



City of Lilburn
in Gwinnett County
State of Georgia

**Ordinance
Number:
2022-XXX**

Date of Reading and Adoption: June 13, 2022
At the meeting of the Lilburn City Council held at 340 Main Street, Lilburn, Georgia.

**AN ORDINANCE AMENDING CITY CODE, CHAPTER 14, BUSINESSES, AND
CHAPTER 105, BUILDINGS AND BUILDING REGULATIONS REGARDING
SHORT-TERM RENTALS, TO PROVIDE FOR AN EFFECTIVE DATE, AND
FOR OTHER PURPOSES.**

I

Add Article XIV, Short-Term Rentals, to Chapter 14, Businesses.

Article XIV. Short-Term Rentals

Sec. 14-500. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section.

Short-term rental means an accommodation for transient guests where, in exchange for compensation, a residential dwelling is rented 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 purposes of this definition, a residential dwelling shall include all housing types and shall not include group living or other lodging uses.

Short-term rental agent means a person designated by the owner of a short-term rental on the short-term 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 the purposes of transacting business.

Short-term 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 not to exceed 30 consecutive days.

Sec. 14-501. Short-term rental permit required.

All persons shall, before beginning the business of operating a short-term rental, first file an application with the planning department for a short-term rental permit to conduct

such business. The issuance of the permit will be based on a life safety inspection of the short-term rental, shall cost \$100.00, or a fee established by the city council. This fee is imposed to cover the cost of a life safety inspection and/or administrative costs associated with issuing an initial permit for all owners. In the event an applicant has more than one short-term rental, each location will be assessed the above fee. This fee is nonrefundable in the event an applicant, for any reason, is not issued a permit and/or occupational tax certificate. The city reserves the right to inspect short-term rentals after the initial inspection required for the permit on an as-needed basis.

Sec. 14-502. Permit prerequisite to issuance of business license.

No business license required by this article shall be granted to any person, firm, or corporation desiring to engage in the business of short-term rentals until a permit required by section 14-501 of this article has been issued by the planning department.

Sec. 14-503. Short-term rental agent.

- (a) The owner of a short-term rental shall designate a short-term rental agent on its application for a permit. A property owner may serve as the short-term rental agent. Alternatively, the owner may designate a natural person as his or her agent who is at least 21 years of age. The duties of the short-term rental agent are to:
 - 1. Be available to handle any problems arising from use of the short-term rental unit; and
 - 2. Appear on the premises of any short-term rental 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 rental have created unreasonable noise or disturbances, engaged in disorderly conduct, or overcrowding; and
 - 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 rental unit for compliance with this section.
- (b) An owner may change his or her designation of a short-term 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 planning director or designee in writing of the new agent's identity, together with all information regarding such person as required by the application provisions of this section.

Sec. 14-504. Application process for short-term rental permit.

- (a) Every applicant for a short-term rental permit shall file an application under oath with the city upon a form provided by the planning director and pay a

nonrefundable \$100.00 annual permit fee as determined by the city council.

Applications for the annual permit required by section 14-501 shall include:

- 1) The name, address, telephone number, and email address of the owner(s) of record of the dwelling unit for which a permit is sought; and
 - 2) The address of the unit to be used as a short-term rental; and
 - 3) The name, address, telephone number, and email address of the short-term rental agent which shall constitute his or her 24-hour contact information; and
 - 4) The requested maximum occupancy; and
 - 5) The number and location of parking spaces allotted to the premises; and
 - 6) Any other information that this section requires the owner to provide to the city as part of an application for a short-term 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 section.
- (b) Upon receipt of a complete short-term rental permit application and nonrefundable fee, the planning director shall order a life safety inspection of the proposed short-term rental by the city's building official. In addition to inspecting the proposed short-term rental for compliance with all building codes, the building official shall establish the maximum permitted occupancy for the short-term rental per section 739-3-1 of the city's zoning ordinance.
- (c) The building official shall provide a Certificate of Approval with the maximum occupancy for the short-term rental to the planning director.

Sec. 14-505. Issuance of short-term rental permit.

The planning director shall issue a permit for a short-term rental if all requirements for a short-term rental described in this article are met, unless he or she finds:

- (1) The short-term rental does not pass the life safety inspection performed by the city's building official; and/or
- (2) Available parking for the proposed short-term rental is insufficient; and/or
- (3) The applicant has knowingly made any false, misleading, or fraudulent statement of fact in the application or in any document required by the city in conjunction therewith.

Sec. 14-506. Display of permit.

A legible copy of the short-term permit shall be posted within the short-term rental and include the following information:

1. The name, address, telephone number, and email address of the short-term rental agent; and

2. The maximum occupancy of the short-term rental as authorized by the city's building official; and
3. The maximum number of vehicles that may be parked at the short-term rental, as authorized by the planning director.

Sec. 14-507. Denial, suspension, or revocation of permit.

A permit may be denied, suspended, or revoked by the planning director or his/her designee where the short-term rental applicant furnishes fraudulent or untruthful information in the application for a permit or fails to meet all the qualifications set forth under the provisions of this article.

Sec. 14-508. Hearing for denial, suspension, or revocation of permit.

No permit shall be denied, suspended, or revoked without the opportunity for a hearing as provided.

- (a) The planning director or his/her designee shall provide written notice to the applicant or permit holder of his or her order to deny, suspend, or revoke the permit. Such written notification shall set forth in reasonable detail the cause for such action and shall notify the applicant or permit holder of the right to appeal under the provisions of this article. Any applicant or permit holder who is aggrieved or adversely affected by a final action of the planning director may have a review thereof by written petition, filed in the office of the city clerk within 15 days after the final order or action of the planning director and to defray administrative costs, must be accompanied by a filing fee of \$100.00.
- (b) A hearing shall be conducted by the zoning board of appeals on each appeal of an administrative decision made by the planning director in accordance with section 1006 of the zoning ordinance.

Sec. 14-509. Business license - Issuance

- (a) All persons, firms, or corporations desiring to engage in the business of short-term rentals shall conform to the requirements of chapter 62 of the City Code of Ordinances regarding occupation tax and excise tax on rooms, lodging, and accommodations.
- (b) All persons, firms, or corporations desiring to engage in the business of short-term rentals shall make application for a business license, providing the following additional information:
 1. Certificate of Approval for use of premises as a short-term rental (initial application only); and
 2. Certificate of Insurance to include the short-term rental use (initial and annually with renewal); and

3. The owner's agreement to use his or her best efforts to assure that use of the premises by short-term 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.
- (c) Issuance or denial of application: Within 45 days after the filing of a completed application for a short-term rental business license, the city's finance director or his/her designee shall either issue a license to the applicant or deny a license to the applicant. If an applicant is denied a license, the applicant may file a written appeal from the denial to the mayor and city council within 30 days of such denial. No short-term rental business license may be issued during the pendency of any such appeal.

Sec. 14-510. Business license – Renewal.

Any person seeking to renew a short-term rental business license shall, on or before January 31st of each year, make application for renewal and must provide all the information required by section 14-509 of this article.

Sec. 14-511. Penalties.

Any person who shall conduct a business or occupation without having obtained a license thereof, or who shall violate any other provision of this section, shall, upon conviction thereof, be punished by a fine not to exceed \$1,000.00 and costs or by imprisonment not to exceed six months, or both, any and all such penalties to be imposed in the discretion of the judge of the municipal court.

II

Amend Chapter 105, Buildings and Building Regulations, Article III, Property Maintenance, Division 4, Residential Occupancy Limits, Section 347 as follows:

Sec. 105-347. Short term occupancy

~~This article shall not apply to any occupancy which has not lasted, or is not intended to last, more than one week.~~ **This article shall not apply to short term occupancy lasting less than 30 days.**

SO ORDAINED this the 13th day of June, 2022.

Tim Dunn, Mayor

City of Lilburn

ATTEST:

Melissa L. Penate, CMC

City Clerk