



# City of Lilburn

in Gwinnett County

State of Georgia

**Ordinance  
Number:**

**2022-589**

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 an individual designated by the owner of a short-term rental on the short-term rental permit 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 occupant* means a guest, tourist, lessee, vacationer, or any other person who, in exchange for compensation, occupies a dwelling unit for lodging for a period not to exceed 30 consecutive days.

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

All persons/businesses 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 permit provides for an initial and annual life safety inspection of the short-term rental property and shall incur a fee per inspection, established by the city council to cover the cost of a life safety inspection and/or administrative costs associated with issuing the permit and authorizing an annual Certificate of Compliance. In the event an applicant has more than one short-term rental property, each location will be subject to inspection and assessment of the fee. This fee is nonrefundable in the event an applicant, for any reason, is not issued a certificate of compliance and/or occupational tax certificate. The city reserves the right to inspect short-term rentals after the life safety inspection on an as-needed basis to assess code compliance.

Sec. 14-502. Permit prerequisite to issuance of occupational tax certificate.

No occupational tax certificate required by this article shall be granted or renewed for any person, firm, or corporation desiring to engage in the business of short-term rentals until a permit and Certificate of Compliance 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. An individual property owner may serve as the short-term rental agent. Alternatively, the owner may designate a natural person as the agent, so long as said person is at least 21 years of age. The duties of the short-term rental agent are to:
  - 1. Be available by telephone 24 hours each day the short-term rental is occupied to address any problems arising from the occupancy and 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 article.
  
- (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 on a form acceptable to the director of the new agent's identity, together with all information regarding such person as

required by the application provisions of this section. Such notification shall be provided at least five business days in advance of the change.

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 permit fee adopted in a rate resolution 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 the 24-hour contact information; and
  - 4) The number of bedrooms in the dwelling and the requested maximum occupancy; and
  - 5) The number and location of parking spaces allotted to the premises; and
  - 6) Any other information that this article requires the owner to provide to the city as part of the permit application for a short-term rental. The city manager or designee shall have the authority to obtain additional information from the applicant as necessary to achieve the objectives of this article.
- (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 to be conducted by the city's building official or designee. In addition to inspecting the proposed short-term rental for compliance with all building codes, the building official or designee shall establish the maximum permitted occupancy for the short-term rental per section 739-4 of the city's zoning ordinance.
- (c) The building official or designee shall authorize a Certificate of Compliance with a maximum occupancy for the short-term rental based on the inspection of the property.

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

The planning director shall issue a Certificate of Compliance 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 or recorded bedrooms 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 current short-term rental Certificate of Compliance shall be posted in a visible location within the short-term rental unit 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) A short-term rental permit and/or certificate 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 requirements set forth under the provisions of this article.

(b) The planning director or his/her designee shall provide written notice to the applicant or certificate holder of his or her order to deny, suspend, or revoke the short-term rental permit and associated certificate. 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.

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

- (a) Any applicant or certificate holder may appeal an order of denial, suspension, or revocation of a short-term permit application or certificate of compliance. Said appeal shall be 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 the procedures set forth in section 1006 of the city's zoning ordinance.

Sec. 14-509. Occupational tax certificate - 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 annual application for an occupational tax certificate, providing the following additional information:
  - 1. Certificate of Compliance for use of premises as a short-term rental; 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 for occupational tax certificate: Within 45 days after the filing of a completed application for a short-term rental occupational tax certificate, the Director or business licensing manager shall issue either an occupational tax certificate to the applicant or a written denial of the application. If an applicant is denied an occupational tax certificate, the applicant may file an appeal from the denial to the city manager. Said appeal shall be by written petition, filed in the office of the city clerk within 30 days after the written denial, and to defray administrative costs, must be accompanied by a filing fee of \$100.00. No short-term rental occupational tax certificate may be issued to the applicant during the pendency of any such appeal.

Sec. 14-510. Occupational tax certificate – Renewal.

Any person/business seeking to renew a short-term rental occupational tax certificate shall, on or before January 31<sup>st</sup> of each year, make application for renewal and must provide all the documentation required by previous sections of this article.

Sec. 14-511. Penalties.

Any person/business who shall conduct a short-term rental business or operation without having obtained both a short-term rental Certificate of Compliance following permit application and an occupational tax certificate thereof, or who shall violate any other provision of this article, shall, upon conviction thereof in the city's municipal court, be punished by a fine not to exceed \$1,000.00 for each such violation 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. Each day of any such violation shall constitute a separate and distinct violation.

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.**

**NOW THEREFORE BE IT ORDAINED** that said code amendments and new sections provided herein are adopted and approved by the City Council of the City of Lilburn, Georgia, and shall be effective as of July 1, 2022.

**SO ORDAINED** this the 13<sup>th</sup> day of June, 2022.

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Tim Dunn, Mayor

City of Lilburn

ATTEST:

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Melissa L. Penate, CMC

City Clerk

