

1 **STATE OF GEORGIA**

2
3 **CITY OF HAPEVILLE**

4
5 **ORDINANCE NO. 2022-09**

6
7 **AN ORDINANCE TO AMEND CHAPTER 17 (FINANCE AND TAXATION), ARTICLE**
8 **7 (HOTEL OCCUPANCY TAX), TO CREATE SECTION 17-7-12 (SHORT-TERM**
9 **RENTALS) OF THE CODE OF ORDINANCES, CITY OF HAPEVILLE, GEORGIA; TO**
10 **PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO**
11 **PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL**
12 **PURPOSES.**

13
14 **WHEREAS**, the Mayor and Council shall have full power and authority to provide for the
15 execution of all powers, functions, rights, privileges, duties, and immunities of the city, its officers,
16 agencies, or employees granted by the City of Hapeville's Charter or by state law; and,

17
18 **WHEREAS**, the municipal government of the City of Hapeville (hereinafter "City") and
19 all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be
20 the legislative body of the City; and,

21
22 **WHEREAS**, amendments to any of the provisions of the City's Code may be made by
23 amending such provisions by specific reference to the section number of the City's Code; and,

24
25 **WHEREAS**, existing Ordinances, resolutions, rules and regulations of the City and its
26 agencies now lawfully in effect not inconsistent with the provisions of the City's Charter shall
27 remain effective until they have been repealed, modified or amended; and,

28
29 **WHEREAS**, every official act of the Mayor and Council which is to become law shall be
30 by Ordinance; and,

31
32 **WHEREAS**, the governing authority of the City finds it desirable to regulate short-term
33 rentals within the City of Hapeville.

34
35 **BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
36 **THE CITY OF HAPEVILLE, GEORGIA THAT:**

37
38 **Section One. Regulation of Short-Term Rentals.** Chapter 17 (Finance and Taxation),
39 Article 7 (Hotel Occupancy Tax) of the City Code of Ordinances is hereby amended by creating
40 Section 17-7-12 (Short-Term Rentals), which shall state the following language:

41
42 *Short-term Rental.* The use of a residential dwelling unit or portion of such dwelling unit for
43 lodging. This use shall provide temporary overnight sleeping accommodations or lodging for
44 guests paying a fee or other form of compensation for a period of less than thirty (30) consecutive
45 days. For the purposes of this section, a dwelling, building, or structure shall mean any building
46 or structure, or part thereof used and occupied for human habitation or commercial, industrial, or
47 business uses, or intended to be so used, and includes any outhouses, improvements, and
48 appurtenances belonging thereto or usually enjoyed therewith and also includes any building or
49 structure of any design. The term "dwellings, buildings, or structures" shall not mean or include
50 any farm, any building or structure located on a farm, or any agricultural facility or other building

or structure used for the production, growing, raising, harvesting, storage, or processing of crops, livestock, poultry, or other farm products. The following supplemental regulations apply to short-term rentals:

- (a) *Permit required.* A separate permit shall be required for each dwelling unit operating as a short-term rental. No person shall rent, lease, or otherwise exchange for compensation all or any portion of a dwelling unit as a short-term rental, as defined in this Code, without first obtaining a permit from the City Clerk and complying with the regulations contained in this section. No permit issued under this chapter may be transferred, 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) *Application for permit.* Applicants shall submit, on an annual basis, an application for an initial short-term rental permit and/or a renewal of a short-term rental permit to the City Clerk. Such application shall 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. Applicants shall be limited to owner-occupiers receiving a current homestead exemption through Fulton County. Applicants shall provide a copy of their homestead exemption for a parcel located within the City of Hapeville and a current water bill with their application;
 - (2) The address of the dwelling 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. This information shall be verified by the City prior to issuance of the permit;
 - (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 URL for the listing of the dwelling on any and all websites or other shared online platforms advertising as a short-term rental;
 - (7) The owner's agreement that he or she will ensure the permit identification number is on all listings;
 - (8) Evidence that the applicant has provided notice via certified United States mail to each adjacent property of their intent to secure a short-term rental license. The notice shall include the address of the unit to be used as a short-term rental, and the name, address, telephone number, and email address of the short-term rental agent. For the purposes of this section, it shall not be necessary for the applicant to identify and include the name of the specific owner of record of the adjacent property in the notice;
 - (9) 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;
 - (10) 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 Clerk shall have the authority to obtain additional information from the applicant as necessary to achieve the objectives of this chapter;
 - (11) If the rental agent changes, the property owner shall notify the City within five (5) business days;

(12) No person shall operate more than two (2) short-term rental properties within the City at a time. In the event an applicant owns two (2) dwelling units which operate as a short-term rental, one dwelling unit must be established as a primary residence in accordance with the applicant's current homestead exemption application through Fulton County.

- a. Applicants operating a short-term rental in a dwelling unit which has been established as a primary residence must pay a non-refundable \$250.00 application fee for any dwelling unit. The applicant must also submit an affidavit swearing that they are the owner occupant of the dwelling unit.
- b. Applicants operating a second short-term rental in a dwelling unit which has not been established as a primary residence must pay a non-refundable \$1,000.00 application fee.
- c. An applicant may amend their application at any time. However, an amendment to the application will not alter the date of effectiveness for the permit.

(13) Attached to the submission of the application, an applicant of a short-term rental license shall provide proof of permission from their local residential governing body (i.e., Homeowners Association, Condominium Association, etc.), if applicable.

(c) All short-term rentals shall be subject to excise tax pursuant to Chapter 17 (Finance and Taxation), Article 7 (Hotel Occupancy Tax) of the Code of the City of Hapeville.

(d) All short-term rentals shall be subject to nuisance and noise regulations pursuant to the Code of the City of Hapeville.

(e) The City Manager or their designee shall conduct a reasonable search of the City's records to determine if the applicant's property has been the subject of two (2) or more citations for a violation of the Code of the City 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 be subject to revocation and/or shall not be renewed, per the discretion of the City Manager.

- a. If the City Manager or their designee determines after a reasonable search that the applicant's property has been subject to three (3) or more citations for a violation of the Code of the City in the preceding five (5) years, the applicant shall be banned from obtaining a permit, per the discretion of the City Manager. This does not ban new property owners from obtaining a permit if his or her property is in compliance and all code violations have been resolved.

(f) The City shall not issue more than 100 permits annually. Once the City has issued 100 permits, no additional permits shall be issued for that year. Applications to renew will be prioritized over new applications. New applications will be issued in the order in which they are received. All permits shall expire on December 31. Permits shall remain effective from January 1 through December 31, unless otherwise revoked. No permit will be automatically renewed.

148 (g) All persons in violation of this Ordinance, after receiving two notices of non-compliance
149 of the permitting process within a twelve-month period, shall be fined \$1,000.00, and
150 must pay the fine within thirty (30) days of receipt thereof.
151

152 **Section Two. Codification and Certification.** This Ordinance adopted hereby shall be
153 codified and certified in a manner consistent with the laws of the State of Georgia and the City of
154 Hapeville.

155 **Section Three. Severability.**
156

157 (a) It is hereby declared to be the intention of the Mayor and Council that all sections,
158 paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their enactment,
159 believed by the Mayor and Council to be fully valid, enforceable and constitutional.
160

161 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
162 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
163 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
164 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
165 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance
166 is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this
167 Ordinance.
168

169 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
170 shall, for any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable
171 by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of
172 the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the
173 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any
174 of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to
175 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and
176 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and
177 effect.
178

179 **Section Four. Repeal of Conflicting Ordinances.** All Ordinances and parts of Ordinances
180 in conflict herewith are hereby expressly repealed.
181

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

184 **ORDAINED** this 4th day of October 2022.

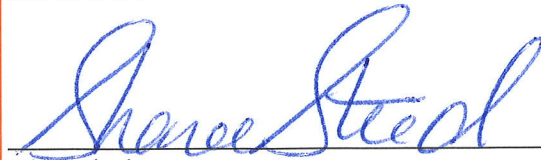
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205

CITY OF HAPEVILLE, GEORGIA



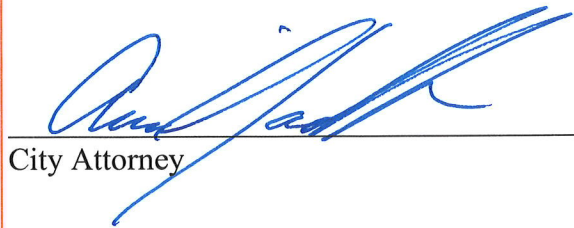
Alan Hallman, Mayor

ATTEST:



City Clerk

APPROVED BY:



City Attorney