

**STATE OF GEORGIA  
CITY OF HAPEVILLE**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND CHAPTER 93, (“ZONING”), OF THE CODE OF ORDINANCES, CITY OF HAPEVILLE, GEORGIA; TO UPDATE THE CITY OF HAPEVILLE ZONING ORDINANCE TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**

**WHEREAS**, the mayor and council shall have full power and authority to provide for the execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers, agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,

**WHEREAS**, Mayor and City Council finds that an amendment to Zoning is necessary to include additional language for short-term rental regulations; and,

**BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HAPEVILLE, GEORGIA THAT:**

**Section One.** The identified sections of Chapter 93, (“Zoning”) are to reflect where short-term rentals are allowed:

1. R-0 zone, one-family detached;
2. R-1 zone, one-family detached;
3. R-2 zone, two-family residential;
4. R-3 zone, single-family attached;
5. R-4 zone, multifamily residential;
6. C-R zone, commercial-residential;
7. R-5 zone, single-family attached and detached;
8. U-V zone, urban village; and
9. V zone, village.

**Section Two.** This section provides guidance for further regulations of short-term rentals,

***Definition:*** Short-term rental – The use of an owner-occupied residential dwelling unit or portion of such dwelling unit for lodging for a period of no longer than 28 days.

## **Regulation and Licensing of Short-term Rentals.**

The following supplemental regulations apply to short-term rentals:

1. ***Permit required.*** 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 this code, without first obtaining a permit from the City of Hapeville and complying with the regulations contained in this section. No permit 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.
2. ***Application for permit.*** Applicants shall submit, on an annual basis, an application for a short-term rental permit to the City of Hapeville. Such application shall include:
  - a. The name, address, telephone and email address of the owner(s) of record of the dwelling unit for which a certificate is sought. Applicants shall be limited to owner-occupiers receiving a current homestead exemption through Fulton County;
  - b. The address of the dwelling unit to be used as a short-term rental;
  - c. The name, address, telephone number and email address of the short-term rental agent, which shall constitute his or her 24-hour contact information;
  - d. The owner's sworn acknowledgement that he or she has received a copy of this section, has reviewed it and understands its requirements;
  - e. The number and location of parking spaces allotted to the premises;
  - f. 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
  - g. Any other information that this chapter requires the owner to provide to the city as part of an application for a short-term rental permit. The City of Hapeville shall have the authority to obtain additional information from the applicant as necessary to achieve the objectives of this chapter.
  - h. If the rental agent changes, the property owner shall notify the city within five business days.
3. All short-term rentals shall be subject to excise tax pursuant to the Code of the City of Hapeville.
4. All short-term rentals shall be subject to nuisance and noise regulations pursuant to of the Code of the City of Hapeville.
5. The City Manager or their designee shall conduct a reasonable search of the City's records to determine if the applicant property has been the subject of two or more citations for a violation of the Code of the City of Hapeville in the preceding calendar year. If the search reveals two or more citations, without regard to a finding of adjudication of guilt, the permit shall not be renewed.
6. No property authorized by this subsection for short term rentals may list the property for such use for more than 180 days per calendar year.

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

**Section Four. Codification.** This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

**Section Five. Severability.**

(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 Six. Repeal of Conflicting Ordinances.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section Seven. Effective Date.** The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

**ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**CITY OF HAPEVILLE, GEORGIA**

\_\_\_\_\_  
**Alan Hallman, Mayor**

**ATTEST:**

\_\_\_\_\_  
City Clerk

**APPROVED BY:**

\_\_\_\_\_  
City Attorney