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## SHORT-TERM RENTALS

Article V in Chapter 26 of the Code of Ordinances

**Sec. 26-150 - Purpose.**

- (a) The purpose of this article is to establish standards for Short-term Rentals of Privately-owned residential structures rented to transient occupants, minimize adverse effects of Short-term Rental uses on surrounding residential neighborhoods, and preserve the character of residential neighborhoods.
- (b) This article is not intended to regulate hotels, motels, inns, bed & breakfast inns, or non-Short-term Rental arrangements including, but not limited to, rooming and boardinghouses, lodging houses, or an individual providing long term-rental (more than 30 days) of their home.

**Sec. 26-151 – Applicability.**

- (a) It shall be unlawful for any Owner of any Property within the unincorporated areas of Barrow County to rent, operate or advertise a Short-term Rental of Property in a Residential Zoning District, or Property with a residential use thereon, contrary to the procedures and regulations established in this article, other provisions of the Barrow County Code of Ordinances, or any applicable state law. A permit shall be required to lawfully rent, operate or advertise any Property for Short term Rental. Properties receiving a permit shall comply with all applicable requirements of this article.
- (b) The restrictions and obligations contained in this article shall apply to Short-term Rentals at all times during which such properties are marketed and used as Short-term Rentals.
- (c) The allowance of Short-term Rentals pursuant to this article shall not prevent Private enforcement of additional Private restrictions that may be contained in restrictive covenants or other Private contractual agreements or arrangements. Barrow County shall not be responsible for enforcement of such Private restrictive covenants, agreements or arrangements.
- (d) A Property that has been advertised or listed via the internet or other media sources ( e.g. [www.vrbo.com](http://www.vrbo.com), [www.airbnb.com](http://www.airbnb.com), etc.) for Short-term Rental shall be *prima facie* evidence the Property is being used as a Short-term Rental.



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## **SHORT-TERM RENTALS**

### **Sec. 26-152. – 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.]

*Bedroom:* A room that is designed to be, or meets the building code requirements to be used as a sleeping room and for no other primary purpose.

*Director:* The Director of Planning and Community Development, or successor agency, of Barrow County, Georgia, or his/her designee.

*Local Contact Person:* An individual designated for the Short-term Rental who must perform the requirements of this article to respond within one (1) hour of notification by a duly authorized representative of the County to address, remedy, and abate any violation of this article, any other violation of the Barrow County Code of Ordinances, and/or any disturbance or complaint at the Property.

*Managing Agency or agent:* A person, firm or agency representing an Owner or Owners of a Short-term Rental.

*Noise Regulations:* Those regulations contained in Section 58-4 of the Barrow County Code of Ordinances.

*Owner:* A person that holds legal and/or equitable title to Private Property.

*Person:* A natural human being, estate, association, firm, partnership, corporation, or other legal entity.

*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 intended to be located.

*Rental Term:* The period of time a Responsible Person rents or leases a Short-term Rental.



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*Residential Dwelling Unit:* Single family housing types that are permissible for use as a Short-term Rental, provided that no more than five (5) Bedrooms may be offered for rent and excluding group living or other lodging uses. If a single family home has more than five (5) Bedrooms, the excess Bedrooms must be, and remain, locked in order for the home to qualify as a Residential Dwelling Unit for use as a Short-term Rental. A motor vehicle as defined in O.C.G.A Title 40 is not a Residential Dwelling Unit and may not be used as a Short-term Rental. Tents, yurts, truck campers, trailers, and other similar portable shelters are not Residential Dwelling Units and are not permitted as a Short-term Rental.

*Residential Zoning District:* a district that is designated as residential under the Barrow County Unified Development Code, including AG, AR, R-1, R-2, and R-3, but excluding MH.

*Responsible Person:* an occupant of a Short-term Rental who is at least twenty-four (24) 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:* an accommodation for transient guests where, in exchange for compensation, a Residential Dwelling Unit is rented for the purpose of overnight lodging for a period of less than thirty (30) consecutive nights. For the purposes of this definition, a Short-term Rental shall include only single-family housing types, and shall exclude bed and breakfast inns and rooming and boarding houses, as they are defined by the Unified Development Code.

*Short-term Rental Permit:* the permit issued by Barrow County Planning and Community Development to applicants who have submitted the required documentation and met the requirements set forth in this article for the operation of a Short-term Rental.

*Special Event:* a celebration, ceremony, wedding, reception, corporate function, or similar activity for the benefit of someone other than the Property Owner involving a gathering of people for the common purpose of attending such event.

*Special Event Venue:* A structure or space being leased for receptions, events, or similar functions as described in section 89-186 of the Unified Development Code.



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## **SHORT-TERM RENTALS**

**Sec. 26-153. – Property Owners, Local Contact Person, and Responsible Person.**

a. Property Owners:

1. The Owner and/or Local Contact Person 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, and shall further use reasonably prudent business practices to ensure the occupants and/or guests of the Short-term Rental do not create noise in violation of the Noise Regulations of this Code or disturbances, engage in disorderly conduct, or violate any applicable law, rule or regulation pertaining to the use and occupancy of the subject Short-term Rental.

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 and take 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 twenty-one (21) years of age;
3. There shall be only one (1) designated Local Contact Person for a Short-term Rental at any given time;



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## **SHORT-TERM RENTALS**

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 one (1) hour after being notified by a duly authorized representative of Barrow County of the existence of a violation of this article or any other provision of this Code, or any disturbance or complaint requiring immediate remedy or abatement regarding the condition, operation, or conduct of occupants of the Short-term Rental. This includes, but is not limited to, notification that occupants of the Short-term Rental have created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of the Barrow County Code of Ordinances or other applicable law pertaining to noise, disorderly conduct, overcrowding, consumption of alcohol or use of illegal drugs. Whether the Local Contact Person shall be required to respond to the location of the Short-term Rental to address a violation, disturbance, or complaint shall be determined in the discretion of the County officer or employee responding to said violation, disturbance, or complaint. Nothing in this Section shall be construed as limiting Barrow County or any officer or employee thereof in responding to any violation, disturbance, or complaint or taking any enforcement action under this article;
5. An Owner may retain a managing agent, Managing Agency, operator, or representative to serve as the Local Contact Person to comply with the requirements of this Section, including, without limitation, the permitting of the Short-term Rental, the management of the Short-term Rental, and the compliance with the conditions of the Short-term Rental Permit. The Owner of the Short-term 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; and
6. The Owner must immediately notify Barrow County Planning and Community Development in writing upon a change of Local Contact Person or the Local Contact Person's telephone number. Failure to do so within 14 days after such change shall be reason for revocation of a Short-term Rental Permit granted pursuant to this article, unless such time limit is extended for good cause.



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c. Responsible Person:

1. Every Short-term Rental shall be rented to a designated Responsible Person. The Owner of the Short-term Rental is responsible for compliance with the provisions of this article. Rental to a person who does not meet the requirements of a Responsible Person, or the failure to designate a Responsible Person prior to the occupancy of a Short-term Rental shall be deemed noncompliance by the Owner.

**Sec. 26-154. – Permits and transferability.**

A. Required Permits:

1. No person shall rent, lease or otherwise exchange for compensation all or any portion of a Residential Dwelling Unit as a Short-term Rental, as defined in this article, without first obtaining a Short-term Rental Permit pursuant to the regulations contained herein. No permit issued under this article may be transferred or assigned or used by any person other than the person to whom it is issued, or at any location other than the location for which it is issued.
2. A separate Short-term Rental Permit shall be required for each Property used for Short-term Rental;
3. No Short-term Rental Permit shall be issued for an apartment or multi-family dwelling;
4. Only one Residential Dwelling Unit may be permitted for use as a Short-term Rental per Property.
5. An Owner of a Short-term Rental, or their designated representative, shall submit an application for a Short-term Rental Permit to Barrow County Planning and Community Development on an annual basis. The application shall be furnished on a form specified by the County, accompanied by a non-refundable Short-term Rental Permit fee as established in this article. Such 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 and/or Residential Dwelling Unit for which a Permit is sought;
  - c. The name, address, telephone number, and email address of the Local Contact Person for the Short-term Rental;



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- d. The number of bedrooms and approximate square footage of the Residential Dwelling Unit to be used as the Short-term Rental, and the maximum number of occupants, as allowed by this article. If the Residential Dwelling Unit has more than five (5) bedrooms, the Owner must provide a sworn acknowledgement that the excess bedrooms will be, and remain, locked during the entirety of all rental periods;
- e. A sworn statement from the applicant certifying that all designated Bedrooms, including egress from all designated Bedrooms, meet applicable safety code requirements, as required by Section 26-155(C);
- f. The number and location of parking spaces allotted to the Property to be used for the Short-term Rental.
- g. The Owner's sworn acknowledgement they have reviewed all regulations of the County pertaining to the operation of a Short-term Rental and understand the requirements for Short-term Rentals;
- h. The Local Contact Person's sworn acknowledgement they have reviewed all regulations of the County pertaining to the operation of a Short-term Rental and understand the requirements for Short-term Rentals;
- i. Where applicable, a written statement from the homeowner's association where the Short-term Rental is located confirming the homeowner's association does not prohibit Short-term Rentals in accordance with its bylaws. The property owner shall be responsible for notifying Barrow County, in writing, should the bylaws of the homeowner's association be amended to prohibit or restrict Short-Term Rentals;
- j. Acknowledgement that the Owner or Local Contact Person has or will post, at the Short-term Rental, the notice required in Section 26-155(B);
- k. In cases where the Short-term Rental has an on-site septic system, a performance evaluation from the Barrow County Health Department ("Health Department") verifying suitability of the on-site sewage management system for the intended purpose and intensity of use; and
- l. Proof of the Owner's current ownership of the Property and Residential Dwelling Unit intended for use as the Short-term Rental.



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6. Any false statements or information provided in the application are grounds for denial or revocation of a Short-term Rental Permit, including the denial of future applications.
  7. Upon the filing of a completed Short-term Rental Permit application, the Director shall review the application for compliance with the requirements of this article. Within 30 days of the filing of the completed application, the Director or his or her designee shall either issue a Short-term Rental Permit to the applicant or issue a written notice of denial. A Short-term Rental Permit shall be issued to an applicant unless:
    - a. The applicant has had a Short-term Rental Permit revoked within the previous 12-month period;
    - b. The Property taxes have not been paid and are delinquent;
    - c. The Health Department notifies the County of an inadequate septic system or other health concerns;
    - d. The County Code Enforcement office, the County Sheriff's Office, or Barrow County Fire Marshal notify the County of code violations on the Property;
    - e. The Homeowner's Association of the relevant neighborhood provides covenants or other legal documentation preventing Short-term Rentals for the Property; and/or
    - f. The application does not meet the minimum requirements of this article.
  8. A decision to deny an application shall be issued in writing and may be appealed to the Board of Commissioners by submitting a written appeal that details the grounds for the appeal to the Director within thirty (30) days of the date of the decision to deny the permit. A hearing on the appeal of the denial shall be conducted before the Board of Commissioners, in accordance with the procedures set forth herein.
- B. Permit fee/renewal.
- a. The Short-term Rental Permit application and any renewal application shall be accompanied by an application fee of \$250.
  - b. All permits granted under this article shall expire on December 31 of each year.
  - c. The Short-term Rental Permit is not transferrable and should Ownership of a unit change, a new Short-term Rental Permit application shall be required prior to any use of the Property as a Short-term Rental.



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## SHORT-TERM RENTALS

### **Sec. 26-155. – Standard operational requirements and conditions.**

**A. All Short-term Rentals are subject to the following:**

1. Any advertising of the Short-term Rental shall conform to information included in the Short-term Rental Permit and requirements of this article, and shall include the Short-term Rental Permit number issued by the County, notification of the maximum occupancy, maximum number of vehicles allowed, and provisions regulating noise.
2. No Short-term Rental shall offer more than five (5) Bedrooms for rent. Any excess Bedrooms must be, and remain, locked throughout the entirety of all rental periods.
3. Overnight Occupancy Limitation: The Owner or Local Contact Person shall, by written agreement with the Responsible Person, limit overnight occupancy of the Short-term Rental to the specific number of overnight occupants designated in the Short-term Rental Permit application. Overnight occupancy limitations shall apply between the hours of 11:00 PM and 7:00 AM;
  - a. Occupancy for Short-term Rentals served by sewer: the number of overnight occupants shall not exceed two persons per Bedroom plus two additional persons per residence meeting all life-safety code requirements, but in no case shall rental occupancy exceed twelve (12) overnight persons total. For the purpose of maximum occupancy, those persons under ten (10) years of age shall not be counted;
  - b. Occupancy for Short-term Rentals with onsite septic system: the number of overnight occupants shall not exceed two persons per Bedroom, and shall meet all life-safety codes, but in no case shall rental occupancy exceed twelve (12) overnight persons total. The maximum capacity shall be based on the number of Bedrooms. All occupants, regardless of age, are counted as persons;
4. Daytime Occupancy Limitation: The Owner or Local Contact Person shall, by written agreement with the Responsible Person, limit daytime occupancy of the Short-term Rental to the specific number of daytime occupants designated in the Short-term Rental Permit application, with the number of daytime occupants not to exceed four (4) guests in addition to the total number of allowed overnight occupants, but in no case shall the daytime occupancy of a Short-term Rental exceed sixteen (16) persons total.



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5. Parked Vehicles:
  - a. Shall be limited to the number designated in the Short-term Rental Permit application with the maximum allowable vehicles not to exceed one vehicle per Bedroom. A watercraft, travel trailer, or any other recreational trailer which is pulled by a motorized vehicle shall be counted as a separate vehicle when referenced in this article of the Code;
  - b. Vehicles shall not be parked on the County right-of-way or along any roadways at any time; and
  - c. Parking shall only be on designated hard surfaced areas with gravel, concrete or asphalt surfacing and shall not be permitted outside such hard-surfaced areas (i.e., no parking on grass or in yards) or on neighboring Property.
6. No Short-term Rental shall function as a Special Event Venue without complying with any requirements related to such use as set forth in the Barrow County Code of Ordinances, including the Barrow County Unified Development Code.
7. The Owner shall pay the required occupation tax and shall comply with all applicable provisions of Article II of Chapter 22 of this Code for business licenses and regulations;
8. The Owner shall timely pay all Property taxes owed for the real Property on which the Short-term Rental is located; and
9. The Owner shall collect and remit lodging excise taxes as required by Article III of Chapter 82 of the Barrow County Code of Ordinances and the official code of the State of Georgia.



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## SHORT-TERM RENTALS

B. Posted Information Notice:

1. Each Short-term Rental shall have a clearly visible and legible notice conspicuously posted within 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, with notice that vehicles must be parked in designated areas and should not be parked off the Property;
  - e. The trash pickup day and 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 that the curbside container shall not be placed sooner than 24 hours prior to the pickup day, and must be removed no later than 24 hours after pickup (If Owner or operator provides daily trash removal then this notice is not necessary);
  - f. Notification that failure to conform to the parking and occupancy requirements of the Short-term Rental is a violation of this article; and
  - g. The times that quiet hours are to be observed per the Noise Regulations set forth in Section 58-4 of this Code and a statement advising the occupant that any failure to comply with the Noise Regulations is a violation of this article.
  - h. A copy of the Short-term Rental Permit with the unique permit number displayed.



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## **SHORT-TERM RENTALS**

### **C. Safety and Sanitation Requirements**

1. Every Bedroom, outside each Bedroom in the immediate vicinity of each Bedroom, and each story of the Residential Dwelling Unit shall be equipped with an operational smoke detector which shall be maintained in good working order at all times. The placement and mounting of each smoke detector shall comply with all requirements of the applicable adopted residential building code.
2. Outside each Bedroom in the immediate vicinity of the Bedrooms for rent, shall be equipped with an operational carbon monoxide detector that meets applicable adopted residential building code and shall be maintained in good working order at all times.
3. Every Bedroom shall have at least one operable window or door for emergency escape or rescue that opens directly to the exterior of the Residential Dwelling Unit. The emergency door or window shall be operable from the inside to provide a full, clear opening without the use of separate tools.
4. Each floor of the Short-term Rental shall be equipped with a portable minimum five-pound ABC fire extinguisher that is fully charged, not past expiration date, and that meets all National Fire Protection Association (NFPA) standards as adopted by the State of Georgia.
5. The Owner and/or Local Contact Person shall maintain a house number on the Property that is visible from the street at all times.
6. The Short-term Rental must have a sewer connection or a septic system in good working order and capable of handling the number of Bedrooms approved for rental.
7. Private swimming pools shall comply with the current International Swimming Pool and Spa Code, as amended from time to time.



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## **SHORT-TERM RENTALS**

### **Sec. 26-156. – Suspension or Revocation of Permit**

Any suspension, revocation, or forfeiture of an issued Short-Term Rental Permit by the Board of Commissioners shall occur only after notice and opportunity for a hearing before the Board of Commissioners consistent with the procedures set forth in this article and upon the following occurrences:

1. A Short-term Rental, its Owner, Local Contact Person, Responsible Person, or occupants are found to be in violation of this article or in violation of the County's Noise Regulations, subject to criminal citation and prosecution.
2. An applicant furnished fraudulent or untruthful information in the application for a Short-term Rental Permit, or omitted information required in the application for a Short-term Rental Permit, or failed to pay all fees, taxes, or other charges imposed under the provisions of this article, in which case the Board of Commissioners may immediately suspend or revoke the Short-term Rental Permit.
3. A Short-term Rental does not meet the permitting qualifications set forth in this article at any time such knowledge becomes known to the Board of Commissioners, in which case the Board of Commissioners shall immediately suspend or revoke the Short-term Rental Permit.
4. A Short-term Rental has been used as a Short-term Rental during a period of suspension of a permit, in which case the Board of Commissioners shall immediately revoke the Short-term Rental Permit.



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## **SHORT-TERM RENTALS**

**Sec. 26-157. – Violation and penalties.**

- A. Any violation of this article, including any violation of the Noise Regulations set forth in Article IV of Chapter 34 of this Code, shall subject the licensed individual to the following progressive actions by the Board of Commissioners, except for those violations and occurrences set forth in Section 26-156 that provide for immediate suspension or revocation upon notice and hearing:
  - 1. The first violation within a consecutive 12-month period shall result in a fine in magistrate court not to exceed \$250.00 and a written warning notice of violation upon a finding of guilt or plea of guilty or nolo contendere in magistrate court.
  - 2. The second violation within a consecutive 12-month period shall result in a fine in magistrate court not to exceed \$500.00 and a permit suspension for a period of not less than thirty (30) days nor more than ninety (90) day upon a finding of guilt or plea of guilty or nolo contendere in magistrate court.
  - 3. The third violation within a consecutive 12-month period shall result in a fine in magistrate court not to exceed \$1,000.00 and the revocation of the Short-term Rental Permit upon a finding of guilt or plea of guilty or nolo contendere in magistrate court, and neither the Owner nor Local Contact Person shall be eligible to reapply for a Short-term Rental Permit for a period of twelve (12) months from the date of revocation.
- B. Nothing contained in this subsection shall be construed to preclude the Board of Commissioners from suspending or revoking a permit for a period exceeding those periods identified in Sections 26-157 (A)(1),(2), or (3) or from revoking the permit if the Board determines in its discretion that such action is necessary and in the best interest of the public health, safety, and welfare of the County.
- C. In all cases, the mandatory suspension period may be mitigated by the Board of Commissioners upon presentation of evidence that the permitted established practices and procedures to prevent the violation from occurring.



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- D. Enforcement action may be brought against any individual, including, but not limited to, the Owner, Local Contact Person, Responsible Person, or occupants and/or guests of a Short-term Rental for violations of this article and any other provision of this Code. Any violation of the provisions of this article shall be enforced in magistrate court to the full extent authorized by O.C.G.A. § 36-1-20, with a finding of guilt or plea of guilty or nolo contendere subjecting the permitted individual to the same administrative sanctions as set forth in Section 26-157(A)(1-3) regardless of whether the finding of guilt as against or the plea of guilty or nolo contendere was by the Owner, Local Contact Person, Responsible Person, or occupants and/or guests.
- E. Each day the Short-term Rental is marketed or rented for overnight accommodation without the necessary Short-term Rental Permit required under this article shall constitute a separate violation.
- F. Failure of the Owner or Local Contact Person to respond as provided in Section 26-153 (b)(4) 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.
- G. In addition to the penalties described above, any person violating the provisions of this article by operating a Short-term Rental without a valid Short-term Rental Permit may be prosecuted according to the general penalties described in Sections 1-7, 1-8, and 1-9 of this Code.

### Sec. 26-158. – Enforcement

- A. The Barrow County Sheriff or his or her designee and Barrow County Code Enforcement shall have authority to enforce this article.
- B. Any complaints received by the County regarding a Short-term Rental may result in a notice of the complaint being directed to the Local Contact Person designated in the Short-term Rental Permit, which may result in direction that the Local Contact Person respond to the Short-term Rental as provided in Section 26-153(b)(4).



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## **SHORT-TERM RENTALS**

### **Sec. 26-159. – Hearing on Denial, Suspension or Revocation**

- A. Upon receipt of a timely appeal (accompanied by a fee of \$250.00 made payable to Barrow County, Georgia) of an administrative denial, upon presentation of evidence to the Director of a violation of this article, or upon a showing of any of the other occurrences set forth in Section 26-156, the Director shall schedule a hearing before the Board of Commissioners and provide written notice to the adverse party of the time, place and date of the scheduled hearing. The Director shall also state in the written notice the basis for the administrative denial or the violation or occurrence alleged that forms the basis for the denial or potential suspension or revocation. After notice of hearing, matters scheduled for hearing may only be continued by agreement of the County Attorney and the adverse party and/or counsel for the adverse party.
- B. The Board of Commissioners shall have the duty of conducting hearings concerning the denial, revocation, or suspension of a Short-term Rental Permit. The standard of proof on all issues in the hearing shall be a preponderance of the evidence and a determination will be made on the basis of the evidence presented at the hearing.
- C. At the hearing, after presentation of the case against the adverse party, the adverse party will have an opportunity to present his case, to rebut the allegations made against him, and present whatever defenses he has. The adverse party shall have the right to be represented by an attorney, at the expense of the adverse party, and to present evidence and cross-examine opposing witnesses.
- D. At the conclusion of the hearing, the findings and conclusions of the Board of Commissioners shall be forwarded to the Director, and it shall be the duty of the Director to provide written notification via certified mail to the adverse party of the decision of the Board of Commissioners.
- E. The decision of the Board of Commissioners shall be final unless appealed to the Superior Court of Barrow County within thirty (30) days of receipt of the Director's written notification to the adverse party of the Board's decision.
- F. For purposes of this section, notice shall be deemed delivered when personally served or when served by certified mail postage prepaid within three days after the date of deposit in the United States Mail.