



# CITY OF SOUTH FULTON SHORT-TERM RENTAL APPLICATION

## SUBMIT APPLICATION(S), REQUIRED DOCUMENTS & APPLICABLE FEES TO:

MAIL: Destination South Fulton, 5440 Fulton Industrial Blvd. SW, Atlanta, GA 30336

In Person: 5440 Fulton Industrial Blvd. SW, Atlanta, GA 30336

Email: DSF@cityofsouthfultonga.gov

### PROPERTY OWNER INFORMATION

*If the owner is not a natural person, the applicant will need to identify primary partners, officers and/or directors of any such entity, including personal contact information.*

Property Owner Name(s): \_\_\_\_\_

Property Owner Address: \_\_\_\_\_

Property Owner Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Property Owner Alternate Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### SHORT-TERM VACATION RENTAL UNIT INFORMATION

Address of STR Property: \_\_\_\_\_

Number of Bedrooms: \_\_\_\_\_ Number of Off-Street Parking Spaces: \_\_\_\_\_

Location of Off-Street Parking Spaces: \_\_\_\_\_

**Four (4) or more bedrooms require a parking plan, i.e., diagram/snapshot of parking spaces. Please visit  
.....**

### RENTAL AGENT CONTACT INFORMATION

The 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 over age 18.

Rental Agent Name: \_\_\_\_\_

Address: \_\_\_\_\_

24-hour Contact telephone Number: \_\_\_\_\_ Email: \_\_\_\_\_



# CITY OF SOUTH FULTON SHORT-TERM RENTAL APPLICATION

## SHORT-TERM RENTAL CERTIFICATE APPLICATION

STVR PROPERTY ADDRESS: \_\_\_\_\_

**INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.** Please complete this application when requesting and/or renewing a Short-Term Rental (STR) Certificate. A separate STR application must be submitted for each dwelling unit used as a STR. Please ensure all documentation and applicable fee(s) are submitted with your application. Checks/Money Orders should be made payable to the City of South Fulton.

**NEW APPLICATION.** The following items are required for new applications:

**STR Application (Complete and Return All Pages)**

- \_\_\_\_ STR Agent Written Certification Form
- \_\_\_\_ Sworn Code Compliance Verification Form (Must be Notarized)
- \_\_\_\_ Written Exemplar Agreement between Property Owner/Rental Management & Tenant
- \_\_\_\_ Proof of Property Ownership (New property owners must submit copy of HUD/Settlement Statement when Warranty Deed is not available at time of submission.)
- \_\_\_\_ When submitting application as owner-occupied, must provide proof of valid homestead exemption OR sworn affidavit and supporting documentation establishing proof of residency by the applicant stating that the primary dwelling unit is the legal residence and domicile of the resident. Proof of residency is required in the form of two of the following: 1) a valid Georgia Driver's License or Georgia Identification Card; 2) registration for vehicles owned by and registered in the name of the applicant; 3) Fulton County Voter's Registration Card; or 4) Previous year's W-2 Form or Internal Revenue Service Tax Return
- \_\_\_\_ Proof of Insurance at least \$500,000 **indicating the property is used as a short-term rental**
- \_\_\_\_ Proof that Adjacent Neighbors have been notified of a STR Application
- \_\_\_\_ If applicable, a copy of the adopted condominium declaration
- \_\_\_\_ Non-refundable initial annual fee of \$200.00

Once information is processed, applicant will be notified to apply for an Occupational Tax Certificate (OTC). When the OTC is issued, applicant is required to provide a copy of the OTC to Office of Economic Development; at which time, the STR Certificate will be issued.

**RENEWAL APPLICATION.** It is a property owner's responsibility to renew on-time. STR Certificates **automatically expire** December 30<sup>th</sup> of each year. Please submit the following items 30 days prior to expiration to prevent cancellation of STR status.

Must complete this section and provide documents/forms as outlined below.

- \_\_\_\_ STR Renewal Application, pages 1 & 2.
- \_\_\_\_ Please Provide: Certificate # \_\_\_\_\_ OTC Renewal # \_\_\_\_\_
- \_\_\_\_ Proof of Insurance at least \$500,000 **indicating the property is used as a short-term rental**
- \_\_\_\_ Occupational Tax Certificate (OTC) Renewal – Submit Copy
- \_\_\_\_ Annual Renewal Fee of \$200.00
- \_\_\_\_ Applicant/Owner Acknowledgement Form, page 3.
- \_\_\_\_ STR Agent Written Certification Form, page 4; **and** Written Exemplar Agreement, page 7. Required **only** when property owner has a new rental agent.
- \_\_\_\_ STR Business Location Information Form, page 2; **and** Sworn Code Compliance Verification Form, pages 5-6. Required **only** when property improvements were made after previous application was submitted.



# CITY OF SOUTH FULTON SHORT-TERM RENTAL APPLICATION

## APPLICANT/OWNER ACKNOWLEDGEMENT

I, \_\_\_\_\_  
(Applicant/Owner)

Acknowledge receipt of Title 12. Licenses, Permits and Business Regulations, Chapter 2, entitled "Short-term Rentals, have reviewed it, understanding its requirements, and will comply with the regulations contained within this Section;

Agree to use my best efforts to assure that use of the premises by STR occupants will not disrupt the neighborhood and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties;

Certify that I have confirmed and answered all the questions contained herein and know the same to be true and correct. Further, I understand that any approval issued, based upon false information or misrepresentation provided by the applicant, will be null and void and subject to penalty as provided by law and ordinances;

It is the responsibility of every business owner or operator to make certain that the type or nature of business activity being conducted at any location in the City of South Fulton is permitted by and conforms to the Zoning Ordinance and Building Regulations of the City before signing a lease/contract and before operating the business;

I understand that all construction work will require a permit prior to commencing construction, which includes alterations, modifications, renovations, remodeling, signage, etc. Working without a permit will result in a minimum penalty of \$500; and

Authorize the City of South Fulton to verify information provided in the application.

\_\_\_\_\_  
Signature of Applicant/Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

### FOR OFFICE USE ONLY

New Application \_\_\_\_\_ Renewal \_\_\_\_\_ Zoning District \_\_\_\_\_ Ward \_\_\_\_\_ Use # \_\_\_\_\_ Use Name \_\_\_\_\_

STR Certificate # \_\_\_\_\_ Check #/MO \_\_\_\_\_ Reviewer \_\_\_\_\_ Date Reviewed \_\_\_\_\_

Approved  Denied COMMENT(S): \_\_\_\_\_



# CITY OF SOUTH FULTON SHORT-TERM RENTAL APPLICATION

## AGENT WRITTEN CERTIFICATION

Address of STR Property: \_\_\_\_\_

Name of STR Property Owner: \_\_\_\_\_

STR Agent Name: \_\_\_\_\_

STR Agent Address: \_\_\_\_\_

STR Agent 24-hour phone: \_\_\_\_\_ Agent Email: \_\_\_\_\_

I, \_\_\_\_\_ representing \_\_\_\_\_ am charged with the following duties and responsibilities for maintaining good relations between guests residing in the above-named property and the City of South Fulton. As the short-term vacation rental agent, I will:

1. Be reasonably available to handle any problems arising from use of the short-term rental unit;
2. Appear on the premises of any short-term rental unit within forty-five minutes following notification from the City of South Fulton of issues related to the use or occupancy of the premises. This includes, but is not limited to, notification that occupants of the STR unit have created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of the City of South Fulton Code of Ordinances or other applicable law pertaining to noise, disorderly conduct, overcrowding, and consumption of alcohol or use of illegal drugs. Failure of the agent to timely appear to two or more complaints regarding violations may be grounds for penalties as set forth in this Chapter. This is not intended to impose a duty to act as a peace officer or otherwise require the agent to place himself or herself in a perilous situation;
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 vacation rental unit for compliance with Title 12, Licenses, Permits and Business Regulations, Chapter 2 entitled "Short-Term Rental" of the City Ordinance.

I verify that I am a natural person and am over the age of 18 years old. I also acknowledge receiving a copy of Title 12, Licenses, Permits and Business Regulations, Chapter 2 entitled "Short-Term Rental" of the City Ordinance, have reviewed it, understand its requirements, and will comply with its regulations.

I hereby certify that I have answered all the questions contained herein and know the same to be true and correct. Further, I understand that any Planning, Zoning, and/or Business use approval issued, based upon false information or misrepresentation provided by the applicant, will be null and void and subject to penalty as provided by law and ordinances.

\_\_\_\_\_  
Signature of STR Rental Agent

\_\_\_\_\_  
Date

If the STR rental agent changes temporarily or permanently, the property owner must notify the Office of Economic Development in writing of the new agent's identity. Only one STR agent may be in place at any given time.



# CITY OF SOUTH FULTON

## SHORT-TERM RENTAL APPLICATION

### SWORN CODE COMPLIANCE VERIFICATION FORM

The City of South Fulton has developed this form for the use of a residence rented as a short-term rental which is considered a lodging establishment. The following minimum safety guidelines are recommendations only and should not be construed to be all-encompassing.

#### Primary Exit:

1. At least one exit door with direct access to the outside, or to a protected corridor in the case of a condominium or apartment building, should be provided per dwelling unit.
2. The exit door should be side hinged and not less than 3 feet wide x 6 feet 8 inches tall.
3. A landing should be provided on each side of an exterior exit door. The landing width should not be less than the door served and should be a minimum of 36 inches measured in the direction of travel.
4. The exit door should open from the inside without the use of a key, tool or special knowledge.
5. Handrails should be provided on at least one side of each continuous run of stairs.
6. Stairs and decks should be properly constructed and maintained.

#### Emergency Escape and Rescue Openings:

Basements and every sleeping room should have at least one operable window or door leading directly to a public street, public alley, yard, court. Commercial buildings with three or more condominiums or apartments protected by an operational sprinkler system are exempt from having emergency escape openings.

- Windows used as emergency sleeping room exits should have the following:
- Window sill height should not be higher than 44 inches above the floor.
- Minimum clear window opening of 5.7 square feet or 5 square feet if at ground level.
- Minimum clear window opening height, 24 inches.
- Minimum clear window opening width, 20 inches.
- Windows should be operational from the inside of a sleeping room without the use of keys, tools or special knowledge.
- Bars, grills, and similar devices are not recommended over rescue openings. If present, they must open from the inside without the use of keys, tools or special knowledge.
- Windows under decks should fully open and have a minimum 36-inch-high direct path to a public street, public alley, yard or court.

#### Smoke Alarms:

1. One listed 10 year battery smoke alarm is recommended inside and outside of each sleeping room and on each additional story of the dwelling, including the basement.
2. ANSI/UL 2034 listed or CSA 6.19 carbon monoxide alarms should be installed in the general vicinity of each sleeping area.



# CITY OF SOUTH FULTON SHORT-TERM RENTAL APPLICATION

**Fire Extinguishers:**

1. A minimum of one portable, 5 pound type ABC fire extinguisher per floor should be provided and maintained.
2. It is recommended that one fire extinguisher be placed in the kitchen area.

In addition to the recommendations above, it is highly recommended that mechanical, electrical and plumbing professionals inspect the building systems to ensure they are in good working order.

The owner acknowledges that the residence was not designed, constructed or inspected as a commercial lodging establishment. All of the foregoing information is hereby given, and all of the foregoing statements are hereby made on oath, willfully, knowingly, and absolutely, and the same is and are hereby sworn to be true under penalty for false swearing, as provided by law.

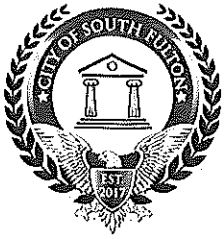
I, \_\_\_\_\_, having been administered a lawful oath or affirmation, hereby certify under penalty of false swearing (O.C.G.A. § 16-10-71) that the above information is true and correct.

\_\_\_\_\_  
Property Owner's Signature

\_\_\_\_\_  
Date

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Notary Public



# CITY OF SOUTH FULTON

## SHORT-TERM RENTAL APPLICATION

### EXEAMPLE RENTAL AGREEMENT

**As part of the application, property owners must submit a copy of an exemplar agreement which is executed between the property owner and occupant(s).**

Welcome to City of South Fulton! We are committed to providing you with the very best experience. In addition, we work closely with our neighbors to ensure the quality of life that residents and visitors both expect. Enclosed is information regarding neighborhood policies and local laws and regulations. Please keep in mind that violations of any of these rules can lead to fines or even eviction without refund. We know that you'll do your part to be a great neighbor in the City of South Fulton!

Please be mindful of the City of South Fulton's Noise Ordinance. As you are staying in a residential area, we would like to remind you to observe neighborhood quiet times between the hours of 9pm – 8am. Please remember that sound carries very well throughout South Fulton, most especially in courtyards, porches, patios, and verandas.

Guests must not exceed the listed occupancy of each property.

Guests must not exceed the maximum parking allotted to each property. Guests must park only in designated parking places. Please be mindful of street sweeping zones and parking meters throughout the city.

The City of South Fulton does have leash laws and leashes are required for any pet taken off property. Pet waste must be cleaned up immediately.

Open containers and public intoxication are unlawful and may result in heavy fines and/or incarceration.

City of South Fulton has very strict litter laws. Please be sure that all litter, trash, and cigarette butts are placed in waste receptacles. Help keep South Fulton beautiful!

Household trash and recycling must be placed in collection carts specific to the property. Trash bags and recycling may not be left outside of the collection carts, left on porches, or left in lanes.

Laundry and towels must not be hung to dry on any exterior portion of the property, including, porch rails, fences, gates, or banisters.

Helpful Hints for your stay in the City of South Fulton: 9-1-1 is the phone number for emergency services in the city.

Please remember to only cross streets in designated crosswalks. And, as in most cities, jaywalking is punishable by a fine. Obey all pedestrian signals and signage.

If you happen to be locked out of your property, please contact your rental agent. Neighbors and surrounding businesses do not have spare keys to the property.

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Short-Term Rental Occupant

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Date

1 STATE OF GEORGIA  
2 COUNTY OF FULTON  
3 CITY OF SOUTH FULTON  
4

5  
6 **ORDINANCE NO. 2018-044**  
7

8 **AN ORDINANCE TO AMEND TITLE 12, LICENSES, PERMITS AND BUSINESS**  
9 **REGULATIONS, OF THE CITY CODE OF ORDINANCES, TO ESTABLISH**  
10 **REGULATIONS FOR SHORT-TERM RESIDENTIAL RENTALS AND FOR OTHER**  
11 **LAWFUL PURPOSES.**  
12

13 **(Sponsored by Councilperson Gumbs)**  
14

15 **WHEREAS**, the City of South Fulton, Georgia (the "City") is a municipal  
16 corporation created under the laws of the State of Georgia;

17 **WHEREAS**, the duly elected legislative authority of the City is the Mayor and  
18 Council thereof ("City Council");

19 **WHEREAS**, the City Council is authorized by Section 1.12 of the City Charter,  
20 and other applicable laws, to adopt regulations governing licenses for businesses being  
21 conducted in the City;

22  
23 **WHEREAS**, with the rise of the sharing economy, the City Council finds evident  
24 the growth in popularity of short-term rentals, which are rentals of residential dwellings for  
25 less than thirty consecutive days; and

26  
27 **WHEREAS**, the City Council desires to establish framework within the City to  
28 regulate short-term rental listings in the City, and assess and collect applicable taxes; and

29  
30 **WHEREAS**, the City Council finds that such regulation balances the protection of  
31 neighborhoods with the interests of individuals who want to rent their property on a short-  
32 term basis; and

33  
34 **WHEREAS**, the regulations herein will help preserve the health, safety and  
35 welfare of the public.

36  
37 **THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAIN AS**  
38 **FOLLOWS:**  
39

40 **Section 1:** The Code of the City of South Fulton is hereby revised by amending Title  
41 12, Licenses, Permits and Business Regulations, to add thereto a Chapter 2, entitled  
42 "Short-term Rentals," to read as follows:  
43

44 **TITLE 12. LICENSES, PERMITS AND BUSINESS REGULATIONS**



45 ....

46 **CHAPTER 2. SHORT-TERM RENTALS**

47 **Sec. 12-2001. Intent; purpose.**

48 It is the purpose of this Chapter to protect the public health, safety and general welfare  
49 of individuals and the City at-large; to monitor and provide reasonable means for citizens  
50 to mitigate impacts created by occupancy of short-term rental units; and to implement  
51 regulations to protect the integrity of the city's neighborhoods.

52

53 **Sec. 12-2002. Definitions; general provisions.**

54 *Code compliance verification form* is a document executed by a short-term rental  
55 owner certifying that the short-term rental unit complies with applicable zoning, building,  
56 health and life safety code provisions. No person shall allow occupancy or possession of  
57 any short-term rental unit if the premises are in violation of any applicable zoning, building,  
58 health or life safety code provisions.

59 *Short-term rental occupants* means guests, tourists, lessees, vacationers or any other  
60 person who, in exchange for compensation, occupy a dwelling unit for lodging for a period  
61 of time not to exceed 30 consecutive days.

62 *Short-term rental* means an accommodation for transient guests where, in exchange  
63 for compensation, a residential dwelling unit is provided for lodging for a period of time  
64 not to exceed 30 consecutive days. Such use may or may not include an on-site manager.  
65 For the purposes of this definition, a residential dwelling shall include all housing types  
66 and shall exclude hotels/motels with the capacity to provide separately enclosed sleeping  
67 accommodations for more than 30 separate renters at a time, group residences and guest  
68 houses, as such terms are defined in the Fulton County Code of Ordinances, Appendix  
69 B, Zoning Resolution.

70 *Short-term rental agent* means a natural person designated by the owner of a short-  
71 term rental on the short-term rental license application. Such person shall be available for  
72 and responsive to contact at all times and someone who is customarily present at a  
73 location within the city for purposes of transacting business.

74

75 **Sec. 12-2003. Short-term rental license.**

76 No person shall rent, lease or otherwise exchange for compensation all or any portion  
77 of a dwelling unit as short-term rental, as defined in section 12-2002, without first obtaining  
78 an occupation tax certificate and business license in accordance with the City Code. No  
79 license issued under this Chapter may be transferred or assigned or used by any person  
80 other than the one to whom it is issued, or at any location other than the one for which it  
81 is issued.

82

83 **Sec. 12-2004. Application for short-term rental license.**

84 (a) Applicants for a short-term rental license shall submit an application for a short-  
85 term rental license to the City. The application shall be furnished under oath on a  
86 form specified by the City Manager, accompanied by a non-refundable application  
87 fee in the amount of \$200, as may be amended by the Mayor and City Council  
88 from time to time. Such application must include:

- 89 (1) The name, address, telephone and email address of the owner(s) of record  
90 of the dwelling unit for which a license is sought. If such owner is not a  
91 natural person, the application shall identify all partners, officers and/or  
92 directors of any such entity, including personal contact information;
- 93 (2) The address of the unit to be used as a short-term rental;
- 94 (3) The name, address, telephone number and email address of the short-term  
95 rental agent, which shall constitute his or her 24-hour contact information;
- 96 (4) The owner's sworn acknowledgement that he or she has received a copy of  
97 this Chapter, has reviewed it and understands its requirements;
- 98 (5) The number and location of parking spaces allotted to the premises;
- 99 (6) The owner's agreement to use his or her best efforts to assure that use of  
100 the premises by short-term rental occupants will not disrupt the  
101 neighborhood, and will not interfere with the rights of neighboring property  
102 owners to the quiet enjoyment of their properties; and
- 103 (7) Any other information that this Chapter requires the owner to provide to the  
104 City as part of an application for a short-term rental license. The City  
105 Manager or designee shall have the authority to obtain additional  
106 information from the applicant as necessary to achieve the objectives of this  
107 Chapter.

108 (b) Attached to and concurrent with submission of the application described in this  
109 section, the owner shall provide:

- 110 (1) The owner's sworn code compliance verification form;
- 111 (2) A written agreement, which shall consist of the form of document to be  
112 executed between the owner and occupant(s) and which shall contain the  
113 following provisions:
  - 114 a. The occupant(s)' agreement to abide by all of the requirements of  
115 this Chapter, any other applicable City of South Fulton ordinances,  
116 state and federal law and acknowledgement that his or her rights  
117 under the agreement may not be transferred or assigned to anyone  
118 else;
  - 119 b. The occupant(s)' acknowledgement that it shall be unlawful to allow  
120 or make any noise or sound that exceeds the limits set forth in the  
121 City's noise ordinance; and
  - 122 c. The occupant(s)' acknowledgement and agreement that violation of  
123 the agreement or this Chapter may result in immediate termination  
124 of the agreement and eviction from the short-term rental unit by the

125 owner or agent, as well as the potential liability for payments of fines  
126 levied by the City.

- 127 (3) Proof of the owner's current ownership of the short-term rental unit;
- 128 (4) Proof of liability insurance in the amount of at least \$500,000; and
- 129 (5) A written certification from the short-term rental agent that he or she agrees  
130 to perform the duties specified in this Chapter.
- 131 (c) Licensees shall publish a short-term rental license number in every print, digital, or  
132 internet advertisement and any property listing in which the short-term rental is  
133 advertised.
- 134 (d) *Expiration and Renewal.* Original and renewed licenses shall expire on December  
135 30 of the year approved, with the exception that original applications filed in 2018,  
136 upon approval, shall be valid through December 30, 2019. A request to renew a  
137 short-term rental license shall be filed on renewal forms to be supplied by the City  
138 and accompanied by a \$200 nonrefundable renewal fee. An applicant with a  
139 current license who files a renewal application by December 15 of the year which  
140 the license is set to expire may continue operations until the renewal licensed is  
141 approved or denied.

142

143 **Sec. 12-2005. Short-term rental agent.**

- 144 (a) The owner of a short-term rental shall designate a short-term rental agent on its  
145 application for a short-term rental license. A property owner may serve as the  
146 short-term rental agent. Alternatively, the owner may designate a natural person  
147 as his or her agent who is over age 18.
- 148 (b) The duties of the short-term rental agent are to:
  - 149 (1) Be reasonably available to handle any problems arising from use of the  
150 short-term rental unit;
  - 151 (2) Appear on the premises of any short-term rental unit, upon the City's  
152 request, within forty-five minutes following notification from the City of  
153 issues related to the use or occupancy of the premises. This includes, but  
154 is not limited to, notification that occupants of the short-term rental unit have  
155 created unreasonable noise or disturbances, engaged in disorderly conduct  
156 or committed violations of the City of South Fulton Code of Ordinances or  
157 other applicable law pertaining to noise, disorderly conduct, overcrowding,  
158 consumption of alcohol or use of illegal drugs. Failure of the agent to timely  
159 appear to two or more complaints regarding violations may be grounds for  
160 penalties as set forth in this Chapter. This is not intended to impose a duty  
161 to act as a peace officer or otherwise require the agent to place himself or  
162 herself in a perilous situation;
  - 163 (3) Receive and accept service of any notice of violation related to the use or  
164 occupancy of the premises; and
  - 165 (4) Monitor the short-term rental unit for compliance with this Chapter.

166 (c) An owner may change his or her designation of a short-term rental agent  
167 temporarily or permanently; however there shall only be one such agent for a  
168 property at any given time. To change the designated agent, the owner shall notify  
169 the City in writing of the new agent's identity, together with all information regarding  
170 such person as required by the applicable provisions of this Chapter.

171

172 **Sec. 12-2006. Grant or denial of application.**

173 All complete applications shall be reviewed within thirty (30) days of filing.  
174 Applications shall be approved or denied by the City Manager and/or his designee and  
175 shall be granted unless the applicant fails to meet the conditions and requirements of this  
176 Chapter, or otherwise fails to demonstrate the ability to comply with local, state or federal  
177 law. Any false statements or information provided in the application are grounds for  
178 revocation, suspension and/or imposition of penalties, including denial of future  
179 applications.

180 **Sec. 12-2007. Short-term rental units.**

181 (a) A legible copy of the short-term rental unit license shall be posted within the unit  
182 and include all of the following information:

183 (1) The name, address, telephone number and email address of the short-term  
184 rental agent;

185 (2) The occupation tax certificate number;

186 (3) The maximum occupancy of the unit;

187 (4) The maximum number of vehicles that may be parked at the unit; and

188 (b) Short-term rental units must be properly maintained and regularly inspected by the  
189 owner to ensure continued compliance with applicable zoning, building, health and  
190 life safety code provisions.

191

192 **Sec. 12-2008. Short-term rental regulation procedure.**

193 (a) To ensure the continued application of the intent and purpose of this Chapter, City  
194 Manager or designee shall notify the owner of a short-term rental unit of all  
195 instances in which nuisance behavior of the rental guest or the conduct of his or  
196 her short-term rental unit agent results in a citation for a code violation or other  
197 legal infraction.

198 (b) The City Manager or designee shall maintain in each short-term rental location file  
199 a record of all code violation charges, founded accusations and convictions  
200 occurring at or relating to a short-term rental unit. When a property owner has  
201 accumulated three code violations for a particular property within a period of 12  
202 consecutive months, the City shall revoke any pending licenses and reject all  
203 applications for the subject premises for a period of 12 consecutive months.

- 204 (c) If a short-term rental unit owner has been cited and found to be in violation of any  
205 zoning, building, health or life safety code provision, the owner must demonstrate  
206 compliance with the applicable code prior to being eligible to receive a short-term  
207 rental license. Each date of rental shall be a separate violation.
- 208 (d) Violations of this Chapter are subject to the following fines, which may not be  
209 waived or reduced and which may be combined with any other legal remedy  
210 available to the City:
- 211 (1) First violation: \$500.00.
- 212 (2) Second violation within the preceding 12 months: \$750.00.
- 213 (3) Third or subsequent violation within the preceding 12 months: \$1,000.00.
- 214 (e) A person aggrieved by the City's decision to revoke, suspend or deny a short-term  
215 rental license may appeal the decision to the city manager or designated hearing  
216 officer. The appeal must be filed with the city manager's office in writing, within 30  
217 calendar days after the adverse action and it shall contain a concise statement of  
218 the reasons for the appeal. Timely filing of an appeal shall stay the revocation,  
219 suspension or denial pending a decision by the city manager.
- 220 (g) The city manager or appointed hearing officer shall consider the appeal within 30  
221 days after receipt by the city manager of a request unless otherwise agreed in  
222 writing by the city and aggrieved party. All interested parties shall have the right to  
223 be represented by counsel, to present testimony and evidence, and to cross-  
224 examine witnesses. The city manager shall render a determination in writing within  
225 five (5) days of the hearing, which will constitute a final ruling on the application.  
226 A party aggrieved by the City Manager or designated hearing officer's decision  
227 may appeal same by Petition for Writ of Certiorari with the Fulton County Superior  
228 Court in accordance with State law.
- 229 (h) Nothing in this section shall limit the City from enforcement of its code, state or  
230 federal law by any other legal remedy available to the City. Nothing in this section  
231 shall be construed to limit or supplant the power of any city inspector or other duly  
232 empowered officer under the city's ordinances, rules and regulations and the  
233 authority granted under state law, as amended, to take necessary action,  
234 consistent with the law, to protect the public from property which constitutes a  
235 public nuisance or to abate a nuisance by any other lawful means of proceedings.

236  
237 **Sec. 12-2009. Taxes and Reporting.**

238 Short-term\vacation rental unit owners are subject to state sales tax, city taxes,  
239 including but not limited to all hotel/motel tax requirements, including reporting, and are  
240 liable for payment thereof as established by state law and the city code. The city may  
241 seek to enforce payment of all applicable taxes to the extent provided by law, including  
242 injunctive relief.

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**Section 2.** It is hereby declared to be the intention of the City Council that:

(a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

(b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance.

**Section 3.** All Ordinances and parts of Ordinances in conflict herewith are hereby expressly repealed.

**Section 4.** The effective date of this Ordinance shall be the date of adoption unless provided otherwise by the City Charter or state and/or federal law.

276 The foregoing ORDINANCE No. 2018-044, adopted on \_\_\_\_\_ was  
277 offered by Councilmember \_\_\_\_\_, who moved its approval. The motion was  
278 seconded by Councilmember \_\_\_\_\_, and being put to a vote, the result was  
279 as follows:

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William "Bill" Edwards, Mayor  
Mark Baker, Mayor Pro Tem  
Catherine Foster Rowell  
Carmalitha Lizandra Gumbs  
Helen Zenobia Willis  
Gertrude Naeema Gilyard  
Rosie Jackson  
khalid kamau

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THIS ORDINANCE adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2018. **CITY OF SOUTH  
FULTON, GEORGIA**

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\_\_\_\_\_  
WILLIAM "BILL" EDWARDS, MAYOR

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ATTEST:

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\_\_\_\_\_  
MARK MASSEY, CITY CLERK

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APPROVED AS TO FORM:

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\_\_\_\_\_  
EMILIA C. WALKER, CITY ATTORNEY

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