

**Sec. 16.75. - AN ORDINANCE FOR SHORT-TERM VACATION RENTAL**

As used in this ordinance “short-term vacation rental” means an accommodation for transient guests where, in exchange for compensation, a residential dwelling unit is provided for lodging for a period of time not to exceed 30 consecutive days. Short-term vacation rental shall not include any residential dwelling unit not regularly offered for rental, which shall be defined as any residence offered for rental less than 14 days in any given calendar year. For the purposes of this definition, a residential dwelling shall include all housing types and shall exclude group living or other lodging uses.

(a) Regulations for Short-Term Vacation Rentals.

Short-term vacation rentals may be offered to the public for rental following issuance of a short-term vacation rental certificate, receipt of an occupation tax certificate, and payment of any and all applicable state and county taxes. Any taxes owed to the County as a result of any hotel/motel tax shall be paid to Baldwin County Board of Commissioners at the Business Services Department and any failure to remit the same or to register pursuant to this Ordinance shall be subject to the penalties included in Chapter 50 Article II of these Code of Ordinances. Owners shall also insure occupants do not disrupt or interfere with rights of adjacent property owners to 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 ordinances, including, but not limited to, Sections 25-19 and Chapter 35 Article II.
- (2) Owners shall not allow overnight occupancy to exceed the maximum capacity specified in the rental certificate.

(b) Application; fee.

- (1) An application for a short-term vacation rental certificate shall be submitted, under oath, on a form specified by the Chief Building Official, or his/her designee, accompanied by a fee as set forth by the Baldwin County Board of Commissioners fee schedule, which shall include at a minimum the following information or documentation:
  - a. The name, address, telephone and email address of the owner(s) of record of the dwelling unit for which a certificate is sought. If such owner is not a natural person, the application shall identify all partners, officers and/or directors of any such entity, including 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 short-term vacation rental agent, which shall constitute his or her 24-hour contact information and who shall:
    - 1. Be reasonably available to handle any problems arising from use of the short-term vacation rental unit;

2. Appear on the premises within 24 hours following notification from the Chief Building Official, or his/her designee, of issues related to the use or occupancy of the premises.
  3. Receive and accept service of any notice of violation related to the use or occupancy of the premises; and
  4. Monitor the short-term vacation rental unit for compliance with this chapter;
- d. The owner's sworn acknowledgment that he or she has received a copy of this section, has reviewed it and understands 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's agreement to use his or her 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;
  - g. A copy of an exemplar agreement between the owner and occupant(s) which obligate the occupant to abide by all of the requirements of the chapter, and other Baldwin County ordinances, state and federal law, and that such a violation of any of these rules may result in the immediate termination of the agreement and eviction from the premises, as well as potential liability for payment of fines levied;
  - h. Proof of the owner's current ownership of the short-term vacation rental unit; and
  - i. Proof of homeowner's insurance;
- (2) Registration under this code section is not transferrable and should ownership of a short-term vacation rental change, a new application is required, including 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.

(c) Review of application.

Review of an application shall be conducted by the Chief Building Official, or his/her designee, 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 laws. Any false statements or information provided in the application are grounds for revocation, suspension and/or imposition of penalties, including denial of future applications. A certificate shall not be issued unless the owner demonstrates compliance with the applicable codes.

(d) Violations; revocation.

- (1) In any instance in which use of the short-term rental by a guest results in a violation of these ordinances, or any other ordinance of Baldwin County, notice of such violation shall be provided to the short-term vacation rental agent. Failure to remedy any notice of violations may result in the issuance of a citation, which shall be prosecuted pursuant to this Code. Upon a conviction of violation, the Chief Building Official may revoke the short-term vacation rental certificate and reject all applications for the subject premises for a period of 12 consecutive months.
- (2) Short-term rentals occurring on or after January 1, 2021 without a valid rental certificate shall constitute a violation of this Chapter and shall be subject to a minimum fine of \$250.00. Each occurrence shall constitute a separate offense.
- (3) Nothing in this Ordinance shall be construed to limit any action by the Baldwin County Health Department to seek the remediation of any dangerous condition at the short-term vacation rental or to take any action seeking to protect and preserve against any threat to public safety.

(e) Appeal Rights.

- (1) A person aggrieved by the Chief Building Official's decision to revoke, suspend or deny a short-term vacation rental certificate may appeal the decision to the County Manager.
- (2) The appeal must be filed with the County Manager's office in writing, within 30 calendar days after the adverse action and it shall contain a concise statement of the reasons for the appeal. A decision from the County Manager shall be rendered within 5 business days of receipt of the appeal, and may hold any administrative hearing deemed necessary in consideration of the appeal.

(f) Conflicts.

Any ordinances or resolutions as adopted by this Board which are in conflict with these ordinances are hereby repealed and rendered ineffective.

**SOORDAINED**, this \_\_\_\_\_ day of \_\_\_\_\_ January, 2021

**BALDWIN COUNTY BOARD OF COMMISSIONERS, GEORGIA**

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
County Clerk

