

AN ORDINANCE 24-122
ENTITLED

AN ORDINANCE AMENDING CHAPTER 25 OF THE CITY CODE SO AS TO
ADD ARTICLE II. SHORT TERM VACATION RENTAL; REPEALING
PRIOR ORDINANCES IN CONFLICT AND FOR OTHER PURPOSES.

WHEREAS, it is in the best interests of the City of Albany to amend Chapter 25 so as to add Article II. Short Term Vacation Rental,

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Albany, Georgia, and it is hereby ordained by authority of same:

SECTION 1. Chapter 25 of the City Code as it presently exists is amended to add Article II. Short Term Vacation Rental:

Article II. Short Term Vacation Rental

Sec. 25-30. Purpose and Intent.

It is the purpose of this Division to monitor the use and growth of short-term vacation rentals as an alternative to traditional hotel or motel occupancies within City of Albany (“City”), and to provide reasonable means for the City and its citizens to ensure a minimum level of oversight into the development of this industry; and to implement rationally based, reasonably tailored regulations to protect the integrity of the City.

Sec. 25-31. Definitions; general provisions.

As used in this Division, the following terms have the following definitions:

Code compliance verification form means a document executed by a short-term vacation 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 violate any applicable zoning, building, health, or life safety code provisions.

Short-term vacation rental means an accommodation for transient guests where, in exchange for compensation, a residential dwelling unit is provided for overnight lodging for a period not to exceed 30 consecutive days.

Residential dwelling unit means all legal housing types and excludes group living or other lodging uses such as boarding houses and bed and breakfasts.

Short-term vacation rental certificate (permit) means a permit issued by the Director of Planning and Development Services or Designee to owners of short-term rental units who have submitted the required documentation and met the requirements in this Article for the operation of a short-term rental unit.

Short-term vacation rental owner means the owners of records of the property.

Short-term vacation rental agent (“STVRA”) means a person designated by the owner of a short-term rental on the short-term rental certificate. Such a person shall be available for and responsive to contact at all times.

Sec. 25-32. Regulations for short-term vacation rentals.

Short-term vacation rentals may be offered to the public after issuance of a short-term vacation rental certificate, receipt of an occupational tax certificate (O.T.C.), and payment of all applicable state and local taxes. Any taxes owed to the City as a result of any hotel-motel tax shall be paid to the Chief Financial Officer or their designee. Failure to remit the same or register pursuant to this Ordinance shall be subject to the penalties in Article III – Hotel Occupancy Tax, Chapter 58, § 65 of The Code of Ordinances of the City of Albany, Georgia.

Owners shall ensure occupants do not disrupt or interfere with the rights of adjacent property owners to the quiet enjoyment of their property and shall adhere to the following requirements:

1. Owners shall not allow occupants to violate any federal, state, or local law, statute, rule, or Ordinance.
2. Owners shall not allow overnight occupancy to exceed the maximum capacity specified in the rental certificate.

Sec. 25-33. Short-Term Vacation Rental Certificate.

1. An application for a short-term vacation rental certificate shall be submitted annually, under oath, on a form specified by the City Manager or their designee, accompanied by a non-refundable application fee as set forth by the City Commission, which shall include at a minimum the following information or documentation:
 - a. Proof of the owner's current ownership of the short-term vacation rental unit, along with their name, address, telephone, and email address. If such owner is not a natural person, the application shall identify all partners, officers, or directors of any such entity, including each individual's personal contact information;
 - b. The address of the unit to be used as a short-term vacation rental;
 - c. The name, address, telephone number, and email address of the STVRA, which shall constitute their 24-hour contact information and who shall:
 - i. Be reasonably available to handle any problems arising from the use of the short-term vacation rental unit;
 - ii. Appear on the premises within 24 hours following notification of issues related to the use or occupancy of the premises from the City Manager or their designee;
 - iii. Receive and accept service of any notice of violation related to the use or occupancy of the premises and;
 - iv. Monitor the short-term vacation rental unit for compliance with this

Chapter.

- v. If the STVRA changes, the property owner shall notify Planning and Development Services within five (5) business days.
- d. The owner's sworn acknowledgment that they have received a copy of this section, have reviewed it, and understand its requirements;
- e. The owner shall state the maximum occupancy for the residence, which shall be the same number as advertised and marketed to potential renters by or on behalf of the owner;
- f. The owner shall state the number of on-site parking spaces available. Vehicles shall park only on surfaces improved with gravel, concrete, asphalt, or other surfaces designated for parking;
- g. The owner's agreement to use their best efforts to assure that use of the premises by short-term vacation 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;
- h. The owner shall provide written rules posted in the short-term rental unit, including:
 - i. 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.
 - ii. Acknowledgement that the maximum occupancy of a short-term rental unit is limited to two adults per bedroom and the amount of on-site parking.
 - iii. Acknowledgement and agreement that violations of this Chapter may result in immediate termination of the agreement and eviction from the short-term rental unit by the owner or STVRA, as well as the liability for payment of fines levied by the City;
- i. Proof of homeowner's insurance listing the unit as a short-term rental;
- j. The owner's sworn code compliance verification form;
- k. Copy of letter sent to adjacent owners;
- l. Registration under this code section is not transferrable. Should ownership of a short-term vacation rental change, a new application is required, including a new application fee. In the event of any other change in the information or facts provided in the application, the holder of the short-term rental certificate shall amend the filed application without payment of any additional application fee.
- m. For condominiums, as defined by the Georgia Condominium Act, O.C.G.A 44-3-70, et seq., provide a copy of the adopted condominium declaration either explicitly permitting leasing of the dwelling unit(s) for less than 30 days or adopted condominium declaration which contains no prohibition on short-term vacation rentals or the leasing of dwelling units for less than 30 days.

Sec. 25-34. Notification of Adjacent Owners.

All property owners of record adjacent to the proposed short-term vacation rental shall be notified of the use before the issuance of the initial short-term rental vacation certificate. This shall include property owners located directly across an abutting street or alley from the subject property. The applicant shall conduct notification, and proof shall be provided to the City. The information to adjacent property owners shall include:

1. Street address of the proposed short-term vacation rental
2. Maximum number of on-site parking for short-term vacation rental occupants
3. Maximum occupancy requirements
4. Copy of the posted written rules
5. Name of the property owner(s), and
6. Name of the STVRA and contact information

Sec. 25-35. Review of application.

Review of an application shall be conducted by the Director of Planning and Development Services or Designee following due process principles. It 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 laws. Any false statements or information in the application are grounds for revocation, suspension, or imposition of penalties, including denial of future applications. A certificate shall not be issued unless the owner demonstrates compliance with the applicable codes.

Sec. 25-36. Short-term rental units.

1. The owner must properly maintain and regularly inspect short-term rental units to ensure continued compliance with applicable zoning, building, health, and life safety code provisions.
2. A legible copy of the short-term rental unit 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 STVRA;
 - b. The short-term rental unit certificate number;
 - c. The maximum occupancy of the unit;
 - d. The maximum number of vehicles that may be parked at the unit.
3. The short-term rental unit's current O.T.C. shall be posted within the unit.
4. Each rental unit is limited to occupancy based on the International Residential Code requirements for habitable space.
5. There shall be no change in the exterior appearance of the dwelling and premises or other visible evidence, such as signage, of the conduct of a short-term rental unit.
6. Short-term rental units shall not be rented for less than 24 hours.

Sec. 25-37. Violations or revocation.

1. Any instance in which a guest's use of the short-term rental results in a violation of this Ordinance or any other ordinance of the City, a notice of such violation shall be provided to the STVRA. Failure to remedy any notice of violation may result in issuing a citation, which shall be prosecuted pursuant to this Code. Upon a conviction of violation, the City Manager, or designee, may revoke the short-term vacation rental certificate and reject all applications for the subject premises for 12 consecutive months. Three violations within 12 months shall result in the revocation of the short-term vacation rental certificate for 12 months.
2. Short-term rentals established after December 31, 2024, without a valid rental certificate, shall be subject to a doubled application fee.
3. Failure of the owner or STVRA to respond to calls or complaints regarding the condition, operation, or conduct of the short-term rental's occupants and/or guests shall be grounds for penalties as set forth in this Chapter.
4. Nothing in this Ordinance shall be construed to limit any action by the county health department to seek the remediation of any dangerous condition at the short-term vacation rental or to take any action to protect and preserve against any threat to public safety.

Sec. 25-38. Administrative Fees and Penalties for Repetitive Violation.

1. The fees and penalties for repetitive violations of this Code shall be applied as follows:
 - a. For the first violation within any 12-month period, the penalty shall be a written notice of violation, and a fine of \$500.00;
 - b. For a second violation within any 12-month period, the penalty shall be a written notice of violation, and a fine of \$750.00; and
 - c. For a third violation within any 12-month period, the penalty shall be a written notice to cease operation and the revocation of the O.T.C for a period of 6 months. A fine of \$1,000.00 shall be levied.

Sec. 25-39. Penalties and Enforcement.

1. *Unlawful acts.* It shall be unlawful for any person, firm, agent, or corporation to conflict with or violate any of the provisions of this Chapter or other applicable provisions of this Code.
2. *Notice of violation.* The Director of Planning and Development Services or Designee is authorized to serve a notice of violation or a cease and desist order on the STVRA under the provisions of this Chapter. Such Notice or order shall direct the discontinuance or correction of the illegal action or condition and the abatement of the violation.

3. *Penalties.* Any person failing to discontinue, correct, or abate the violation of this Chapter as ordered by the Director of Planning and Development Services or Designee in the Notice shall be subject to the issuance of a court citation to appear in the City of Albany, Georgia Municipal Court to answer a charge of violations of this Chapter and upon conviction shall be subject to a fine and/or imprisonment in accordance to City Code section 1-17. Where any offense continues from day to day, each day's continuance thereof shall be deemed a separate offense.

Sec. 25-40. Enforcement.

Penalties, including a notice of violation, shall be imposed, and the O.T.C. shall be revoked in the manner provided in this Chapter.

a. Complaints shall result in a notice of the complaint directed to the STVRA designated in the rental certificate. The STVRA shall be responsible for contacting the responsible person to correct the problem within a reasonable timeframe. The STVRA is required to confirm compliance with this Chapter.

b. If non-compliance with provisions of this Ordinance occurs, the City shall conduct an investigation whenever there is reason to believe that an owner and/or STVRA has failed to comply with the provisions of this Chapter. The investigation may include an inspection of the premises, a review of law enforcement/security reports, online searches, citations, or neighbor documentation consisting of photos, sound recordings, and video, all of which may constitute evidence of a violation. Should the investigation support a finding that a violation occurred, the Director of Planning and Development Services or designee shall issue a written Notice of the violation and the intention to impose a penalty and/or revoke the O.T.C. The written Notice may be served either by first class mail, commercial overnight delivery, personal service on the owner and/or STVRA, or by any other reasonable means of delivery, including email. It shall specify the facts which, in the opinion of the Director of Planning and Development Services or Designee, constitute grounds for imposition of the penalties and/or revocation and specify that penalties will be imposed and/or that the O.T.C. will be revoked 15 calendar days from the date of the Notice unless the owner or STVRA files a request for an appeal hearing before the City Manager.

c. The Director of Planning and Development Services or Designee is hereby authorized and directed to establish such procedures, as specified in this Chapter, which may from time to time be required to carry out the purpose and intent of this Chapter. The City Marshal/Director of Code Enforcement or his or her designee shall also have authority to enforce this Chapter.

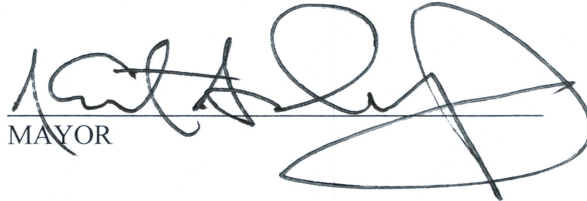
Sec. 25-41. Appeal rights.

A person aggrieved by the administrative decision to revoke, suspend, or deny a short-term vacation rental certificate may appeal the decision to the City Manager. The appeal must be filed in writing with the City Manager's office within 15 calendar days after the adverse action, and it shall contain a concise statement of the reasons for the appeal. In considering such appeal, the City Manager shall determine whether the Director of Planning and Development Services or Designee has erred in his/her interpretation and/or enforcement of this Chapter. A decision from the City


Manager shall be rendered within ten (10) business days of receipt of the request. An administrative hearing may be held if necessary for the appeal's consideration.

SECTION 2. This Ordinance shall become effective beginning January 1, 2025.

SECTION 3. All Ordinances, or parts of Ordinances, in conflict herewith are repealed.


MAYOR

ATTEST:


CITY CLERK
Adopted: **September 24, 2024**

