

STATE OF GEORGIA

CITY OF FOREST PARK

ORDINANCE NO. 22-10

AN ORDINANCE TO PROVIDE FOR THE REGULATION OF SHORT-TERM RENTALS WITHIN THE CITY; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the governing authority of the City of Forest Park is the Mayor and Council thereof;

WHEREAS, the governing authority of the City of Forest Park, Georgia desires to regulate short term rental properties within the City; and,

WHEREAS, the health, safety, and welfare of the citizens of Forest Park, Georgia, will be positively impacted by the adoption of this Ordinance.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FOREST PARK HEREBY ORDAINS:

Section 1. That Code of Ordinances, City of Forest Park, Georgia is hereby amended by creating a new Chapter 16 of Title 9 as attached hereto as Exhibit A.

Section 2. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

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

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

Section 4. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed; provided however, that the provisions of Section 9.16.200 pertaining to pawnshops shall remain in full force and effect.

Section 5. Penalties in effect for violations of the City of Forest Park at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

Section 6. The effective date of this Ordinance shall be the date of its enactment.

SO ORDAINED this _____ day of _____, 2022.

Mayor Angelyne Butler

ATTEST:

City Clerk (SEAL)

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

TITLE 9, CHAPTER 16

Sec. 9-16-1. Short title.

This chapter shall be known and may be cited as the "City of Forest Park Short Term Rental Ordinance."

Sec. 9-16-2. Intent; purpose.

It is the purpose of this chapter to protect the public health, safety and general welfare of individuals and the community at large; to facilitate and provide reasonable means for citizens to mitigate impacts created by occupancy of short-term units; and to implement rationally based, reasonably tailored regulations to protect the integrity of the city's neighborhoods;

Sec. 9-16-3. Definitions; general provisions.

Short-term rental means an accommodation 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 rental agent means a person or organization designated by the owner or long-term tenant of a short-term rental on the short-term rental license application. Such a person shall be available for and responsive to contact at all times.

Short-term rental guests means guests, tourists, lessees, vacationers or any other person who, in exchange for compensation, occupy a dwelling unit for lodging for a period of time not to exceed 30 consecutive days.

Short-term rental owner means the owner of record of the property.

Short-term rental license is the license issued by the department of city planning to owners or designated agent of short-term rental units who have submitted the required documentation and met the requirements set for in this chapter for operation of a short-term rental unit.

Sec. 9-16-4. Short-term rental license.

- (a) No person or entity shall rent, lease or otherwise exchange for compensation all or any portion of a dwelling unit as short-term rental unit, as defined in section 9-16-3, without first obtaining a short-term rental license pursuant to the regulations contained in this chapter.
- (b) No licensee shall transfer the right to operate under any license issued under this chapter to any other person or entity by lease, agreement, contract or any other agreement.
- (c) No license issued under this chapter may be operated or shall have any legal effect at any location other than those for which it is issued.
- (d) A short-term rental license may be obtained by a short-term rental owner or the long-term tenant of a short-term rental for their primary residence and one additional dwelling unit without any additional requirements, fees, permits, licenses, zoning or related restrictions.

- (e) Nothing in this chapter shall be deemed to alter, affect, supersede or conflict with the requirements of any state or federal law or of the City of Forest Park Code of Ordinances, including but not limited to those those provisions which require payment of any applicable occupation tax, including but not limited to, the requirement of the provision of information as deemed necessary to confirm that the type of business to be operated is permitted by the zoning code at the location where the business is to be conducted.

Sec. 9-16-5. Application for short-term rental license.

- (a) Applicants for a short-term rental license shall submit, on an annual basis, an application for a short-term rental license to the department of planning and community development. The application shall be accompanied by a non-refundable application fee in the amount of \$150.00. Such application should include:
 - (1) The address of the unit to be used as a short-term rental;
 - (2) The name, address, telephone number and email address of the short-term rental agent, which shall constitute his or her 24-hour contact information;
 - (3) The short-term rental agent's signed acknowledgement that he or she has reviewed this chapter and understands its requirements;
 - (4) The number and location of parking spaces allotted to the premises;
 - (5) The short-term rental agent'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; and
 - (6) Any other information that this chapter requires the short term rental agent to provide to the city as part of an application for a short-term rental license. The director of planning and community development or his or her designee shall have the authority to obtain additional information from the applicant as necessary to achieve the objectives of this chapter.
- (b) Attached to the submission of the application described in this section, the short-term rental license applicant shall provide:
 - (1) Written rules posted in the short-term rental unit, including:
 - a. 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. Units are encouraged to provide a noise monitoring device.
 - b. Acknowledgement that the maximum occupancy of a short-term rental unit is limited to two adults per bedroom and, if available, the location and the amount of on-site parking.
 - c. 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 agent, as well as the potential liability for payments of fines levied by the city; and

- (2) Evidence that the short-term rental license applicant has provided notification via certified united states mail to each property adjacent to of their intent to secure a short-term rental license.
 - a. This notification must 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.
 - b. This notification must be given to each property adjacent to the property at which the applicant is applying to operate a short-term rental.
 - c. This notification shall be sent certified mail to the address of the adjacent property. For purposes of this section, it shall not be necessary for the applicant to identify and include the name of specific owner of record of the adjacent property in this notification.
- (c) If the rental agent changes, the short-term rental agent shall notify the City of Forest Park within ten business days.

Sec. 9-16-6. Short-term rental agent.

- (a) The owner of a short-term rental shall designate a short-term rental agent on its application for a short-term rental license. A short-term rental owner may also serve as the short-term rental agent.
- (b) The duties of the short-term rental agent are to:
 - (1) Be available to handle any problems arising from use of the short-term rental unit;
 - (2) Keep his or her name and emergency contact phone number posted in a readily visible place in the short-term rental unit;
 - (3) Receive and accept service of any notice of violation related to the use or occupancy of the /premises;
 - (4) Monitor the short-term rental unit for compliance with this chapter; and
 - (5) List the short-term rental license number on each online listing.

Sec. 9-16-7. 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 federal or state law or local ordinance related to the operation of a short-term rental, or otherwise fails to demonstrate the ability to comply with local, state or federal law through the operation of the proposed short-term rental. Any false statements or information provided in the application are grounds for revocation, suspension and/or imposition of penalties, including denial of future applications.

Sec. 9-16-8. Short-term regulation procedure.

- (a) No external signage is permitted, however a legible copy of the short-term rental unit license shall be posted within the unit and include all of the following information:
 - (1) The name, address, telephone number and email address of the short-term rental agent;

- (2) The short-term rental unit license number
 - (3) The maximum occupancy of the unit
 - (4) The maximum number of vehicles that may be parked at the unit; and
- (b) To ensure the continued application of the intent and purpose of this chapter, the director of code enforcement shall notify the owner and agent of a short-term rental unit of all instances in which nuisance behavior of the rental guest or the conduct of his or her short-term rental unit agent results in a citation for a code violation or other legal infraction.
- (c) The director of code enforcement shall maintain a record of all violations of city code occurring at or relating to a short-term rental unit. When a short-term rental agent has accumulated three violations for the same property, the city shall revoke any pending licenses and reject all applications for that particular property for a period of 12 consecutive months. Any additional properties listed on the same license that do not have three consecutive violations within a 12-month period remain valid, and the short-term rental agent may continue to serve as the agent. Short-term rental agents shall be afforded an opportunity to appeal and rectify violations. Fully adjudicated violations will be assessed a \$500.00 penalty per violation.
- (d) Except as provided herein, any person violating the provisions of the Code shall be punished as provided by section 1-1-8. With respect to violations that are continuous with respect to time, each day the violation continues is a separate offense.
- (e) A person aggrieved by the city's decision to revoke, suspend or deny a short-term rental license may appeal the decision in writing to the Planning Commission. The appeal must be filed within 30 calendar days after the adverse action and it shall contain a concise statement of the reasons for the appeal. The Planning Commission shall consider and respond to the appeal in writing within 30 days after receipt. The Planning Commission shall render a determination, which will constitute a final ruling. The decision of the Planning Commission may be appealed via Certiorari to the Superior Court of Clayton County. The Planning Commission is authorized to adopt administrative rules which shall govern the implementation of this section including the procedures and processes which shall govern any such appeals. Such procedures and processes must conform to the constitutional principles of due process and shall provide notice and an opportunity to be heard.
- (f) Holders of short-term rental licenses shall ensure that any online platforms which provide a website or websites, and that which the licensee enlists to facilitate their short-term rentals within the City of Forest Park must:
 - (1) Provide a phone line and/or website for community members to submit concerns regarding short-term rentals in their neighborhood;
 - (2) Assist with educating short-term rental agents about this ordinance; and
 - (3) Within the first year of the ordinance taking effect, meet with the department of city planning to provide and receive feedback on implementation.
- (g) Nothing in this section shall limit the city from enforcement of its code, state or federal law by any other legal remedy available to the city. Nothing in this section shall be construed to limit or supplant the power of any city inspector, deputy marshal or other duly empowered officer under the city's ordinances, rules and regulations and the authority granted under state

law, as amended, to take necessary action, consistent with the law, to protect the public from property which constitutes a public nuisance or to abate a nuisance by any other lawful means of proceedings.

- (h) The department of planning and community development shall establish and monitor a public intake portal through which citizens can submit questions or complaints via email and telephone.

Sec. 9-16-9. Taxes.

Short-term rentals are subject to applicable state and local taxes and are responsible for payment thereof as established by state law and the city code. Short-term rentals shall be subject to the hotel-motel tax.

Sec. 9-16-10. Restrictions on short-term rentals.

- A. External Signage. There shall be no external on-site or off-site advertising signs or displays indicating the property is a short-term rental.
- B. Limit on Occupants Allowed. No more than two adult guests per bedroom, plus no more than two additional adults shall be allowed when renting a property as a short-term rental, except that there shall be a maximum occupancy of ten persons, adult and children.
- C. Limits on Number of Vehicles. There shall be a maximum of one car per bedroom, or the maximum number of cars that can be accommodated within the garage and driveway, without extending over the public rights-of-way (alleys and sidewalks) whichever is less.
- D. Other Restrictions. It is unlawful:
 - 1. To operate or allow to be operated a short-term rental without first registering, in accordance with this article, the property in which the rental is to occur;
 - 2. To advertise or offer a short-term rental without first registering, in accordance with this article, the property in which the rental is to occur; documented advertisement of the subject property as a short-term rental, online or offline, shall be considered evidence of a violation of this article;
 - 3. To operate a short-term rental that does not comply with all applicable city and state laws and codes;
 - 4. To operate a short-term rental without paying the required hotel occupancy taxes;
 - 5. To offer or allow the use of a short-term rental for the sole or primary purpose of having a party venue;
 - 6. To operate the building in a manner that constitutes a nuisance to surrounding property owners;
 - 7. To fail to include a written prohibition against the use of a short-term rental for having a party venue in every advertisement, listing, or other publication offering the premises for rent; and
 - 8. Permit the use of short-term rental for the purpose of: housing sex offenders; operating a structured sober, recovery or other purpose living home or similar

enterprise; selling illegal drugs; selling alcohol or another activity that requires a permit or license or operating as a sexually oriented business.