

CITY OF CHICKAMAUGA

STATE OF GEORGIA

ORDINANCE NO. 2020 - 392

**AN ORDINANCE TO REGULATE SHORT -TERM VACATION RENTALS WITHIN
THE CITY; TO REPEAL CONFLICTING
ORDINANCES; TO PROVIDE FOR ADOPTION AND EFFECTIVE DATES;
AND FOR OTHER PURPOSES ALLOWED BY LAW.**

WHEREAS, the duly elected governing authority of the City of Chickamauga, Georgia is authorized under Article IX, Section 2, Paragraph 3, of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, welfare, and aesthetics of the citizens of the City of Chickamauga, Georgia;

WHEREAS, the duly elected governing authority of the City of Chickamauga, Georgia is the Mayor and Council thereof; and

WHEREAS, the Mayor and Council of the City of Chickamauga, Georgia have determined that there is a need for a short-term vacation rental ordinance.

NOW, THEREFORE, the Mayor and Council of the City of Chickamauga, Georgia, hereby ordain:

Definitions.

Code compliance verification form: A document executed by a short-term vacation owner certifying that the short-term vacation rental unit complies with applicable zoning, building, health and life safety code provisions. No person shall allow occupancy or possession of any short-term vacation rental unit if the premises are in violation of any applicable laws including, but not limited to, zoning, building, health or life safety code provisions. No person shall be able to possess more than three (3) short-term vacation rental certificates for non-owner-occupied premises in a multifamily dwelling.

Short-term vacation rental: Any house containing no more than five (5) bedrooms or other structure containing no more than nine (9) bedrooms within permissible zones which is used, advertised or held out to the public in part or its entirety to be a place where sleeping accommodations are supplied for pay and such accommodations are provided on a daily or weekly basis for not more than thirty (30) days for overnight stay. For the purposes of this

definition, any short-term vacation rental on a site located in either the R-1 or R-2 Residential Zones, shall contain no more than five (5) bedrooms, and shall exclude hotels, rooming houses, bed and breakfast, and boarding houses, or other dwelling units for rent or lease.

Short-term vacation rental agent: A natural person designated to be responsible for daily operations by the owner of a short-term vacation rental on the short-term vacation 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 Walker & Catoosa Counties for purposes of transacting the short-term vacation rental business. The short-term vacation rental agent must meet all other requirements set forth by state law.

Short-term vacation rental district: That certain area of the City of Chickamauga, as determined by the Chickamauga-Mayor and Council, where short-term vacation rentals shall be allowed. Incorporated herein as Exhibit A to this Section includes all the properties.

Short-term vacation rental occupants: Guests, tourists, lessees, vacationers or any other person who, in exchange for compensation, occupy a short term vacation rental dwelling unit for lodging for a period of time not to exceed thirty (30) consecutive days.

Editor's note— A copy of the Short-Term Vacation Rental Overlay District Map, referenced above as Exhibit A, is available for inspection in the offices of the City.

Sec. 1. - Certificate required.

No person or entity shall operate a short-term vacation rental unless a short-term vacation rental certificate has been first obtained from the City of Chickamauga Planning and Zoning Office. To obtain a short-term vacation rental certificate, an eligible applicant must submit an application in compliance with Section 11-513 of this City Code. If approved, a legible copy of the short-term vacation rental certificate shall be posted within the unit and include all of the following information:

- (a) The name, address, telephone number and email address of the owner of the short-term vacation rental unit and the short-term vacation rental agent, if applicable;
- (b) The Business License Number;
- (c) The maximum occupancy of the unit; and
- (d) The maximum number of vehicles that may be parked at the unit;
- (e) The short-term vacation rental certificate number.

Short-term vacation rentals must be properly maintained and regularly inspected by the owner to ensure continued compliance with applicable zoning, building, health and life safety code provisions.

Sec. 2. - Minimum standards for short-term vacation rentals.

- (a) A short-term vacation rental where permitted, may include a primary dwelling unit within R-1 and/or a secondary dwelling unit in R-2. With approval and set forth in a conditional use permit, one to three dwelling unit(s) in C-1 may be allowed, but cannot include

uninhabitable structures such as garages, barns or sheds. All C- 1 zoning must apply for a conditional use permit

- (b) Dwelling unit must have functioning smoke detectors as determined by the Fire Marshal and other life safety equipment as required by local, state, and federal law.
- (c) Dwelling unit must meet all applicable laws related to zoning, building, health or life safety.
- (d) No on-site signage shall be permitted except for those short term vacation rentals that are at least five (5) acres and have a dwelling unit that is not visible from the public right-of-way, can have directional signs placed on the parcel that shall be at least fifty (50) feet from the public right-of-way. No off-site signage except for designated parking spaces to be used by occupants of the Short-Term Vacation Rental. Such spaces shall not be larger than four hundred thirty-two (432) square inches.
- (e) There shall be no more than nine (9) sleeping rooms made available for a site or structure located in C-1 general commercial with a conditional use only. There shall be no more than five (5) sleeping rooms made available for a site located in the R-1 or R-2 Residential Zone.
- (f) Maximum Occupancy: The maximum occupancy shall be determined by the total of
 - (i) Two (2) persons per bedroom up to one hundred forty (140) square feet.
 - (ii) For bedrooms over one hundred forty (140) square feet the occupant load will be determined by the area of the room divided by seventy (70) square feet.
 - (iii) The occupancy maximum shall be conspicuously posted within the short-term vacation rental unit.
- (g) The short-term vacation rental owner shall not receive any compensation or remuneration to permit occupancy of a short-term vacation rental property for a period of less than twenty-four (24) hours.
- (h) The short-term vacation rental certificate holder shall be responsible for collecting and remitting all applicable room, occupancy, and sales taxes required by state law and the City Code of the City of Chickamauga.
- (i) Adequate on-site parking shall be provided, as determined by the City after considering proposed number of guests, frequency of operations, and availability of on-street parking. As a general rule, parking shall not be allowed on any vegetated area of the premises on which the short-term vacation rental is located.
- (j) All occupants shall abide by all applicable noise restrictions and all applicable waste management provisions of the City Code of the City of Chickamauga.
- (k) The name and telephone number of the owner of the short-term vacation rental or the short-term vacation rental agent shall be conspicuously posted within the short-term vacation rental.
- (l) The premises on which the short-term vacation rental has not been found to be in violation of any City Code provision within the three (3) months prior to submitting an application for a short-term vacation rental certificate.

(m) The short-term vacation rental shall only be located within the Short-Term Vacation Rental District.

Sec. 3. - Certificate application; action on certificate application; certificate approval or appeals to city council.

(a) *Certificate applications.* Applicants for a short-term vacation rental certificate shall submit an application to the Planning and Zoning Office. Such application should include:

- (i) The name, address, telephone number and email address of the owner of the short-term vacation rental unit and the short-term vacation rental agent, if applicable;
- (ii) Documentation that applicant is the owner or the short-term vacation rental agent;
- (iii) The business license number;
- (iv) A site plan, drawn to scale, indicating the subject property, the building(s) on the site intended for short-term vacation rental, proposed parking and guest access;
- (v) A narrative with the following:
 - (1) A description of the area available for short-term vacation rental, (i.e. the entire property and house, a guest cottage, a portion of the house, etc.);
 - (2) A description of the number of bedrooms proposed for rental;
 - (3) The maximum number of guests to be accommodated at one time;
 - (4) The days of operation (all year, just holidays, weekends/weeknights, etc.);
 - (5) How trash will be handled, and the method for informing occupants about method of disposal of trash; and
- (vi) A copy of the Code Verification Form.
- (vii) Proof of insurance on the dwelling unit.

(b) *Application fee.*

- (i) The application fee for owner-occupied short-term vacation rentals shall be twenty-five dollars (\$25.00).
- (ii) The application fee for all other non-owner-occupied short-term vacations rentals shall be Fifty dollars (\$50.00).

(c) *Application review.*

- (i) Owner occupied dwelling applying for a short-term vacation rental certificate:
 - (A) Upon application for short term vacation rental, the Planning and Zoning Office shall review the application and provide comment where necessary.
- (ii) Non-owner occupied dwellings applying for a short-term vacation rental certificate:
 - (A) Upon application for short term vacation rental, the Planning and Zoning Office shall review the application and provide comment where necessary. At the same time, letters are mailed to any property owner ("adjacent property owner") who owns land within 300 feet of the subject property. Adjacent property owners shall

have thirty (30) days from the date of the letter to respond, in writing, with any concerns or objections about the application.

- (B) For those short-term vacation rental units requiring inspection, the Planning and Zoning Office shall notify the Fire Marshal and a City Building Inspector to ensure compliance with state and local laws.
- (C) A sign furnished by the Planning and Zoning Office shall be prominently posted by the applicant on the site of the proposed short-term vacation rental that is the subject of the application of the short-term vacation rental. The sign shall be displayed for at least fifteen (15) consecutive days between the application and thirty (30) days thereafter. The sign shall meet the following requirements:
1. Sign(s) shall be posted at the right-of-way of primary street or road on which the property fronts, in the main entrance area in case of condominium buildings, and additional areas if required by the Planning and Zoning Office.
 2. Sign may be mounted on flat hard surface to prevent curling or bending of sign.
 3. Sign may be nailed or tied to a tree or mounted on stakes and shall be visually free from obstruction to said primary road.
 4. Signs improperly displayed may be ruled as a violation to the short-term vacation rental application procedure and may result in deferral of any action by City Administration or the City Council.
 5. The applicant is responsible for replacing any sign which is damaged or lost.
 6. The applicant is responsible for removing the sign after the final governmental action.
 7. Failure of the applicant to remove the sign within thirty (30) days of either being granted or denied the short-term vacation rental certificate shall be subject to a daily fine not to exceed fifty dollars (\$50.00).
- (D) If no objections are received, and the applications meet all of the required set forth in this Chapter, the Planning and Zoning Administrator or designee may issue or send the applicant to the Planning and Zoning Commission to approve or deny the applicant, a short-term vacation rental certificate.
- (E) If objections or appeals are made to the issuance of the short-term vacation rental certificate, the Planning and Zoning Administrator or designee shall request that the application be forwarded to the Planning and Zoning Commission for its consideration on appeal and recommendation to the City Council. The City Council will have a public hearing on the matter in a manner that it proscribes and may determine whether to grant or deny the short-term vacation rental certificate based upon the minimum standards for review as set forth in Section 11-512, and any health, safety and nuisance concerns of any owner or agent of the short-term vacation rental. Such hearing shall take place not later than one-hundred twenty (120) days after the application has been submitted to the Planning and Zoning Office.

Sec. 4. - Certificate approval, transferability, conditions, and revocation.

- (a) *Certificate approval.* The Certificate may be issued for the specific site location and/or address of the proposed short-term vacation rental provided in the application as set forth in Section 11-513. The Planning and Zoning Commission reserves the right to condition the approval to a certain number of rooms, operating days/hours, signage, or other restrictions as may be deemed necessary to address impacts to bordering properties or to ensure safe operation of the property. Said conditions will be based on the recommendation of the Planning and Zoning Commission to the City Council.

Upon receipt of a short-term vacation rental certificate number, the applicant must display said number on any materials or platforms used to advertise the short-term vacation rental.

- (b) *Grant or denial of application.* Review of an application shall be conducted in accordance with due process principles 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.
- (c) *Transferability.* The certificate is non-transferable to another site, property, location or owner.
- (d) *Revocation.* The City reserves the right to revoke a granted short-term vacation rental certificate at any time upon notice to the owner or the short-term vacation rental certificate Agent and after a public hearing once the property has two (2) documented City Code or state violations within a twelve (12) month period. Such violations shall be evidenced by a finding of guilt or fault by municipal court or body designated by the City Council.

A short-term vacation rental certificate which is revoked shall prevent its certificate holder and specific property from applying for a new certificate for short-term vacation rental for a period of six (6) months from date of revocation. Prior to any revocation, the owner or the short-term vacation rental agent shall be cited to City Court, for a hearing to establish proof of violations by the City Court Judge.

Sec. 5. - Short-term vacation rental annual fee.

There shall be a short-term vacation rental certificate renewal fee to be paid annually in the amount of fifty dollars (\$50.00).

Sec. 6. - Short-term vacation rental agent.

- (a) The owner of a short-term vacation rental shall designate a short-term vacation rental agent on its application for a certificate for a short-term vacation rental. A property owner may serve as the short-term vacation rental agent. Alternatively, the owner may designate a person as his or her agent who is over age twenty-one (21) and meets all local and state regulatory requirements to fulfill the duties of a short-term vacation rental agent.
- (b) The duties of the short-term vacation rental agent are to:
- (i) Be reasonably available to handle any problems arising from use of the short-term vacation rental unit;

- (ii) Appear on the premises of any short-term vacation rental unit within two (2) 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 vacation rental unit have created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of the City Code 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 (2) 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.
 - (iii) Receive and accept service of any notice of violation or notice of hearing related to the short-term vacation rental; and
 - (iv) Monitor the short-term vacation rental for compliance with laws.
- (c) An owner may change his or her designation of a short-term vacation rental agent temporarily or permanently; however, there shall only be one (1) such agent for a property at any given time. To change the designated agent, the owner shall notify the Planning and Zoning Administrator in writing of the new agent's identity, together with all information regarding such person as required by the applicable provisions of this Chapter.

Sec. 7. - Failure to obtain certificate, penalties.

Any violation of this Article, including failure to obtain a Certificate, shall be punishable by a fine of not less than twenty-five dollars (\$25.00) or more than fifty dollars (\$50.00) per violation. Each day that the violation continues shall be a separate offense. There shall be a rebuttable presumption a person or entity is in violation of this ordinance if they list or hold out a property as a short-term vacation rental without first obtaining a short-term vacation rental certificate. This rebuttable presumption also applies to those dwellings featured on websites whose primary purpose is business related to short-term vacation rental reservations.

Sec. 8. - Invalidity of part; private agreements and covenants.

All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

In the event any section, subsection, paragraph, sentence, clause or phrase of this ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no matter affect or invalidate the other sections, subsections, paragraphs, sentences, clauses, or phrases of this ordinance, unless it clearly appears that such other parts are wholly and necessarily dependent upon the part or parts held to be invalid or unconstitutional. It is the intent in adopting this ordinance, that each section, subsection, paragraph, sentence, clause, or phrase herein is enacted separately and independently of each other.

This ordinance is hereby adopted on this 2nd day of March, 2020.

This ordinance shall take effect and be in force from and after March 3, 2020.

CITY OF CHICKAMAUGA, GEORGIA

Ray Crowder

Mayor

Attest: Candi Dalton

City Clerk

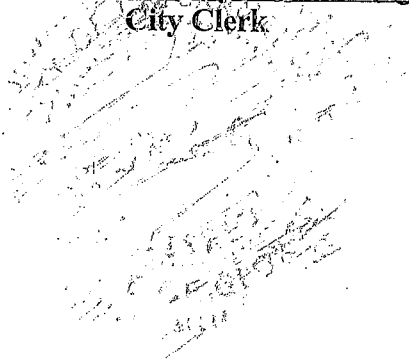
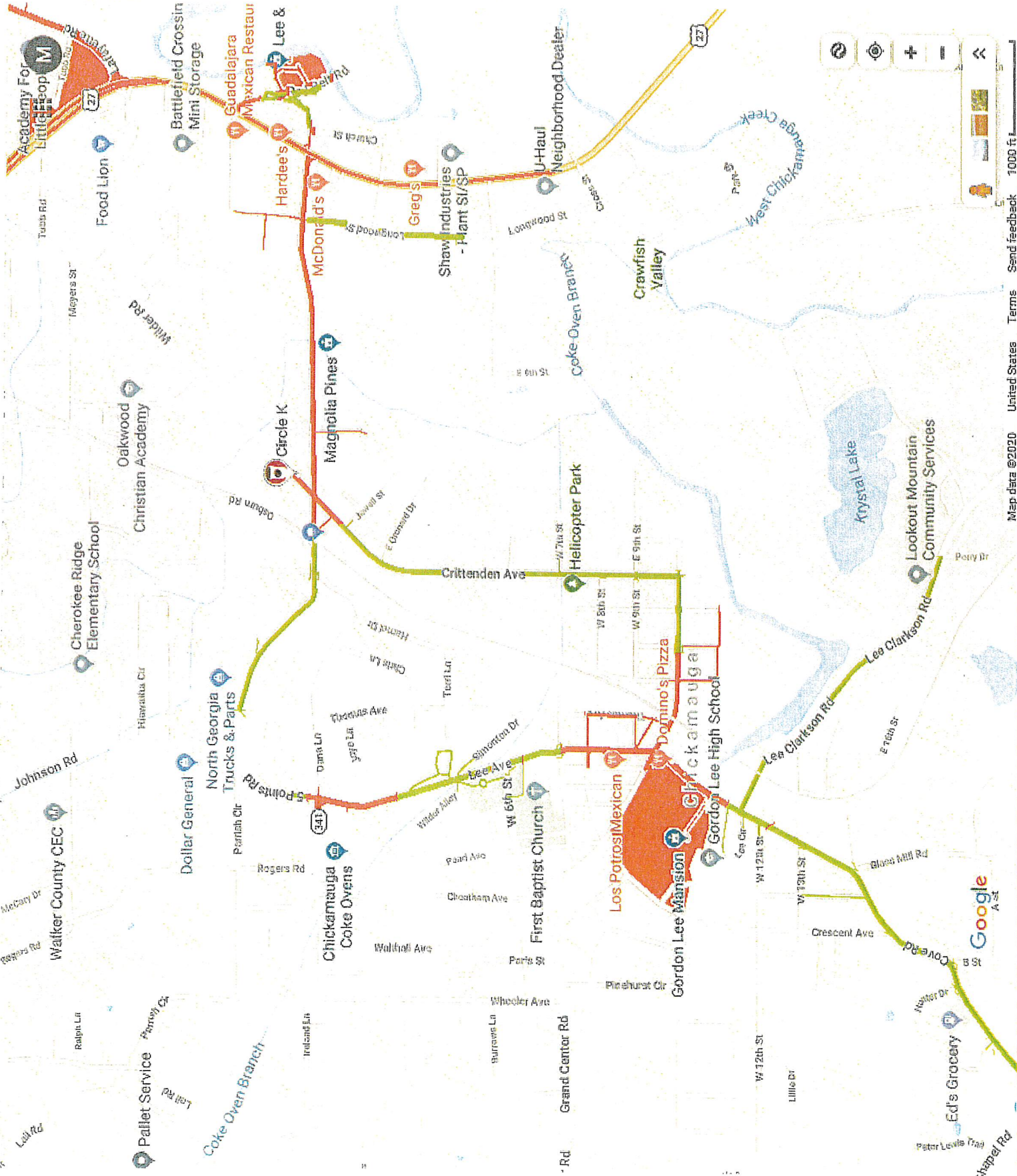


EXHIBIT A

Colors represent zoning for Short Term Rental

Green R-1/R-2

Orange C-1/C-2



Map navigation controls including a compass, a location pin, zoom in (+) and zoom out (-) buttons, a street view icon, and a scale bar labeled "1000 ft".



Google