Appear on the premises of any short-term rental unit within two hours following notification from the city 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 rental unit have created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of the City of Woodstock, Georgia's 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 rental unit for compliance with this chapter.
- C. In the event the short-term rental agent is replaced by another agent, the Owner will apply for a new short-term rental certificate with the correct short-term rental agent designated within thirty (30) days of such change.

Section 22-255. Grant or denial of application.

Review of an application shall be conducted within two days 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.

Section 22-256. Short-term rental units.

- A. A legible copy of the short-term 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 rental agent;
 - 2. The occupational tax certificate number;
 - 3. The maximum occupancy of the unit;
 - 4. The maximum number of vehicles that may be parked at the unit as determined at the issuance of the certificate; and
- B. Short-term 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.

Section 22-257. Short-term regulation procedure.

- A. To ensure the continued application of the intent and purpose of this chapter, the Development Services Division shall notify the owner of a short-term rental unit of all instances in which nuisance behavior of the rental guest or the conduct of his or her short-term rental unit agent results in a citation for a code violation or other legal infraction.

EXHIBIT A – Ordinance No. 5641-2019

- B. The Development Services Division shall maintain for each short-term rental location file a record of all code violation charges, founded accusations and convictions occurring at or relating to a short-term rental unit. When a property owner has accumulated three code violations for a particular property within a period of 12 consecutive months, the city 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 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 rental certificate.
- D. Citations for code violations and any other violation of the city code shall be issued to the short-term rental owner or its designated agent if the violation is a violation caused by the short-term rental owner and to the tenant if the violation is a violation caused by the tenant, unless otherwise specified in this ordinance, and shall be heard by the municipal court of Woodstock, Georgia. Violations of this chapter, including but not limited to operating a short term rental unit without obtaining a short term rental certificate and a home occupational tax license 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 City:
 - (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.
- E. A certificate granted under this article shall be subject to denial, revocation or suspension. Whenever, in the opinion of the City Manager, there is cause to revoke or suspend the certificate, a written notice of intention to revoke or suspend the certificate shall be furnished to the holder thereof. A hearing will be scheduled wherein the certificate holder may present his case before the mayor and council. Within ten days from the suspension or revocation, the certificate holder may appeal directly to the City Manager. The appeal shall be in writing, setting forth the circumstances for the appeal. Upon receipt of the appeal, the City Manager shall docket a hearing on the agenda of the Mayor & City Council to occur at a regular meeting within 45 days from the receipt of the appeal by the City Manager. After the hearing, the Mayor & City Council may deny, revoke or suspend the certificate if, in their discretion, denial, revocation or suspension is in the best interest of the health, safety and welfare of the city.
- F. Nothing in this section shall limit the city from enforcement of its code, state or federal law by any other legal remedy available to the city. Nothing in this section shall be construed to limit or supplant the power of any city inspector, police officer, or other duly empowered officer under the city's ordinances, rules and regulations and 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.

Section 22-258. Taxes.

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