

**CITY OF RINGGOLD
STATE OF GEORGIA**

ORDINANCE NO. 2021 – 1122-01

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF RINGGOLD, GEORGIA BY THE ADDITION OF A NEW CHAPTER 59 CAPTIONED “SHORT-TERM RENTALS”; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

WHEREAS, the duly elected governing authority of the City of Ringgold, Georgia is authorized under Article IX, Section II, Paragraph III of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, welfare, and aesthetics of the citizens of the City of Ringgold, Georgia; and

WHEREAS, the duly elected governing authority of the City of Ringgold, Georgia is the Mayor and Council thereof;

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF RINGGOLD, GEORGIA AS FOLLOWS:

Section 1.

The Code of Ordinances of the City of Ringgold, Georgia is hereby amended by the addition of a new Chapter 59 captioned “Short-Term Rentals” which shall read as follows:

Chapter 59 - SHORT-TERM RENTALS

Sec. 59-1. - Intent; purpose.

It is the purpose of this chapter to protect the public health, safety and general welfare of individuals and the community at large; to monitor and provide reasonable means for citizens to mitigate impacts created by occupancy of short-term units; and to implement rationally based, reasonably tailored regulations to protect the integrity of the city's neighborhoods.

Sec. 59-2. - Definitions; general provisions.

Code compliance verification form is a document executed by a short-term unit owner certifying that the short-term unit complies with applicable zoning, building, health and life safety code provisions. No person shall allow occupancy or possession of any short-

term rental unit if the premises is in violation of any applicable zoning, building, health or life safety code provisions.

Short-term rental unit means an accommodation for transient guests where, in exchange for compensation, a residential dwelling unit, either the primary structure or any approved accessory dwelling is provided 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 the purposes of this definition, a residential dwelling shall include all single family and multi-family housing types and shall exclude group living or other lodging uses. A short-term rental unit may not include a motor vehicle as defined in Title 40 of the Official Code of Georgia Annotated.

Short-term rental owner means the owner of record of the property. If the owner is not a natural person, the duties of the owner shall be carried out by the officer of the corporation or entity whose responsibility is to control the use of the premises.

Short-term rental permit is the permit issued by the City to owners of short-term rental units who have submitted the required documentation and met the requirements set for in this Article for the operation of a short-term rental unit.

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 time not to exceed 30 consecutive days.

Short-term rental agent means a natural person 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 purposes of transacting business. An owner who is a natural person may also be the short-term rental agent.

Sec. 59-3. - Zoning.

Short-term rental units shall have the same permitted uses and zoning requirements as bed and breakfast homes, as set forth in Section 9.3 and Table 9.3 in Article IX of Appendix B of these ordinances.

Sec. 59-4. - Short-term rental permit.

No person shall rent, lease or otherwise exchange for compensation all or any portion of a dwelling unit as short-term rental, as defined in Section 59-2, without first obtaining a short-term rental permit pursuant to the regulations contained in this Article and then obtaining a business license from the city. No permit issued under this chapter may be

transferred or assigned or used by any person other than the one to whom it is issued, or at any location other than the one for which it is issued.

Sec. 59-5. - Application for short-term rental permit.

- A. Owners desiring to obtain a short-term rental permit shall submit, on an annual basis, an application for a short-term rental permit to the city manager or his or her designee. The application shall be furnished under oath on a form specified by the city manager, accompanied by a non-refundable application fee in the amount of \$40.00 or as may be revised in the city's annual budget ordinance or such other ordinance as may later be passed by Council. Both the short-term rental unit owner and short-term rental agent will consent to a criminal background check which will be reviewed by the department before the application is accepted for processing. If any required background check reveals felonies within the last ten years or a misdemeanor involving moral turpitude within the last five years, the application will not be accepted for processing. Such application should include:
- a. The name, address, telephone and email address of the owner(s) of record of the dwelling unit for which a permit is sought. If such owner is not a natural person, the application shall identify all partners, officers and/or directors of any such entity, including personal contact information;
 - b. The address of the unit to be used as a short-term rental;
 - c. The name, address, telephone number and email address of the short-term rental agent, which shall constitute his or her 24-hour contact information;
 - d. The owner's sworn acknowledgement that he or she has received a copy of this section, has reviewed it and understands its requirements;
 - e. The number and location of parking spaces allotted to the premises;
 - f. 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; and
 - g. Any other information that this chapter requires the owner to provide to the city as part of an application for a short-term rental permit. The city manager or his or her designee shall have the authority to obtain additional information from the owner as necessary to achieve the objectives of this chapter.
- B. Attached to and concurrent with submission of the application described in this section, the owner shall provide:
- a. The owner's sworn code compliance verification form;
 - b. A written exemplar agreement, which shall consist of the form of document to be executed between the owner and occupant(s) and which shall contain the following provisions:
 - i. The occupant(s)' agreement to abide by all of the requirements of this chapter, any other City ordinances, state and federal law and

- acknowledgement that his or her rights under the agreement may not be transferred or assigned to anyone else;
- ii. The occupant(s)' acknowledgement that it shall be unlawful to allow or make any noise or sound that exceeds the limits set forth in the City's noise ordinance;
 - iii. The owner and occupant(s)' acknowledgement that the unit is not being leased for and will not be advertised, promoted, or have any amenities provided for the purposes of providing any adult entertainment as defined in Article II of Chapter 10 of the City ordinances; and
 - iv. The occupant(s)' acknowledgement and agreement that violation of the agreement or this chapter may result in immediate termination of the agreement and eviction from the short-term rental unit by the owner or agent, as well as the potential liability for payments of fines levied by the city.
- c. Proof of the owner's current ownership of the short-term rental unit;
 - d. Proof of insurance satisfactory in accordance with administrative guidelines set forth by the City; and
 - e. A written certification from the short-term agent that he or she agrees to perform the duties specified in Section 59-6.
- C. Permit holder shall publish a short-term rental permit number in every print, digital, or internet advertisement and any property listing in which the short-term rental is advertised.

Sec. 59-6. - Short-term rental agent.

- A. The owner of a short-term rental shall designate a short-term rental agent on its application for a short-term rental 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 over age 18 and is customarily present at a location within the city for purposes of transacting business.
- B. The duties of the short-term rental agent are to:
 - a. Be reasonably available to handle any problems arising from use of the short-term rental unit;
 - b. Keep his or her name and emergency contact phone number posted in a readily visible place in the short-term rental unit;
 - c. Receive and accept service of any notice of violation related to the use or occupancy of the premises; and;
 - d. Monitor the short-term rental unit for compliance with this chapter.
- C. In the event the short-term rental agent is replaced by another agent, the owner will apply for a new short-term rental permit with the correct short-term rental agent designated within 30 days of such change.

Sec. 59-7. - Grant or denial of application.

Review of an application shall be conducted within two days and shall be granted unless the applicant fails to meet the conditions and requirements of this chapter, or otherwise fails to demonstrate the ability to comply with local, state or federal law. Any false statements or information provided in the application are grounds for revocation, suspension and/or imposition of penalties, including denial of future applications.

Sec. 59-8. - Short-term rental units.

- A. A legible copy of the short-term rental unit permit shall be posted within the unit and include all of the following information:
 - a. The name, address, telephone number and email address of the short-term rental agent;
 - b. The short-term rental unit permit number;
 - c. The maximum occupancy of the unit;
 - d. The maximum number of vehicles that may be parked at the unit; and
- B. Short-term rental units must be properly maintained and regularly inspected by the owner to ensure continued compliance with applicable zoning, building, health and life safety code provisions.
- C. The short-term rental unit current business license shall be posted within the unit.

Sec. 59-9. - Short-term regulation procedure.

- A. The Code and Zoning Administrator shall maintain for each short-term rental location file a record of all code violation charges, founded accusations and convictions occurring at or relating to a short-term rental unit. When a property owner has accumulated three code violations for a particular property within a period of 12 consecutive months, the Code and Zoning Administrator shall revoke any pending permits and reject all applications for the subject premises for a period of 12 consecutive months.
- B. If a short-term rental unit owner has been cited and found to be in violation of any zoning, building, health or life safety code or other violations, the owner must demonstrate compliance with the applicable code prior to being eligible to receive a short-term rental permit.
- C. Citations for code violations and any other violation of the city code shall be heard by the City of Ringgold Municipal Court. Violations of this chapter, including but not limited to operating a short-term rental unit without obtaining a short-term rental permit and a business license are subject to the following fines, which may not be waived or reduced and which may be combined with any other legal remedy available to the City:
 - a. First violation: \$500.00.
 - b. Second violation within the preceding 12 months: \$750.00.

- c. Third violation within the preceding 12 months: \$1,000.00.
- D. A person aggrieved by the city's decision to revoke, suspend or deny a short-term rental permit may appeal the decision to the city manager or his appointed designee. The appeal must be filed with the city manager's office in writing, within 30 calendar days after the adverse action and it shall contain a concise statement of the reasons for the appeal. Timely filing of an appeal shall stay the revocation, suspension or denial pending a decision by the city manager.
- E. The city manager or appointed designee shall consider the appeal within 30 days after receipt by the city manager of a request unless otherwise agreed in writing by the city and aggrieved party. All interested parties shall have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The city manager shall render a determination, which will constitute a final ruling on the application.
- F. Nothing in this section shall limit the city from enforcement of its code, state or federal law by any other legal remedy available to the city. Nothing in this section shall be construed to limit or supplant the power of any city inspector, police officer, or other duly empowered officer under the city's ordinances, rules and regulations and the authority granted under state law, as amended, to take necessary action, consistent with the law, to protect the public from property which constitutes a public nuisance or to abate a nuisance by any other lawful means of proceedings.

Sec. 59-10. - Taxes.

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

Section 2.

All ordinances and parts of ordinances in conflict with this ordinance are repealed.

Section 3.


It is hereby declared to be the intention of the Mayor and Council of the City of Ringgold that the section, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or otherwise invalid by a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance.

Section 4.

The adoption date of this Ordinance shall be November 22, 2021. The effective date of this Ordinance shall be its adoption date

SO ORDAINED, this 22nd day of November, 2021.

CITY OF RINGGOLD, GEORGIA

A handwritten signature in blue ink, appearing to read "Nick Millwood", written over a horizontal line.

NICK MILLWOOD, MAYOR

ATTEST:

A handwritten signature in blue ink, appearing to read "Nicki Lunden", written over a horizontal line.
CITY CLERK