

STATE OF GEORGIA

TOWN OF TYRONE

ORDINANCE

NO. 2022-__

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE TOWN OF TYRONE, GEORGIA; TO ENACT REGULATIONS PERTAINING TO TOURIST ACCOMMODATIONS; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF TYRONE AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF THE TOWN OF TYRONE AS IT PERTAINS TO LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS (CHAPTER 22), BE AMENDED AS FOLLOWS:

Section 1. By designating Sections 22-646 through 22-22-660 of Article XI of Chapter 22 as “Reserved”, and by adding a new Article XII, pertaining to “Tourist Accommodations”, to Chapter 22, to be numbered and read as follows:

ARTICLE XII. TOURIST ACCOMMODATIONS.

Sec. 22-661. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a

different meaning:

Bed and breakfast inn shall mean an establishment which serves food to its registered guests and not to the public at large. This term shall include establishments serving breakfast or a similar early morning meal and an appropriate light snack in which the price of the food is included in the price of the overnight accommodation. The length of stay for bed and breakfast inns as defined is limited to not more than 30 consecutive days. For the purposes of this article, this term shall mean an establishment in which the predominant relationship between the occupants thereof and the owner or operator of the establishment is that of guest and innkeeper.

Innkeeper shall mean any person who is furnishing for value to the public any room(s), lodging, or accommodations.

Local contact person shall mean a person who has access and authority to assume management of the tourist accommodation and take remedial measures.

Occupancy, transient shall mean occupancy or use by a paying guest or tenant for a period of less than thirty (30) consecutive days or by the offering or advertising of a residence as being available in whole or in part to be used for such occupancy. Such occupancy is characteristic of tourist accommodations or other establishments, by whatever name called.

Operator shall mean any person operating a tourist accommodation (as defined in this Section) in the Town, including but not limited to the owner or proprietor of the premises, lessee, sub-lessee, lender in possession, or any other person otherwise operating a tourist accommodation.

Overnight guest shall have the same meaning as the term “tourist”.

Premises shall mean and include all physical buildings, appurtenances, parking lots, and all property owned and/or used by and for the tourist accommodation.

Special event shall mean an organized occasion such as a social function, to include but not be limited to weddings, receptions, reunions, retreats, and meetings.

Tourist shall mean anyone who has a home address somewhere other than where he or she is spending the night and other than where he or she pays a fee for accommodations.

Tourist accommodation shall mean any property, facility, or structure providing accommodations for value to the public for not more than 30 consecutive days.

Town shall mean the Town of Tyrone, Georgia.

Town manager shall mean the Town Manager for the Town of Tyrone, Georgia, or his or her designee.

Traveler shall have the same meaning as the term “tourist”.

Sec. 22-662. Permit required.

(a) Every person engaging in or about to engage in business as an operator of a tourist accommodation in the Town shall immediately apply and obtain approval for the business with the Town Manager on the forms provided by the same for such business. Persons engaged in such business must obtain a permit no later than thirty (30) days after this Section becomes effective; but such grace period for registration after the effective date of this section shall not relieve any person from the obligation of payment or

collection of such permit fee on and after the date of imposition thereof. The required permit hereunder shall set forth the name under which the operator transacts business, and other such information as would be required by the Town Manager. The permit application shall be signed by the owner if a natural person, by a member or partner in case of ownership by partnership, or an officer in the case of corporation.

(b) A local contact person who has access and authority to assume management of the tourist accommodation and take remedial measures shall be required. The operator may designate himself or herself as the local contact person. The local contact person shall be required to respond to the location of the tourist accommodation after being notified by Law Enforcement or other representative of the Town of the existence of a violation of this code section, any other sections of the Code of the Town of Tyrone, or any disturbance requiring immediate remedy or abatement.

(c) A separate permit will be required for each location of business.

Sec. 22-663. Application for permit.

(a) Each person seeking to obtain a permit to operate a tourist accommodation shall submit an application to the Town Manager on a form provided by the same. Said application shall include:

- (1) A statement that each applicant is a citizen or legal resident of the United States;
- (2) The address of the tourist accommodation;
- (3) The current set room rates and fees;

- (4) Consent by each applicant to undergo a criminal background check;
 - (5) A copy of a deed showing the applicant to be the owner of the premises for which the permit is sought or a copy of a lease showing any interest the owner of the premises has in the tourist accommodation for which the license is sought;
 - (6) All state and local permits pertaining to the operation of tourist accommodations, including approvals of Fayette County Health Department and Fayette County Fire Marshal as to maximum permitted capacity, approvals by the Town of Tyrone Planning & Zoning Department as to zoning of the premises and as to compliance with all property maintenance and building codes;
 - (7) Certified plans of the property and structure;
 - (8) Copy of the guest occupancy agreement as required by O.C.G.A. § 43-21-3.2;
 - (9) Documents showing compliance with state and local occupation taxes, excise taxes and sales taxes;
 - (10) Local contact person information as required herein; and
 - (11) Any other information as required by the Town Manager or the Mayor and Council.
- (b) All applications for a permit to operate a tourist accommodation shall be accompanied by the payment of a permit fee as set in a schedule of fees adopted by the Mayor and Council.

(c) The Town Manager shall review the application and all supporting documents and, if all requirements of this article have been satisfied, shall issue a permit as described in section 22-664 of this Article.

Sec. 22-664. Issuance of permit.

(a) Upon determining that the applicant has satisfied all requirements of this Article, the Town Manager shall issue the appropriate permit for the year in which approval was granted.

(b) No permit shall be issued for any tourist accommodation where any individual having interest either as an operator, owner, partner, principal stockholder, or licensee, whether such interest is direct or indirect, or beneficial or absolute, has been convicted or has taken a plea of nolo contendere within five (5) years for a felony or any crime involving moral turpitude, or has been convicted or has taken a plea of nolo contendere within two (2) years for any misdemeanor of any state or of the United States or any municipal or county ordinance which would have any effect on the applicant's ability to properly conduct such business, except traffic offenses. The term "conviction" as used in this section shall include adjudication of guilty plea, plea of nolo contendere or forfeiture of a bond when charged with a crime.

Sec. 22-665. Annual renewal of permits.

All permits issued pursuant to this Article are annual permits that run from January 1 to December 31 of each year. Holders of existing permits in good standing

shall apply to the Town Manager for renewal for the next calendar year by filing a renewal application in proper form and tendering the required fees. Fees for renewal of permits shall be according to a schedule of fees adopted by the Mayor and Council.

Sec. 22-666. Transfer of permits.

No permit issued pursuant to this Article shall be transferred from one owner to another. Any violation of this Section shall constitute due cause for probation, suspension, or revocation of the permit granted by the Town Manager.

Sec. 22-667. Display of permit.

- (a) Every holder of a permit issued pursuant to this Article shall keep such permit conspicuously displayed at all places where such business is conducted.
- (b) Each tourist accommodation shall post a legible notification, clearly visible to all guests containing the following information:
 - (1) The name and contact information of the owner/local contact person and the telephone number at which that party may be reached on a 24-hour basis.
 - (2) The maximum number of overnight occupants permitted.
 - (3) Notification that an occupant may be cited and fined for creating a disturbance or for violation this code section or any other sections of the Code of the Town of Tyrone.
 - (4) Notification that the tourist accommodation location cannot be utilized for

special events or private functions as defined herein.

Sec. 22-668. Revocation of permit.

(a) *Grounds.* Any permit issued pursuant to this Article may be revoked by the Mayor and Council, after notice and hearing, for any of the following causes:

- (1) Any fraud, misrepresentation or false statement contained in the application for the permit;
- (2) Any fraud, misrepresentation or false statement made in connection with any transaction;
- (3) Any violation of this Article; or
- (4) The conducting of the business permitted under this Article in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health safety or general welfare of the public.

(b) *Hearing.*

- (1) Notice of hearing for the revocation of a permit issued pursuant to this Article shall be given by the Town Manager in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. The notice shall be served on the holder of the permit by handing the same personally to the person operating the permitted business, or by mailing the same, postage prepaid, to the holder of the permit at his or her last known address at least five (5) days prior to the date set out for the hearing.

- (2) The giving of such notice shall suspend the permit pending the outcome of the hearing, and any business conducted under the permit shall cease during said period of suspension.

Sec. 22-669. Records.

Each operator of a tourist accommodation is required to keep a guest register. Each guest shall register on the date of their arrival, stating their names, current residence, address and description and license plate number of the vehicle they are using. Each operator of a tourist accommodation shall keep for a period of at least three (3) years the above-described register, along with all records, receipts, invoices and other pertinent papers setting forth rental charged for each occupancy, the date or dates of occupancy, and such other information as required by the Town Manager. Said records shall be made available for examination by the Town Manager, the County Health Department, or any authorized law enforcement agency.

Sec. 22-670. Standards for health, sanitation and safety.

- (a) All operators of tourist accommodations shall comply with all rules and regulations promulgated by the Georgia Department of Public Health and the Fayette County Health Department for the operation of tourist accommodations.
- (b) Toilet, lavatory and bathing facilities shall be provided at all tourist accommodations. Such facilities shall be easily accessible, convenient and available to patrons at all times and operated pursuant to all applicable rules and regulations

promulgated by the Georgia Department of Public Health and the Fayette County Health Department.

(c) In areas of the Town of Tyrone where public sewer is not available, sewage disposal shall be provided to efficiently dispose of all water carried wastes in a sanitary manner pursuant to all applicable rules and regulations promulgated by the Georgia Department of Public Health and the Fayette County Health Department.

(d) All plumbing in tourist accommodations shall comply with all applicable state and local rules and regulations.

Sec. 22-671. Alterations to structure and signs.

No exterior alterations may be made to a residence to indicate that it is being used as a tourist accommodation.

Sec. 22-672. Operating regulations.

(a) A bed and breakfast inn shall be permitted subject to the following:

- (1) The bed and breakfast inn is compliant with Section 113-190(b)(15) of the Town's Zoning Ordinance.
- (2) Meal service may be provided to registered guests only provided that all state and local rules and regulations for the operation of food service establishments are complied with and all state and local permits for the operation of a food service establishment are obtained.
- (3) No food preparation, except beverages, is permitted within individual

guestrooms.

- (b) Operators of tourist accommodations, other than operators of a bed and breakfast inn, shall not be permitted to serve food to guests for sale or otherwise and no food preparation, except beverages, is permitted within individual guestrooms.
- (c) No detached structures or recreational vehicles shall be used as a tourist accommodation.
- (d) Only a bedroom shall be used as a guestroom.
- (e) No more than two guests shall be allowed per guestroom.

Sec. 22-673. Special events.

Special events are not permitted at tourist accommodations located in a residential or AR zoning district.

Sec. 22-674. Violations.

- (a) It shall be unlawful for any operator to commit any of the following acts:
 - (1) Fail to keep the guest register and any other records required by this Article for the time period so specified;
 - (2) Make any false entry therein;
 - (3) Falsify, obliterate, destroy or remove from his or her place of business such register or records;
 - (4) Refuse to allow any duly authorized law enforcement officer after proper identification to inspect such register or records during the ordinary hours

of business or at other reasonable time; or

(5) Fail to obtain from any guest the identification required by this Article.

(b) Any person violating any provision of this Article shall be subject to a fine not exceeding \$1,000.00 and costs or to imprisonment for a term not exceeding sixty (60) days, or to both such fine and imprisonment, any or all of such penalties to be imposed at the discretion of the judge. The infliction of a penalty under the provisions of this Section shall not prevent the revocation of any permit or the taking of other punitive or remedial action where called for or permitted under the provisions of this Code.

Secs. 22-675 through 22-690. RESERVED.

Section 2. This ordinance shall become effective immediately upon its adoption by the Mayor and Council of the Town of Tyrone.

Section 3. All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or

unconstitutional were not a part thereof. The Mayor and Council hereby declare that they would have passed the remaining parts of this Ordinance if they had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

SO ENACTED this ____ day of _____, 2022.

MAYOR AND COUNCIL OF
THE TOWN OF TYRONE

By: _____
Eric Dial, Mayor

(SEAL)

ATTEST:

Dee Baker, Town Clerk

Approved as to form:

Town Attorney