

## Chapter 60 SHORT-TERM RENTALS

### Sec. 60-1. Purpose.

The purpose of this chapter is to establish regulations for the use of an accommodation as a short-term rental (STR) in order to support the health, well-being, and safety of guests and residents while minimizing the negative secondary effects on surrounding properties, to ensure proper safety precautions are in place, and to facilitate the collection and payment of STR taxes and related fees according to O.C.G.A. Title 48, Chapter 13, Article 3, Section 51(a)(3).

(Ord. of 03-09-2023, § 1)

### Sec. 60-2. Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them in this section:

*Accommodation* means any single or multifamily home, or any portion thereof, studio, condominium, townhouse, duplex, guest house, tiny home, cabin, tent, yurt, treehouse, container, cave, houseboat, hostel, bunkhouse, or recreational vehicle. The term accommodation shall not include land leases providing sites for camping, RVs or similar non-permanently affixed lodging.

*Bedroom* means a room that is intended primarily for sleeping as reflected on the building permit, tax assessors' records and/or site inspection. It must have its own access door and means of emergency egress.

*Code enforcement officer* means any person contracted with or employed by a state, county or municipality who has enforcement authority for health, safety, or welfare requirements and is authorized to issue citations or file formal complaints regarding the same O.C.G.A. 36-74-21 (1).

*Fee schedule* means official document established by resolution outlining fees associated with STR licensing and regulations.

*Good neighbor notification* means a document provided by the property owner/registered agent to surrounding properties annually.

*Guest* means any person or persons renting a short-term rental.

*Daytime occupancy* means daytime occupancy not to exceed twice overnight occupancy.

*Overnight occupancy* means sleeping capacity based on number of bedrooms permitted by the on-site septic permit as approved by Union County Environmental Health.

*Property owner* means the person(s) or entity that holds legal title to the property as registered with Union County to include:

- (1) An individual;
- (2) A business entity to include corporations, general partnerships, limited partnerships, joint ventures, limited liability companies, and trusts. In the case of a business entity, the owner shall be the majority shareholder or partner and will be responsible for any violations. However, all shareholders, partners, and members must be disclosed for the purposes of this ordinance; and
- (3) A business with over 50 employees. In the case of a business with over 50 employees, the STR license shall be granted to the individual or partners primarily responsible for personally supervising and conducting the operation of the STR and will be responsible for any violations. Any person applying on behalf of a corporation must disclose the extent of his representative capacity as well as the names and addresses of the officers of the corporation. The applicant must also furnish the names and addresses of any persons, firms, or corporations who have a financial interest in the ownership of the STR.

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Leasing, subleasing, franchising, and occupancy agreements are not recognized as owners of property.

*Local registered agent* means an individual(s) with the legal authority to make and act on decisions of tenancy, building maintenance, complaints, and repairs.

*STR board* means the local government code enforcement board associated with short-term rentals.

*STR officer* means the local government official authorized to issue citations or file formal complaints under this ordinance.

*Short-term rental advertisement* means any method soliciting use of a lodging accommodation or any part thereof for short-term rental purposes.

*Short-term rental* means a lodging accommodation rented to transient guests for a period not to exceed 30 consecutive days. Because tourist accommodations (single properties owned by one person with more than one separately rented short-term rental unit) are licensed/permitted and regulated by the state department of public health, these properties are not considered short-term rentals for the purposes of local licensing. DPH Chapter 511-6-2. However, these properties are responsible for registering with the Union County online STR tax collection system and remitting monthly local excise taxes.

*Surrounding properties* means properties within 100 feet of the STR property boundaries.

*Union county* means Unincorporated Union County.

*Union County online STR tax collection system* means the online system for processing STR applications, licenses, fees, and taxes associated with operating an STR in Union County.

(Ord. of 03-09-2023, § 2)

### **Sec. 60-3. Tax rate.**

- (a) *Rate of levy.* There is hereby set and levied on the occupant of a guest room of any lodging accommodation within Union County a tax in the amount of five percent of the gross rent and fees for such occupancy.
- (b) Any action by a local governing authority to impose or change the rate of the tax authorized under this article shall become effective no sooner than the first day of the second month following its action by the local governing authority. O.C.G.A. § 48-13-51(g)(1).
- (c) *Exemptions.* The tax imposed by this ordinance shall not apply to:
  - (1) *Permanent residences.* Notwithstanding any other provision of this section, no tax shall be imposed hereunder upon a permanent resident.
  - (2) Charges made for any rooms, lodgings, or accommodations provided to any persons who certify that they are staying in such room, lodging, or accommodation as a result of the destruction of their home or residence by fire or other casualty; O.C.G.A. § 48-13-51(h)(1).
  - (3) The use of meeting rooms and other such facilities or any rooms, lodgings, or accommodations provided without charge; O.C.G.A. § 48-13-51(h)(2).
  - (4) Any rooms, lodgings, or accommodations furnished for a period of one or more days for use by Georgia state or local governmental officials or employees when traveling on official business. Notwithstanding the availability of any other means of identifying the person as a state or local government official or employee, whenever a person pays for any rooms, lodgings, or accommodations with a state or local government credit or debit card, such rooms, lodgings, or accommodations shall be deemed to have been furnished for use by a Georgia state or local government official or employee traveling on official

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business for purposes of the exemption. For purpose of the exemption provided under this paragraph, a local government official or employee shall include officials or employees of counties, municipalities, consolidated governments, or county or independent school districts; O.C.G.A. § 48-13-51(h)(3).

- (5) Charges made for continuous use of any rooms, lodgings, or accommodations after the first 30 days of continuous occupancy. O.C.G.A. § 48-13-51(h)(4).

(Ord. of 03-09-2023, § 3)

#### **Sec. 60-4. Use of revenue.**

Revenue will be allocated in accordance with the requirements in O.C.G.A. 48-13-51(a)(3).

(Ord. of 03-09-2023, § 4)

#### **Sec. 60-5. License required.**

The property owner must be the STR license holder. It is unlawful for any person or entity to operate or advertise as an STR within the county without a valid STR license issued for each short-term rental accommodation pursuant to this ordinance.

- (1) The non-refundable annual fees for the issuance of an STR license shall be established by resolution and shall be set forth in the STR fee schedule.
- (2) An STR license shall expire July 31<sup>st</sup> of each year and must be renewed annually.
- (3) The purchaser of a property covered by an existing STR license shall have first right of refusal to obtain a STR license for that property if the purchaser is in compliance with all the requirements of this ordinance. The new property owner shall have 15 days after closing to apply for an STR license.
- (4) This license applies to all short-term rentals in unincorporated Union County.
- (5) A penalty of \$75 will be assessed to all late annual renewal license fee payments received after August 31.
- (6) Operation of an STR business for more than 60 days without renewal of the license can result in termination and non-renewal of the STR license.
- (7) An STR license shall be for a specific property held by the owner of that property who is required to be the applicant and license holder. An owner of a property holding a STR license may not transfer that license to a different property owned by the same owner. Any time a new owner of a property or a new property seeks consideration for a STR license a new application must be made.

Any STR facility consisting of two or more accommodations either joined together or separate on a common piece of property must obtain a tourist accommodation permit from the county environmental health office as required by the Georgia Department of Public Health Tourist Accommodations Rules and Regulations, Chapter 511-6-2. These properties are not required to obtain a Union County STR license. However, these properties are responsible for registering with the county online STR tax collection system to report and remit monthly local excise taxes.

(Ord. of 03-09-2023, § 5)

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## **Sec. 60-6. Inspections and issuance of STR license.**

Upon receipt of a completed application for the issuance or renewal of an STR license, the code enforcement officer may schedule an inspection of the STR for compliance with all applicable laws, rules, permits, regulations, and operational requirements set forth by this ordinance.

(Ord. of 03-09-2023, § 6)

## **Sec. 60-7. STR license applications.**

- (a) Total number of STR licenses in Union County are limited to no more than 5 percent of total number of housing units as reported by the county tax assessor's office annually. In the event that housing units decrease to a level lower than allowed previously, all existing licenses will be grandfathered in for renewal purposes, but new licenses will not be issued.
- (b) Application for the initial issuance or renewal of a short-term rental license shall be completed on the county online STR tax collection system. Official renting may commence upon county approval of an STR license. STR licenses are officially approved at scheduled county government commission meetings. Completion of an online application for STR license does not guarantee a license, but it does place the property in queue for consideration.
- (c) The STR license applicant shall be the owner(s) of the property.
- (d) Upon receipt of a new application, an inspection may be scheduled by the code enforcement officer. There is no charge for the initial inspection or a follow-up inspection to confirm issues identified in the initial inspection were rectified. However, if a second and/or subsequent follow-up is required, a \$75.00 fee shall be paid at the time each follow-up inspection is scheduled.
- (e) There is hereby established an STR Board comprised of seven local county residents to include one representative from the county fire department, the county building and development, a local property management company, an STR owner, the STR officer, and two community members at large. The governing authority shall establish powers, duties, rules, and regulations governing short-term rentals consistent with the provisions of this article. The establishment of the STR board will include:
  - (1) Good faith efforts to appoint individuals who have experience or expertise relevant to the health, well-being, and safety of guests of STRs and residents of Union County.
  - (2) The initial appointments to a seven-member STR board as follows:
    - a. Three members appointed for a term of two years each; and
    - b. Four members appointed for a term of four years each.
    - c. Upon the expiration of the initial terms specified in subsections a. and b. above, of this section, all terms shall be for three years.
    - d. A member may be reappointed upon approval of the local governing body.
    - e. An appointment to fill any vacancy on the STR board shall be for the remainder of the unexpired term of office. If any member fails to attend two of three successive meetings without cause and without prior approval of the chairperson, the board shall declare the member's office vacant, and the local governing body shall promptly fill such vacancy.
    - f. The members of the STR Board shall elect a chairperson, who shall be a voting member from among the members of the STR Board. The presence of four or more members shall constitute a quorum. Members shall serve without compensation. O.C.G.A. 36-74-22.

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(3) The members of the STR Board:

- a. Shall meet at such times as may be deemed necessary or appropriate with adequate notice given with a minimum of six times per year. All meetings shall be open to the public consistent with the Georgia Open Meetings Law.
- b. The STR officer shall serve as secretary and shall make a full and complete record of all proceedings consistent with the Georgia Open Meetings Law and shall retain all relevant documents to meetings.

(Ord. of 03-09-2023, § 7)

## **Sec. 60-8. Operational requirements for owners.**

All short-term rentals applications must **annually** provide required documentation and a signed declaration of compliance with subsections (1) through (17) below:

*Regulations.* Compliance with all applicable laws, rules and regulations pertaining to the use and occupancy of a short-term rental.

- (1) *Address.* Identification of each STR with a unique 911 address for the purpose of emergency services response.
- (2) *License limitations.* Acknowledgement that a property owner can hold a maximum of two STR licenses in Union County. Any individual listed as a member in a business entity owning an STR property is considered an owner of the STR as it pertains to this ordinance.
- (3) *Registered agent.* Identification of a local registered agent who will serve as the primary contact in cases of violations of this ordinance. Owner shall provide county with any changes to contact information for the local registered agent within 48 hours of change. The person designated by the owner as the local registered agent shall be available 24 hours per day, seven days per week for the purpose of violation resolution. The registered agent shall respond within two hours to violations of this chapter.
- (4) *Neighbor notification.* Attest to distributing a Good Neighbor Notification letter to those within 100 feet of the short-term rental's property boundary. **The Good Neighbor Notification must be distributed to neighbors prior to the date of the first rental.** Owner shall provide neighbors with any changes to contact information for the local registered agent within 7 days of the change. A waiver to this notification may be issued for safety or health reasons after review by the STR board.
- (5) *Fee collection.* Register with county's online str tax collection system and use this system to: submit initial license application, report related taxes, and submit annual renewal application. STR renewals must be submitted and paid by July 31 annually.
- (6) *Short-term rental homeowners insurance.* Attest to obtaining the correct homeowner's insurance to protect all parties in case of incident.
- (7) *STR tax return.* File an STR tax return for each licensed property monthly regardless of who remits the taxes. STR tax returns are due and payable no later than the 20<sup>th</sup> day of the month following the period reported. Licensees that do not use third party rental platforms to remit STR taxes on their behalf (Airbnb, VRBO, HomeAway, etc.) are responsible for remitting all applicable STR tax proceeds through county's online str tax collection system according to the STR fee schedule. If return or payment is received after the 20<sup>th</sup> of the month following the reporting period, late fees will be assessed.

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- a. Pursuant to O.C.G.A. 48-13-58.1 it shall be unlawful for any STR property owner to fail to make a return and pay the taxes due under this ordinance to any applicable governing authority imposing a tax under this ordinance.
  - b. Pursuant to O.C.G.A. 48-13-60 it shall be unlawful for any property owner required by this ordinance to make, render, sign, or verify any return to make a false or fraudulent return with intent to evade the tax levied by this ordinance.
  - c. Pursuant to O.C.G.A. 48-13-61 it shall be unlawful for any property owner subject to this ordinance to fail or refuse to furnish any return required to be made by this ordinance or to fail or refuse to furnish a supplemental return or other data required by the governing authority imposing a tax under this article.
- (8) *Tax obligations.* An inquiry will be made into the county records to determine if the applicant, or other parties with an interest in an application for a license under this ordinance has any outstanding taxes or special assessments that are delinquent against his property or any other monies owing to the county, or if any taxes or assessments are owing on the property where the licensed establishment will be located. No license shall be issued or renewed until such debts are paid in full.
  - (9) *STR advertisements.* Ensure short-term rental license number and permitted occupancy is listed in all short-term rental advertisements, including but not limited to digital, online, or print materials.
  - (10) *Occupancy.* For STR served by on-site septic, occupancy will be based on the number of bedrooms permitted by the on-site permit as approved by county environment health. If there is no septic permit on file, then an existing on-site sewage management performance evaluation issued by county environmental health must be submitted. The number of overnight occupants shall not exceed two persons per bedroom plus two additional persons per residence. Additionally, occupancy shall meet all life-safety codes, but in no case shall overnight occupancy exceed 15 overnight persons. Allowed day-time occupancy of STR will be equal to twice over-night occupancy.
  - (11) *Septic capacity.* Provide a copy of STR's septic permit or a copy of septic evaluation completed by the county environmental health department.
  - (12) *Fire and life safety.* Post emergency escape routes in conspicuous areas when STR is multi-story. Ensure one 5 lb. fire extinguisher is available on each floor. If dwelling is heated by gas, mount carbon monoxide detectors on each floor. Ensure one functioning smoke alarm is installed in each sleeping room, hallways of sleeping areas, basement, and any enclosed garages.
  - (13) *Parking.* All parking must be within the property boundaries of the STR. Vehicles shall not be parked within the right-of-way of roads or easements. Special considerations should be given to emergency vehicle access.
  - (14) *Amplified sound.* As outlined by section 50-51, owners cannot allow amplified sound from their guests that disturbs or causes a nuisance to neighboring properties. While tenants can be fined under the county's amplified sound article, property owners are responsible for amplified sound that causes a nuisance to neighboring properties under this ordinance.
  - (15) *Pets.* Pets shall always be secured within the boundaries of the STR if permitted under STR property rules. If the STR property is not fenced, permitted pets must be kept on a leash and always accompanied by the pet owner while outside.
  - (16) *Solid waste/trash.* Ensure that trash and refuse is not to be left stored within public view, except in proper enclosed containers for purposes of collection by an authorized waste hauler.

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(17) *Interior posting.* Ensure the following information is posted in a conspicuous place within the short-term rental:

- a. Contact information for the local registered agent;
- b. 911 street address for STR;
- c. Floor plan indicating fire exits, fire extinguishers and escape routes;
- d. Maximum daytime occupancy and maximum sleeping capacity;
- e. Maximum parking and parking instructions.
- f. "In Case of Emergency", Dial 911.
- g. Instructions for garbage storage and removal.
- h. Copy of section 50-51 amplified sound article.

(Ord. of 03-09-2023, § 8)

### **Sec. 60-9. Violations/consequences.**

- (a) Any section of this chapter that is not followed constitutes a violation.
- (b) The code enforcement officer has the discretion to issue a warning or a citation on a case-by-case basis.
- (c) A first violation of this chapter, the property owner is subject to a maximum fine of \$500.00 and or six months probation. Each day of a continuing violation may constitute a subsequent violation.
- (d) A second or subsequent violation of this ordinance within 12 months of the first violation, the property owner shall have a maximum punishment not to exceed a fine of \$1,000.00, and/or suspension or revocation of STR license and/or six months probation and/or all of the above.
- (e) Any property owner with eight violations within a 24-month period or revocation of any license may be subject to permanent revocation of all STR licenses issued for any property in the county past, present, or future in addition to penalties not to exceed a fine of \$1,000.00 and/or six months probation.
- (f) Any property operating as an STR without a valid STR license shall immediately cease and desist rental operations and will be subject to penalties not to exceed a fine of \$1,000.00, and/or 60 days in jail, and/or six months probation from receiving a license.

(Ord. of 03-09-2023, § 9)

### **Sec. 60-10. Enforcement.**

- (a) This article shall be enforced by any court of competent jurisdiction, the STR board, STR officer, code enforcement officer, or state, and county law enforcement. Enforcement by the STR board may result in additional civil fines and penalties beyond those assessed by any court.
- (b) The STR board shall have the right to make such inquiry or investigation as it may find to be reasonably necessary to determine compliance with this ordinance. Such investigation may consist, among other actions, of calling licensees for examination under oath, obtaining evidence under oath from other persons; their procurement of documents and records including records of the licensee, and inspection and examination of records and documents from whatever source obtainable.

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- (c) The STR board shall be authorized to suspend or revoke a license previously granted under this article. If the STR board seeks to suspend or revoke a license, the STR board shall give written notification to the applicant of such action and such notice shall contain the specifics of the violation or violations and shall be served upon the licensee at least ten days prior to a hearing. The licensee shall be given at least ten days' written notice of the time and place of the hearing.
- (d) The STR board, if it finds cause, shall be authorized to suspend or revoke a license in the event of any one or more of the following:
- (1) Any licensee providing false or misleading information in the original application process;
  - (2) Any licensee has knowingly allowed the violation of a county ordinance or a violation of any criminal law of the state to occur on the premises, to include the entire owned parcel;
  - (3) Violation of any of the provisions of this article by the holder of a license issued under this article or its agents or employees, whether compensated or not;
  - (4) Any licensee fails to pay any fee, tax, fine or other amount of money due to the county under this article or any other ordinance provision of the county;
  - (5) The performance of any act prohibited by this article or the failure to perform any act required by this article as well as the violation of any law, state or federal, relating to the business of the licensee. If such act, omission or violation is done by an agent, servant, employee, or officer of the licensee, whether paid or unpaid, the lack of knowledge on the part of the licensee or the lack of authorization for such act or omission or violation shall be no defense;
  - (6) Any other act or omission with respect to the operation of a business licensed under this article which the STR board shall find to be contrary to the public interest, health or welfare, or which shall render the licensee or the business location unfit for the continued operation of the business.
  - (7) In the event the STR board shall suspend any license under this article, the suspension shall be for a period of not less than one day or more than one year, within the discretion of the STR board. The STR board shall forward to the county clerk the establishment's license which shall be retained as revoked by the clerk until final adjudication of the suspension of the license by the STR board any license suspended for more than one year shall be considered revoked. The STR board has the authority to permanently revoke a license for good cause shown.
  - (8) No applicant may apply for a license during any period of suspension or revocation.
  - (9) The STR board shall have the power to assess civil penalties for any violation of this article after a hearing. For a first violation of any provision of this article, a civil fine shall be at least in the amount of \$150.00 for each violation and no more than \$1,000.00. For a second and any subsequent violation of any provision of this article the civil fine shall be at least in the amount of \$500.00 and no more than \$1,000.00. Such civil fines shall be in addition to any suspension or revocation of a license as provided in this article and in addition to any fines imposed by the Magistrate Court of Union County.

(Ord. of 03-09-2023, § 10)

#### **Sec. 60-11. Hearing; basis of determination.**

- (a) Whenever the STR board finds preliminary cause to suspend or revoke any license issued under this article, there shall be a hearing before the STR board on the matter of which at least ten days' written notice shall be given to the licensee in person by a county code enforcement officer, by certified mail or by sheriff's service.



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- (b) Such notice shall specify the time, place and purpose of the hearing and a statement of the charges upon which such hearing shall be held. At such hearing, the licensee shall have the right to appear in person and by attorney, and both the county attorney or his designee and the licensee shall have the right to present evidence under oath, introduce documentary evidence, subpoena and cross examine witnesses and generally present evidence of violation of this article or absence thereof. The hearing shall be conducted before the STR board.
  - (c) Whether a license shall be suspended or revoked, and if suspended, for what period of time, shall be determined by the STR board after consideration of the evidence in the case and in accordance with the STR board's finding as to the severity of the offense. Upon a determination of violation of this article by the STR board, the STR board may in its discretion recommend suspension of the license for a period of time up to one year and/or revocation of the license as provided in this article, and/or assessment of civil fines as provided in this article. The decision of the STR board shall be conclusive unless modified by the governing authority in writing on or before the tenth day following the decision by the STR board.
  - (d) Any person aggrieved by act or omission of the STR board or the governing authority with respect to its proceedings under this article including the suspension or revocation of a license shall have the right to appeal from the decision of the STR board or the governing authority. Appeals shall be to the superior court of the county filed within 30 days from the final action of the STR board or governing authority. If the applicant/licensee does not file an appeal from any decision of the STR board or governing authority, as provided in this section, the decision of the STR board or governing authority shall be final.

(Ord. of 03-09-2023, § 11)

#### **Sec. 60-12. No new license to be issued after revocation.**

When a license has been revoked under the provisions of this article, no application for a new STR license for the same location by a different and unrelated owner following the sale of the business will be received for a period of 30 days, and no application for a new license from the licensee involved shall be received for a period of either two or five years.

(Ord. of 03-09-2023, § 12)

#### **Sec. 60-13. Temporary variance application.**

- (a) On a case-by-case basis the STR board authorized under this section may hear and authorize a temporary permit on a short-term basis that would allow the commercial establishment to have a variance if mitigating factors are shown to the STR board so that the principle and substance of this section is not violated.
  - (1) All variance applications must receive approval from the STR board based on occupancy, parking, waste removal, neighbor disturbance, insurance, fire/life safety, amplified sound, septic capacity, security measures, and any other factor that may need to be addressed on a case-by-case basis.
  - (2) All variance applications must provide proof that the STR owner has planned for and/or secured mitigating factors so that the variance requested will not be a violation of the code in principle and substance. The licensee's prior history if any can be taken into consideration. The licensee's neighboring properties can be heard if they choose to come before the STR board, but they must provide proof that they own, rent or lease property within 100 feet of the property applying for the variance permit.
  - (3) The STR board may add any mitigating factor needed to make sure that the essence and principle of this code section is not broken.

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- (4) No variance term shall be granted longer than 72 hours.
  - (5) Only five variance terms will be allowed per property in one calendar year.
  - (6) All applications must be made 45 days in advance of the dates requested and must be made ten days in advance of an STR board meeting.
  - (7) The applicant, after a variance permit has been approved, must provide proof that they have secured everything necessary to satisfy the terms of the permit no later than seven days prior to the variance term or that permit may be revoked.
  - (8) All variance applications must be completed at the time of submission or the board reserves the right not to hear the request.
  - (9) The applicant must notify the sheriff's office of the date, times, and terms of the variance if approved and must provide or have available a copy of said variance permit for the sheriff's office or enforcement officer if needed.
  - (10) All approved variance permits must be sent to any neighboring property within 100 feet of the commercial property in which the permit was granted.
  - (11) Any variance permit can be immediately revoked if it is determined by law enforcement or the code enforcement officer that the permit is not being followed as issued.
  - (12) Any variance permit will not negate other ordinance sections such as violations of the amplified sound ordinance.
- (b) If a licensee is found to have broken the terms of the variance permit granted then no other permit shall be granted to said licensee for any property for no fewer than 12 months, all permits granted in which the variance term has not been served will be terminated, and all applications pending will be denied.
- (1) The licensee will be entitled to notice and a hearing in front of the board in accordance with this section.
  - (2) A failure to appear to a noticed hearing will result in all variance permits being denied and canceled for a period of no less than 12 months.

(Ord. of 03-09-2023, § 13)