

REDLINE VERSION OF CHAPTER 11. - SHORT-TERM VACATION RENTALS^[17]

Sec. 8-10010. - 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 monitor and provide reasonable means for citizens to mitigate impacts created by occupancy of short-term vacation units; and to implement rationally based, reasonably tailored regulations to protect the integrity of the city's neighborhoods.

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 unit(s) where the principal 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. In lieu of homestead exemption, a sworn affidavit and supporting documentation establishing proof of residency must be submitted by the applicant stating that the primary dwelling unit is the legal residence and domicile of the resident. Proof of residency is required in the form of two of the following: 1) a valid Georgia Driver's License or Georgia Identification Card; 2) registration for vehicles owned by and registered in the name of the applicant; 3) Chatham County Voter's Registration Card or 4) Previous year's W-2 Form or Internal Revenue Service Tax Return.

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.

Sec. 8-10012. - Short-term vacation rental certificate.

- a) No person shall rent, lease or otherwise exchange for compensation all or any portion of a dwelling unit as short-term vacation rental, as defined in section 8-10011, without first obtaining a business tax certificate from the revenue director and complying with the regulations contained in this section. No certificate issued under this chapter may be

transferred or assigned or used by any person other than the one to whom it is issued, or at any location other than the one for which it is issued.

- b) Parcels with existing certificates issued or certificate applications filed before [date of the adoption of the amendment] (“Pre-Existing Certificates”) are not restricted by the per-ward maximum cap limitation set forth in Part 8, Chapter 3 of this Code, also known as the zoning ordinance for the City of Savannah, and the short-term vacation rental use may continue on such Parcels pursuant to the Pre-Existing Certificates and all renewals thereof.
- c) All new certificate applications made after [the date of the adoption of the amendment] shall be subject to the per-ward cap pursuant to the terms of the zoning ordinance for the City of Savannah, provided, however, that when a transfer of property title occurs for a parcel with a Pre-Existing Certificate(s), the per-ward cap shall not apply if the transferee/ grantee applies for a new short-term vacation rental certificate(s) within six (6) months from the date of transfer.
- d) For purposes of clarification, in calculating the per-ward short term vacation rental use percentages as set forth in the zoning ordinance for the City of Savannah, all Parcels with short-term rental certificate(s) which are non-owner occupied and have a Conservation or Residential zoning classification, including such Parcels with Pre-Existing Certificates, shall be counted in determining the percentage then existing in each ward.

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; ~~and~~
- (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 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.

(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.

Sec. 8-10014. - Short-term vacation rental agent.

(a) The owner of a short-term vacation rental shall designate a short-term vacation rental agent on its application for a short-term vacation rental certificate. A property owner may serve as the short-term vacation rental agent. Alternatively, the owner may designate a natural person as his or her agent who is over age 18.

(b) The duties of the short-term vacation rental agent are to:

- (1) Be reasonably available to handle any problems arising from use of the short-term vacation rental unit;
- (2) Appear on the premises of any short-term vacation rental unit within two hours following notification from the city of issues related to the use or occupancy of the premises. This includes, but is not limited to, notification that occupants of the short-term vacation rental unit have created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of the City of Savannah Code of

Ordinances or other applicable law pertaining to noise, disorderly conduct, overcrowding, consumption of alcohol or use of illegal drugs. Failure of the agent to timely appear to two or more complaints regarding violations may be grounds for penalties as set forth in this chapter. This is not intended to impose a duty to act as a peace officer or otherwise require the agent to place himself or herself in a perilous situation;

(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.

(c) An owner may change his or her designation of a short-term vacation rental agent temporarily or permanently; however there shall only be one such agent for a property at any given time. To change the designated agent, the owner shall notify the tourism management and ambassadorship director in writing of the new agent's identity, together with all information regarding such person as required by the applicable provisions of section 8-10013.

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

(a) All of-record real 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 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 property owner; 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.

Sec. 8-10016. - Short-term vacation rental units.

(a) A legible copy of the short-term vacation rental unit certificate 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 vacation rental agent;

(2) The business tax certificate number;

(3) The maximum occupancy of the unit;

(4) The maximum number of vehicles that may be parked at the unit; and

(b) Short-term vacation rental units must be properly maintained and regularly inspected by the owner to ensure continued compliance with applicable zoning, building, health and life safety code provisions.

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.

Sec. 8-10018. Taxes.

Short-term vacation rental unit owners are subject to state sales tax, city taxes, including but not limited to the hotel/motel tax, and are liable for payment thereof as established by state law and the city code. The city may seek to enforce payment of all applicable taxes to the extent provided by law, including injunctive relief.