ORDINANCE

AN ORDINANCE TO AMEND CHAPTERS 22, 66, & APPENDIX D
OF THE CODE OF PUTNAM COUNTY, GEORGIA

WHEREAS, the Putnam County Board of Commissioners ("Board") presently regulates the use of residential zoned properties and structures for short term vacation rental within the County;

WHEREAS, the Board, pursuant to the police power granted by the laws of the State of Georgia, finds that such regulations protect and promote the safety, health, and general welfare of the citizens of the County; and

WHEREAS, the Board desires, following receipt of evidence concerning the impact such use has within the County, to amend those ordinances regulating the operation, use, and licensure of short term vacation rentals within the unincorporated areas of Putnam County;

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF PUTNAM COUNTY, GEORGIA, HEREBY ORDAIN as follows:

SECTION 1: That Chapter 22 shall be amended to include the following:

Section 22-121 – Short term vacation rental license

a. For the purposes of this chapter, a short term vacation rental is defined as the renting or leasing of a single-family dwelling unit, not including a boarding house, where the term of occupancy, possession, or tenancy is 30 consecutive calendar days or less. Renting or leasing, as used herein, means the payment of compensation, money, rent, or other, bargained for consideration in exchange for occupancy, possession, or use of the property. A short term vacation rental license shall not be required for a residence offered for a single rental period of time in a calendar year of no more than 14 days in duration.

b. No person or entity shall rent, lease or otherwise exchange for compensation all or any portion of a dwelling unit as short-term vacation rental without first obtaining a short-term rental license pursuant to the regulations contained in this Chapter.

c. Any license issued pursuant to this Chapter shall be valid for a term of one calendar year, with the exception that all licenses issued after October 1 of any given calendar year shall be valid until December 31 of the proceeding calendar year.

d. No licensee shall transfer the right to operate under any license issued under this chapter to any other person or entity by lease, agreement, or any other contract.

e. No license issued under this Chapter may be operated or shall have any legal effect at any location other than that for which it is issued.

f. The maximum day or night occupancy for any license issued pursuant to this Chapter shall be two persons per bedroom plus two additional persons per residence, but no rental unit shall have a maximum occupancy greater than 12, with the exception that any licenses issued prior to September 1, 2023 which are in excess of the maximum occupancy shall be allowed to remain at such occupancy unless such license is relinquished, is revoked, or structural changes to the rental unit necessitate a reduction in occupancy for safety reasons, as determined by the County Clerk, or their designee.

g. Nothing in this chapter shall be deemed to alter, affect, supersede or conflict with the requirements of any state or federal law, the Putnam County Code of Ordinances, or any applicable private covenants or third-party contractual obligations regarding the prohibition or limitation of the use of any residential property as a short term vacation rental unit.

h. Prior to issuance of any license pursuant to this chapter, an applicant must be in compliance with all applicable requirements under federal, state, and/or county ordinances. Compliance with state and county statute and ordinances shall specifically include the requirement that the applicant or business of the applicant is not delinquent in the payment of any tax or fee owed the county, including, but not limited to, personal or real property taxes, any occupational taxes, sales and use taxes, or payment for any required permit necessary for operation of applicant's business. For purposes of this section, any tax that has been paid, formally appealed to the proper authorities, or is being paid pursuant to a plan authorized and approved by the appropriate tax or revenue commissioner shall not be deemed delinquent.

i. The application process, management, and enforcement of the issuance and regulation of short term vacation rentals shall be the responsibility of the County Clerk, or their designee.

Section 22-122 – Short Term Vacation Rental Overlay Sector

a. *Overlay sector created.* The following overlay sectors are hereby created within Putnam County and shall consists of the following described real properties:

   i. Sector 1 – R-1R
   ii. Sector 2 – R-1, R-2, RM-1, RM-3
   iii. Sector 3 – AG

b. *Purpose.* The purpose of the STVROS is to regulate short term vacation rentals on specific parcels that are permitted within certain sectors and to otherwise reduce the number of transient guests.

c. *Capacity*. For each overlay sector, the following capacity limits are hereby established:

i. Sector 1 – With the exception of pre-existing non-conforming uses, no short term vacation rentals shall be permitted in Sector 1.

ii. Sectors 2 & 3 – For parcels of land within these Sectors, short term vacation rental use is limited to no more than 350 total licenses, with such number to include those pre-existing non-conforming licenses issued in Sector 1. Upon issuance of the maximum allowed licenses, any application for licensure thereafter shall be waitlisted and considered for approval in the order in which they are received by the County Clerk. In the event of non-renewal or revocation of any existing licenses, the County Clerk shall review, process, and issue licensure to the waitlisted applications which conform with the regulations herein.

Section 22-123 – Short term vacation rental regulations

Any and all holders of any licenses issued pursuant to this Chapter shall abide by the following regulations:

a. Licensees shall not allow occupants to violate any federal, state, or local law, statute, rule or ordinances, including, but not limited to, sections 29-1 and 32-20, and shall maintain compliance with all requirements regarding the appointed short term vacation rental agent.

b. All marketing and advertising of the licensed premises shall include the prominent display of the number of the license issued pursuant to this chapter, and such license number shall be prominently displayed on the licensed premises. All marketing and advertising shall include notification of the maximum occupancy and maximum numbers of vehicles allowed.

c. A licensee may retain a managing agency, managing agent, operator, representative or local contact person to comply with the requirements of this section, including without limitation, the licensing of the short term vacation rental, the management of the short term vacation rental and the compliance with the conditions of this license. The owner of the short term vacation rental is responsible for compliance with the provisions of this section and the failure of an agent, representative, or local contact person to comply with this section shall be deemed noncompliance by the owner.

d. Each licensee shall designate a short term vacation rental agent who has access and authority to assume management of the short term vacation rental unit. The licensee may be designated as the short term vacation rental agent. The name of the property owner and the short term vacation rental agent shall, along with their email addresses and telephone numbers at which the agent may be reached on a 24-hour, seven days a week, basis must be displayed with the short term rental license.

The short term vacation rental agent shall be required to respond to the location of the short term rental within one hour after being notified of the existence of a violation of this chapter or any other provision of this Code, or any disturbance requiring immediate remedy or abatement. A licensee must immediately notify the County Clerk, or their designee, in writing upon a change of short term vacation rental agent or any change in such agent's contact information, and such notification will be through forms prescribed by the County Clerk within 5 days of any change in agent or contact information.

e. A copy of a valid short term rental license shall be posted in a conspicuous location inside the main entrance of the short term rental and shall be presented by the owner, agent, renter, or occupant of the premises when requested by the Sheriff, any Deputy Sheriff, fire marshal or official, or Code Enforcement Officer. The contact information for the short rental vacation rental license holder and agent, if applicable, must be prominently displayed within the premises at all times.

f. The licensee must furnish the renter of the property a copy of this ordinance and a contract specifying the terms of the rental which will include the maximum number of persons allowed on the premises at any time. Said contract will also specify the maximum number of vehicles allowed on the property at any time during the rental period. Said contract will further prescribe the maximum number of boats or vessels that may be docked or moored on any body of water adjacent to the short term vacation rental unit. The property owner, agent, or occupant of the short term vacation rental, when requested to do so, will, present a copy of the rental contract to the Sheriff, any Deputy Sheriff, fire marshal or official, or Code Enforcement Officer.

g. The maximum day or night occupancy for any license issued pursuant to this Chapter shall be two persons per bedroom plus two additional persons per residence, but no rental unit shall have a maximum occupancy greater than 12, with the exception that any licenses issued prior to September 1, 2023 which are in excess of the maximum occupancy shall be allowed to remain at such occupancy unless such license is relinquished, is revoked, or structural changes to the rental unit necessitate a reduction in occupancy for safety reasons, as determined by the County Clerk, or their designee.

h. The presence of more people on the premises of a short term vacation rental than the maximum number specified in the rental contract shall be a violation of this ordinance and the person(s) named in the rental contract shall be subject to being cited for said violation. The Sheriff, any Deputy Sheriff, fire marshal or official, or Code Enforcement Officer may order the excess numbers of persons to vacate the premises and any person refusing to do so shall be subject to arrest and prosecution for Disorderly Conduct as provided for in Section 29-1(t) of the Putnam County Code of Ordinances.

i. It shall be unlawful for any occupant of a short term vacation rental to make, continue or cause to be made or continued any excessive, unnecessary, or unusually loud noise which disturbs the peace or quiet of anyone in the neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness. All electronic devices with speakers, including televisions, radios and stereo systems must be operated within the enclosed confines of the primary residence between the hours of 10:00 PM and 9:00 AM. The frequent or continuous barking, or other means of communication by animals that disturbs the comfort or repose of the residents of any residential neighborhood shall not be allowed.

j. The minimum age of the person signing the rental agreement is 25 and such person shall be responsible for adherence to all regulations in this section by all occupants staying at the short term vacation rental. The person signing the rental agreement shall be required to be present at the short term vacation rental within one hour upon request by the Sheriff, any Deputy Sheriff, fire marshal or official, or Code Enforcement Officer during the rental period.

k. No vehicles shall be parked on any public or private right of way and all parking shall be consistent with the parking plan submitted with the license application. The parking plan, which shall be approved as part of licensure, shall be sufficient to allow adequate parking for the maximum occupancy of the rental unit. No person occupying a short term vacation rental shall park any vehicle illegally on any street or road, nor park adjacent to any such street in a manner that would prevent or hinder any emergency vehicle from traveling thereupon. No person occupying a short term vacation rental shall park on any other person's property, or block any driveway of any other person or property owner without permission to do so. No occupant of a short term vacation rental shall dock or otherwise tie any boat or vessel to the dock of any other property owner without the permission of the property owner. The Sheriff, any Deputy Sheriff, or Code Enforcement Officer may impound any vehicle found parking in such a manner.

l. The presence of more vehicles on the premises of a short term vacation rental, or more boats or vessels docked or moored on a body of water adjacent to the premises, than the maximum number specified in the rental contract shall be a violation of this ordinance and the person(s) named in the rental contract shall be subject to being cited for said violation. The Sheriff, any Deputy Sheriff, or Code Enforcement Officer may order the owners or operators of the excess number of vehicles, boats or vessels to remove them from the property and any person refusing to do may be cited for violating this ordinance. The Sheriff, any Deputy Sheriff, or Code Enforcement Officer may further impound the excess vehicles, boats, or vessels that are not removed upon a request to do so.

m. No renter shall go upon any adjacent properties or the common areas of the neighborhood community unless specifically authorized in advance and in writing by the owner of the short term vacation rental property.

n. No accessory structures shall be used for any overnight occupancy.

o. Any and all pets present at the premises must be leashed or contained at all times.

p. The premises may not be utilized for any special event, as defined by this Code, and there shall be no admission charged by the renter for access to the premises.

q. No renter shall be allowed to sublet the premises or any rooms during rental.

r. No renter shall be allowed to place, site, or occupy any recreational vehicles or campers on the premises during rental.

s. All external lighting shall be directed within the parcel and shall not be allowed to impact adjacent properties.

t. All garbage and trash must be stored in a trash container or appropriate receptacle and shall not be placed within or adjacent to any private or public right of way for a period of time greater than 48 hours.

u. An interconnected and hard-wired smoke detection and notification system, with battery backup, is required and must be operable and in good working order at all times.

v. Subject to state law, the use of fireworks is prohibited at all short term vacation rentals.

w. No licensee or person occupying a short term vacation rental shall engage in any behavior on the premises on the rental property that constitutes a violation Section 29-1 of the Putnam County Code of Ordinances.

Section 22-124 – Short term vacation rental application

Applicants shall submit, on an annual basis, an application for a short-term vacation rental license to the County Clerk. Such application shall include:

a. The name, address, telephone and email address of the owner(s) of record of the dwelling unit for which a license is sought;

b. The address of the dwelling 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 be at least 25 years old, and shall be able to be present onsite within one hour of contact;

d. The owner's sworn acknowledgement that he or she has received a copy of this section, has reviewed it and understands its requirements;

e. The number and location of parking spaces allotted to the premises and site plan indicating designated parking areas;

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 and will abide by all other short term vacation rental regulations, and will abide by any and all other regulations established by this Code.

g. Any other information that this Chapter requires the owner to provide to the county as part of an application for a short term vacation rental permit. The County Clerk, or their designee, shall have the authority to obtain additional information from the applicant as necessary to achieve the objectives of this chapter.

h. If the rental agent changes, the property owner shall notify the County within five business days.

i. Application fees shall be as established by the County Clerk.

Section 22-125 – Citations for violations; revocation of license; penalty

a. To ensure the continued application of the intent and purpose of this chapter, the planning department, through available Code Enforcement officers or the Sheriff through his/her deputies, shall notify the holder of a short term vacation rental license of all instances in which acts or omission of the owner, agent, or any individual results in a citation for a code violation or other legal infraction. Citations may be served upon the short term vacation rental owner, rental agent, or any individual violating the provisions of this ordinance. Each individual code violation, regardless of whether citation for such violation is served collectively with any other violation, and each day or instance of a violation, shall be treated as a separate and independent violation.

b. The planning department 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 license holder has accumulated three violations for a particular property within a period of 12 consecutive months, the County shall revoke any issued license and reject all applications for the subject premises for a period of 12 consecutive months. A license following revocation may be reissued subject to the district capacity requirements established in Section 22-122(c).

c. If a short term vacation rental applicant 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 license.

d. Citations for any of this Chapter shall be heard in the same fashion as other violations of this Code. In addition to the available fines, a court of competent jurisdiction may impose any other available remedy and may suspend the subject license for one violation for the remainder of the license term, regardless of whether the subject property had previously been subject to a violation.

e. Violations of this chapter shall be punishable by a fine not to exceed $1,000 and/or six months confinement in the Putnam County Jail and shall be subject to the following suspensions:

   1. Second violation within the preceding 12 months: 30 days suspension of license.

   2. Third violation within the preceding 12 months: Suspension of license pursuant to subsection (b).

f. Nothing in this section shall limit the County from enforcement of its Code, state or federal law by any other legal remedy available to the County. Nothing in this section shall be construed to limit or supplant the power of any county inspector, deputy marshal or other duly empowered officer under the County'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.

Section 22-126 – Appeal

(a) A person aggrieved by the County's denial of a short term vacation rental license may appeal the decision to the Board of Commissioners. The appeal must be filed with the County Manager's office in writing, within 15 calendar days after the adverse action and it shall contain a concise statement of the reasons for the appeal.

(b) The Board of Commissioners shall consider the appeal within 30 days after receipt by the County Manager of a request unless otherwise agreed in writing by the County 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 Board of Commissioners shall render a determination, which will constitute a final ruling on the application.

SECTION 2: That Chapter 29-1 shall be amended to include the following:

(m) Any person who by and in any manner, creates loud noises or engages in any conduct, that disturbs or otherwise interferes with the peace and tranquility of the public.

(t) Any person who refuses to leave the premises of a short term vacation rental property when ordered or requested to do so as prescribed for in Section 22-123 of the Putnam County Code of Ordinances.

SECTION 3: That Sections 66-72 (AG-1), 66-81 (R-1), 66-84 (R-2), 66-90 (RM-1), 66-96 (RM-3), and 66-119 (R-PUD) shall be amended to include the following use: "Short Term Vacation Rental"

SECTION 4: That Section 66-20. – Definitions. shall be amended to include the following definition: *Short term vacation rental* means the renting or leasing of a single-family dwelling unit, not including a boarding house, where the term of occupancy, possession, or tenancy is 30 consecutive calendar days or less. Renting or leasing, as used herein, means the payment of compensation, money, rent, or other, bargained for consideration in exchange for occupancy, possession, or use of the property. A short term vacation rental license shall not be required for a residence offered for a single rental period of time in a calendar year of no more than 14 days in duration.

SECTION 5: That Appendix D of the Code of Ordinances be repealed in full.

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

IN WITNESS WHEREOF, this ordinance has been duly adopted by the governing authority of Putnam County, Georgia on the 1st day of September 2023.

Chairman

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of an original ordinance adopted by the Putnam County Board of Commissioners on the 1st day of September 2023.

In witness whereof, I hereunto set my hand and affix the seal of Putnam County, this 1st day of September 2023.

County Clerk

[Affix Seal]

