

AN ORDINANCE  
TO BE ENTITLED

AN ORDINANCE TO AMEND PART 8, PLANNING AND  
REGULATION OF DEVELOPMENT, CHAPTER 11, SHORT-TERM  
VACATION RENTALS, OF THE CODE OF THE CITY OF SAVANNAH,  
GEORGIA (2015); TO REPEAL ALL ORDINANCES IN CONFLICT  
HEREWITH; TO PROVIDE FOR EFFECTIV DATES AND FOR  
OTHER PURPOSES

BE IT ORDAINED by Mayor and Aldermen of the City of Savanah, Georgia, in regular meeting of Council assembled and pursuant to lawful authority thereof:

SECTION 1: That Section 8-10011 be deleted in its entirety and a new section 8-10011 be inserted in lieu thereof as follows:

Sec. 8-10011. - Definitions; general provisions.

*Code compliance verification form* is a document executed by a short-term vacation owner certifying that the short-term vacation 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 is in violation of any applicable zoning, building, health or life safety code provisions.

*Owner-occupied property* refers to real property which contains one or more dwelling units where the primary dwelling unit must be occupied by the property owner and constitute his/her primary and usual place of residence. The dwelling units must share the Property Identification Number assigned by the Chatham County Board of Assessors. Proof of owner-occupancy requires proof of a valid homestead exemption submitted with the application for a short term vacation rental certificate.

*Short-term vacation rental occupants* 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 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. Such use may or may not include an on-site manager. For the purposes of this definition, a residential dwelling shall include all housing types and shall exclude group living or other lodging uses, as defined in division II, code of general ordinances, part 8, planning and regulation of development, chapter 3, zoning, as amended.

*Short-term vacation rental agent* means a natural person designated 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 city for purposes of transacting business.

SECTION 2: That Section 8-10013 be deleted in its entirety and a new section 8-10013 be inserted in lieu thereof as follows:

Sec. 8-10013. - Application for short-term vacation rental certificate.

(a) Applicants for a short-term vacation rental certificate shall submit, on an annual basis, an application for a short-term vacation rental certificate to the tourism management and ambassadorship director of the City of Savannah. The application shall be furnished under oath on a form specified by the city manager, accompanied by a non-refundable application fee as set forth in the city's annual revenue ordinance. Such application should include:

- (1) 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;
- (2) The address of the unit to be used as a short-term vacation rental;
- (3) 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;
- (4) The owner's sworn acknowledgement that he or she has received a copy of this section, has reviewed it and understands its requirements;
- (5) The number and location of parking spaces allotted to the premises;
- (6) 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; and
- (7) Any other information that this chapter requires the owner to provide to the city as part of an application for a short-term vacation rental certificate. The city manager 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.
- (8) If the rental agent changes, the property owner shall notify the City of Savannah within five business days.

(b) Attached to and concurrent with submission of the application described in this section, the owner shall provide:

- (1) The owner's sworn code compliance verification form;
- (2) A written exemplar rental agreement, which shall consist of the form of document to be executed between the owner and occupant(s), which shall contain the following provisions and which shall be posted in the short-term vacation rental unit:
  - a. The occupant(s)' agreement to abide by all of the requirements of this chapter, any other City of Savannah ordinances, state and federal law and acknowledgement that his or her rights under the agreement may not be transferred or assigned to anyone else;
  - b. The occupant(s)' 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;
  - c. The occupant(s)' acknowledgement and agreement that violation of the agreement or this chapter may result in immediate termination of the agreement and eviction from the short-term vacation rental unit by the owner or agent, as well as the potential liability for payments of fines levied by the city; and
  - d. The occupant(s)' acknowledgement on the maximum occupancy of the short-term vacation rental unit and, if available, the location of on-site parking.

- (3) Proof of the owner's current ownership of the short-term vacation rental unit;
- (4) Proof of insurance indicating the premises is used as a short-term vacation rental;
- (5) A written certification from the short-term vacation agent that he or she agrees to perform the duties specified in subsection 8-10014(b); and
- (6) 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 permitting leasing of dwelling units for less than 30 days.

(c) Certificate holder shall publish a short-term vacation rental certificate number and exemplar rental agreement in every print, digital, or internet advertisement and any property listing in which the short-term vacation rental is advertised.

SECTION 3: That Section 8-10015 be deleted in its entirety and a new section 8-10015 be inserted in lieu thereof as follows:

Sec. 8-10015. - Grant or denial of application.

(a) All of-record property owners adjacent to a proposed short-term vacation rental shall be notified of the use prior to the issuance of an initial short-term vacation rental certificate. Notification shall be issued by the short-term vacation rental applicant and proof of notification provided to the City. The notification to the property owners shall include:

- (1) Street address of the proposed short-term vacation rental;
- (2) Location of any on-site parking for short-term vacation rental occupants;
- (3) Maximum occupancy requirements;
- (4) Copy of the short-term vacation exemplar rental agreement;
- (5) Name of the property owner(s); and
- (6) Name of rental agent and contact information.

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.

SECTION 4: That Section 8-10017 be deleted in its entirety and a new section 8-10017 be inserted in lieu thereof as follows:

Sec. 8-10017. - Short-term vacation regulation procedure.

(a) To ensure the continued application of the intent and purpose of this chapter, the tourism management and ambassadorship director of the city shall notify the owner of a short-term vacation rental unit of all instances in which nuisance behavior of the rental guest or the conduct of his or her short-term vacation rental unit agent results in a citation for a code violation or other legal infraction.

(b) The tourism management and ambassadorship director shall maintain in each short-term vacation rental location file a record of all code violation charges, founded accusations and convictions occurring at or relating to a short-term vacation rental unit. When a property owner has accumulated three code violations for a particular property within a period of 12 consecutive

months, the city shall revoke any pending certificates and reject all applications for the subject premises for a period of 12 consecutive months.

(c) If a short-term vacation rental unit owner has been cited and found to be in violation of any zoning, building, health or life safety code provision, the owner must demonstrate compliance with the applicable code prior to being eligible to receive a short-term vacation rental certificate.

(d) Citations for code violations and any other violation of the city code may be heard by a short-term vacation rental staff board or the Recorder's Court of Chatham County. The staff board shall be comprised of full-time city employees as appointed by the city manager or his/her designee and shall include at least one staff member selected from revenue, zoning, tourism and the Savannah-Chatham Metropolitan Police Department. The staff board will receive evidence; however, the official rules of evidence will not govern the proceeding. The staff board will issue a written finding as to each alleged infraction, specifically identifying each founded accusation, which shall constitute a violation.

(e) Violations of this chapter are subject to the following fines, which may not be waived or reduced and which may be combined with any other legal remedy available to the City:

(1) First violation: \$500.00.

(2) Second violation within the preceding 12 months: \$750.00.

(3) Third violation within the preceding 12 months: \$1,000.00.

(f) A person aggrieved by the city's 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 with the city 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. Timely filing of an appeal shall stay the revocation, suspension or denial pending a decision by the city manager.

(g) The city manager or appointed designee shall consider the appeal within 30 days after receipt by the city manager of a request unless otherwise agreed in writing by the city and aggrieved party. All interested parties shall have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The city manager shall render a determination, which will constitute a final ruling on the application.

(h) 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.

SECTION5: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6: This ordinance shall become effective when signed by the Mayor.

ADOPTED AND APPROVED: \_\_\_\_\_, 2017.

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MAYOR

ATTEST:

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CLERK OF COUNCIL