

ARTICLE XIII. SHORT TERM RENTAL

Sec. 14-361. Purpose.

- a. The purpose of this article is to establish standards for short-term rentals of privately-owned residential structures used as vacation homes, to minimize the adverse effects on surrounding properties, and to preserve neighborhood character where vacation home uses occur.
- b. This article is not intended to regulate hotels, motels, inns, or non-vacation type rental arrangements including, but not limited to, boarding houses or rooming houses.

Sec. 14-362. Applicability.

- a. Short-term rentals shall be allowed only on single-family, residentially-zoned properties.
- b. The allowance of short-term rentals pursuant to this article shall not prevent enforcement of additional restrictions that may be contained in subdivision covenants.

Sec. 14-363. 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.

Local Contact Person: A person, firm or agency representing an owner or owners of a short term rental who is at least twenty-five (25) years of age.

Owner: A person that holds legal and/or equitable title to private property.

Private: Intended for or restricted to the occupants and/or guests of his or her short-term rental; not for public use.

Property: A residential legal lot of record on which a short-term rental is located.

Rental Term: The period of time a responsible person rents or leases a short term rental.

Responsible Person: an occupant of a short-term rental who is at least twenty-five (25) years of age and who is legally responsible for ensuring that all occupants and/or guests of the short-term rental comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject short-term rental.

Short-term Rental: a residential structure rented out for overnight accommodation for a period of one (1) to twenty-four (24) consecutive nights.

Sec. 14-364. Property owners, local contact person, and responsible person.

a. Property Owners:

1. The owner shall use reasonably prudent business practices to ensure the short-term rental is used in a manner that complies with all applicable laws, rules, and regulations pertaining to the use and occupancy of the subject short-term rental. It is not intended that the owner act as a peace officer or place himself or herself in harm's way to ensure compliance.

b. Local Contact Person:

1. Each owner of a short-term rental shall designate a local contact person who has access and authority to assume management of the short-term rental. The local contact person shall be responsible for taking remedial measures while the short-term rental is being rented to an occupant and/or guest. An owner of a short-term rental may designate himself or herself as the local contact person;
2. The local contact person shall be at least 25 years of age;
3. There shall be only one (1) designated local contact person for a short-term rental at any given time;
4. The local contact person shall be required to respond to the location of the short-term rental 24 hours a day, 7 days a week, and within two (2) hours after being notified by the City of Fairburn of any violation of this article, or any other provision of this Code, or any disturbance or complaint regarding the condition or conduct of occupants of the short-term rental. It is not intended that the local contact person act as a peace officer or place himself or herself in harm's way;
5. The owner must immediately notify the Fairburn Records Clerk in writing upon a change of local contact person or change of the local contact person's telephone number. Failure to do so within fourteen (14) days after such change shall, unless such time limit is extended for good cause, be reason for revocation of a permit granted pursuant to this article;
6. The local contact person is authorized by the owner to receive and accept service of any notice of violation or citation related to the use or occupancy of the short-term rental;
7. The local contact person is responsible for monitoring the short-term rental for compliance with this article.

c. Responsible Person:

1. Every short-term rental shall be rented to a designated responsible person of at least 25 years of age. The owner of the short-term rental is responsible for compliance with the provisions of this article, and the failure to designate a responsible person prior to the occupancy of a short-term rental shall be deemed

noncompliance by the owner.

2. The designated responsible person is legally responsible for ensuring that all occupants and/or guests of the short-term rental comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject short-term rental.

Sec. 14-365. Business license and tax, permit and transferability.

A. Required Business Licenses and Permits:

1. No owner or local contact person of a short-term rental shall rent, lease, or otherwise exchange for compensation all or any portion of such home without first obtaining a short-term rental permit from the City;
2. Short-term rentals shall be allowed only on single-family, residentially-zoned properties;
3. The owner shall pay the required occupation tax and shall comply with all applicable provisions of Chapter 14 of this Code for business regulation and taxation;
4. The owner shall pay all required excise tax per section 53-101 of this Code.
5. The owner shall comply with all other applicable provisions of Chapter 53, Article III. Lodging Excise Taxes of this Code.
6. A separate short-term rental permit shall be required for each residential structure used for short-term rental;
7. A short-term rental property located within a subdivision where a functioning homeowners association exists must provide a sworn statement from the applicant that short-term rentals are not prohibited under the covenants of the HOA/subdivision.
8. The owner of a short-term rental, or their designated representative, shall submit an application for a short-term rental permit to the City. The application shall be furnished on a form specified by the City, accompanied by a non-refundable permit fee. The short-term rental application shall include:
 - a. The complete street address of the short-term rental;
 - b. Ownership information, including the name, address, e-mail address, and telephone number of each person or entity with an ownership interest in the property;
 - c. The name, address, telephone number, and email address of the local contact person for the short-term rental;
 - d. The number of bedrooms and approximate square footage in the short-term rental, and the maximum number of overnight and daytime occupants, as allowed by this Ordinance;
 - e. A diagram showing the layout of the property and any on-site parking available;

- f. A Code compliance verification form certifying that all designated bedrooms, including egress from all designated bedrooms, meet applicable safety code requirements;
 - g. Proof of insurance indicating the premises is used at a short-term rental;
 - h. Sworn acknowledgment that the owner and local contact person have read all regulations pertaining to the operation of a short-term rental and agrees to perform the duties specified in this article;
 - i. Sworn acknowledgement that the owner or local contact person has or will post, at the short-term rental, the information notice required in Section 14-366;
 - j. Sworn acknowledgement that the closest ten (10) surrounding of-record property owners that are located on both sides, directly to the rear, and directly across the public right-of-way of the proposed short-term rental property have been notified of the use prior to the issuance of the short-term rental permit. Notification shall be issued by the short-term rental owner or local contact agent and proof of notification shall be provided to the City. The Notification to these property owners shall include street address of the proposed short-term rental, location of any onsite parking for the short-term rental guests or occupants, maximum occupancy requirements, copy of the short-term rental exemplar rental agreement, name of property owner(s), and name of local contact agent; and,
 - k. In cases where the short-term rental has an on-site septic system, an approved commercial permit from the Environmental Health Division of the Fulton County Board of Health is required.
9. Any false statements or information provided in the application are grounds for denial or revocation of a permit, including the denial of future applications.
10. A short-term rental permit application shall be denied until January 1 of the following year if the applicant has had a short-term rental permit revoked for that property at any time during the year;

B. Permit fee/renewal.

- a. The short-term rental permit shall be accompanied by an initial permit application fee and be subject to an annual renewal fee every year thereafter.
- b. All permits granted under this article shall expire on December 31 of each year. Applicants shall file a renewal application accompanied by the requisite renewal fee with the City on or before January 1 of each year.
- c. All renewal permits not applied for on or before April 1 of each year will be subject to a late fee.

C. All short-term rental permits issued pursuant to this article are subject to the following codes and ordinances:

- 1. Maximum occupancy limits prescribed by the City Fire Marshal, pursuant to the International Fire Code;

2. Noise Ordinance, set forth in Chapter 65 of the Code of Ordinances;
3. Residential Waste Ordinance, set forth in Chapter 47 of the Code of Ordinances;
4. Sign ordinance, set forth in Chapter 80 of the Code of Ordinances; and
5. Residential Parking Regulations set forth in Chapter 80 of the Code of Ordinances.

D. Transferability:

1. No short-term rental permit issued under this article shall be transferred or assigned or used by any person other than the owner or local contact person to whom it is issued, or at any location other than the one for which it is issued.
2. The short-term rental permit is not transferrable and should ownership of a short-term rental change, a new permit application shall be required.

Sec. 14-366. Standard operational requirements and conditions.

A. Posted Information Notice:

1. Each short-term rental shall have a clearly visible and legible notice conspicuously posted inside the short-term rental on or adjacent to the front door, containing the following information:
 - a. The name of the owner and local contact person of the short-term rental, and a telephone number at which that party may be reached on a 24-hour, 7 days a week, basis;
 - b. The name and address of the nearest hospital;
 - c. The maximum number of overnight occupants and/or daytime guests permitted to be at the short-term rental;
 - d. The maximum number of vehicles allowed to be parked on the property, including a sketch of the location(s) of the on-site parking spaces;
 - e. The trash pickup day, a notification that trash and refuse shall not be left or stored on the exterior of the property unless it is placed in a curbside container, and a notification that the curbside container shall not be placed sooner than dusk on the day prior to the pickup day, and must be removed within a reasonable time following collection; and
 - f. The times that quiet hours are to be observed per the Noise Ordinance regulations set forth in Chapter 65 of this Code.

B. Life Safety and Sanitation

1. Short-term rentals require a site inspection by a City-approved inspector to ensure compliance of all designated bedrooms, including egress from all designated bedrooms, with all applicable safety codes. The site inspection required by this section shall be required once every three (3) years.
2. Each bedroom used for the short-term rental shall have at least two (2) means of

egress. Each bedroom shall have at least one operable 5.7 square feet window opening or door for emergency escape or rescue that opens directly to the exterior of the residence. The emergency door or window shall be operable from the inside. These provisions are in compliance with Section R310 - 2012 of the International Residential Code.

3. Every bedroom, adjoining hallway, and common area shall be equipped with a dual powered and interconnected operational smoke detector that meets International Residential Code standards and shall be maintained in good working order at all times. These provisions are in compliance with Section R314 - 2012 of the International Residential Code.
4. A short-term rental equipped with natural gas shall install a carbon monoxide detector outside of each sleep area. Each carbon monoxide detector must meet applicable state law standards and shall be maintained in good working order at all times. These provisions are in compliance with Section R315 - 2012 of the International Residential Code.
5. Each floor of the short-term rental shall be equipped with a fire extinguisher as recommended by the fire marshal that is fully charged and not past its expiration date.
6. The owner and/or local contact person shall maintain a house number that is a minimum of 4' in height and a stroke width minimum of 1/2", plainly visible from the street at all times. These provisions are in compliance with Section R319 of the International Residential Code.
7. The short-term rental must meet all applicable International Residential Code regulations, International Building Code regulations and International Fire Code regulations.

Sec 14-367. Suspension or Revocation of Permit for Fraudulent Information

A short-term rental permit shall be immediately suspended or revoked by the City of Fairburn upon learning that an applicant furnished fraudulent or untruthful information in the application for a permit.

Sec. 14-368. Violation, Penalties and Enforcement

Citations shall be imposed, and short-term rental permits shall be revoked, in the manner provided in this subsection.

- A. Violation. The following conduct shall constitute a violation for which the penalties specified in paragraph C of this section may be imposed and/or the business license and permit suspended or revoked:
 1. The owner or local contact person has violated any of the provisions of this article;
or
 2. The owner or local contact person has violated any zoning, building, health or life

safety provision; or

3. The owner or local contact person has failed to comply with all applicable provisions of article II, chapter 14 regarding taxation and business license; or
4. Any violation of the provisions of this article by occupants and/or guests of the short-term rental shall be enforced pursuant to this article, and any other provisions of the Code or State Law notwithstanding that this section may also make the owner or local contact person of the short-term rental responsible for the conduct constituting the violation.

B. Complaints and Enforcement.

1. The complaining party shall first attempt to communicate with the owner or local contact person designated and describe the situation that is out of compliance with this article.
2. Any complaints received by the City regarding a short-term rental shall result in a written notice of the complaint being directed to the local contact person designated in the short-term rental permit. The local contact person shall be responsible for contacting the responsible person to correct the problem within two (2) hours. This local contact person is required to visit the property to confirm compliance with this article, unless compliance can reasonably be confirmed without visiting the property. It is not intended that the local contact person act as a peace officer or place himself or herself in harm's way.
3. If the complaint is not resolved with the owner or local contact person, then the complaining party may next provide a written complaint to the City's Code enforcement, which shall include a description of the complaint, the attempts to resolve the complaint, and the complaining party's contact information. Code enforcement shall conduct an investigation whenever there is reason to believe there is a violation of the provisions of this article. The investigation may include an inspection of the premises, review of law enforcement/security reports, online searches, citations, or neighbor documentation consisting of photos, sound recordings and video, all of which may constitute evidence of a violation. Should the investigation support a finding that a violation occurred, code enforcement and/or Fairburn Police Department shall issue a citation to the owner, local contact person and/or occupant/guest to appear before the City's Municipal Court for such violation and shall be subject to the penalties for such violation as prescribed below in section C.
4. The City's Code Enforcement and Fairburn Police Department or his or her designee shall have authority to enforce this article.

C. Penalties. The penalties for violations specified in this section shall be as follows:

1. For the first citation issued within any 12-month period, the penalty shall be a written notice of violation and a fine not to exceed \$250.00, which may be enforced by the contempt power of the court;

2. For the second citation issued within any 12-month period, the penalty shall be a written notice of violation and a fine not to exceed \$500.00, which may be enforced by the contempt power of the court;
3. For the third citation issued within any 12-month period, the penalty shall be a fine not to exceed \$1,000.00, which may be enforced by the contempt power of the court, the short-term rental business license and permit shall be revoked for a period of 24 months, and the owner or local contact person shall not be eligible to reapply for a short-term rental business license on the property in violation for a period of 24 months from the date of revocation.
4. A short-term rental that is determined to be operating without the necessary business license required under this section shall subject the owner to a penalty of \$500.00, which may be enforced by the contempt power of the court. Each day the short-term rental is marketed or rented for overnight accommodation shall constitute a separate violation.
5. Failure of the owner or local contact person to respond to calls or complaints regarding the condition, operation, or conduct of occupants and/or guests of the short-term rental in a timely and appropriate manner shall be grounds for imposition of penalties as set forth in this article. It is not intended that an owner or local contact person act as a peace officer or place himself or herself in an at-risk situation.
6. In addition to the penalties described above, any person violating the provisions of this article by operating a short-term rental without a valid business license may be prosecuted according to the general penalties described in Chapter 14 of this Code.