

THE BOARD OF COMMISSIONERS OF DAWSON COUNTY, GEORGIA: TO PROVIDE REGULATIONS FOR SHORT-TERM RENTAL AND BED AND BREAKFAST ESTABLISHMENTS; TO PROVIDE SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES AND RESOLUTIONS; AND FOR OTHER PURPOSES.

**WHEREAS**, the Constitution of the State of Georgia, approved by the voters of the State in November 1982, and effective July 1, 1983, provides in Article IX, Section 2, Paragraph 1 thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions, and regulations; and

**WHEREAS**, O.C.G.A. § 36-1-20 authorizes the County to adopt ordinances preserving the public health, safety, and welfare, and to adopt appropriate measures to enforce those ordinances; and

**WHEREAS**, in the interests of the health, safety, and general welfare of the citizens of Dawson County, Georgia, the Board of Commissioners of Dawson County desires to exercise its authority to adopt an ordinance regulating Short-term Rentals and Bed and Breakfast Establishments; and

**WHEREAS**, appropriate notice and hearing on the ordinance contained herein have been carried out according to general and local law.

**NOW, THEREFORE**, the Board of Commissioners hereby ordains as follows:

Section 1. The language attached hereto as Exhibit “A,” and incorporated herein by reference as if fully set forth herein, is hereby adopted and approved, and shall be codified as Article V in Chapter 30 of the Code of Dawson County, Georgia.

Section 2. All other ordinances shall continue in full force and effect and shall remain unaffected, except where such ordinance, or part thereof, conflicts herewith, in which case such ordinance, or part thereof, is hereby repealed.

Section 3. It is the express intent of the Board of Commissioners of Dawson County, Georgia that this Ordinance be consistent with both federal and state law. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 4. This Ordinance shall become effective sixty (60) days following the date of adoption.

**BE IT RESOLVED** this 16<sup>th</sup> day of December, 2021.

DAWSON COUNTY

ATTEST

By: \_\_\_\_\_

Billy Thurmond, Chairman

Board of Commissioners

By: \_\_\_\_\_

Kristen Cloud

County Clerk

Dates of Public Hearing:

Dates of Advertising:

## Exhibit A

### Article V. – SHORT-TERM RENTALS AND BED AND BREAKFAST ESTABLISHMENTS

#### **Sec. 30-500 – Purpose**

- (a) The purpose of this Article is to establish standards for Bed and Breakfast Establishments and 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 neighborhoods in which Short-term Rental use occurs.
- (b) This Article is not intended to regulate hotels, motels, or non-Short-term Rental or non-Bed and Breakfast Establishments including, but not limited to, boarding houses, lodging houses, or rooming houses, or an individual providing long term rental (more than 30 days) of their home.

#### **Sec. 30-501 - 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:

*Applicant:* all persons who are required to sign an application for a Short-term Rental or Bed and Breakfast Establishment permit.

*Bed and Breakfast Establishment:* A dwelling occupied by a family and used incidentally to provide overnight accommodation and meals to transient travelers, operated by an owner or designated operator-in-residence, with a maximum number of rented units being six.

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

*Building Official:* An official designated by the county to enforce the provisions of the applicable building code and other applicable laws.

*Certificate of Occupancy:* A certificate issued by the Building Official of Dawson County indicating that upon examination and inspection at the time of the completion of work done on the dwelling, dwelling unit, building or structure stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the provisions of the construction codes.

*Hotel:* any structure or any portion of a structure, including any lodging house, rooming house, dormitory, Turkish bath, bachelor hotel, studio, hotel, motel, motor hotel, auto court, inn, public club or private club, containing guest rooms and which is occupied, or is intended or designed for occupancy by guests, whether rent is paid in money, goods, labor or otherwise. Such term does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention center or other buildings in which human beings are housed and detained under legal restraint or for medical reasons.

*Hotel/Motel Tax:* A state tax imposed on homes being rented for thirty (30) days or less, paid on a monthly basis.

*Labeled Floor Plan:* A drawing showing the location of the rooms in the home.

*Natural Person:* A human being as distinguished from a person (as a corporation) created by operation of law.

*Noise Ordinance:* Regulations that pertain to the amount and duration of noise that affects the community.

*Owner:* A person that holds legal rights to the Property.

*Paid Tax Receipt:* A tax receipt showing that the property taxes have been paid on said Property.

*Permit Administrator:* The employee designated by the Board of Commissioners for the administration of this Article

*Property:* A residential legal lot of record on which a Short-term Rental or Bed and Breakfast Establishment is intended to be located.

*Septic Tank Permit:* A document obtained from the Dawson County Health Department showing the size of the tank and number of bedrooms associated with a specific home.

*Short-term Rental:* An accommodation for transient guests within a dwelling unit, whether the entire unit or any portion thereof, rented for the purpose of overnight lodging, for a period of less than thirty (30) consecutive nights. For purposes of this definition, a Short-term Rental shall include all housing types, but shall exclude Bed and Breakfast Establishments.

*Short-term Rental Agent or Bed and Breakfast Agent:* a person who is at least 21 years of age designated by the Owner of a Short-term Rental or Bed and Breakfast Establishment on the

permit application. Such person shall be available for and responsive to contact 24 hours a day, 7 days a week, and within two (2) hours after being contacted by a duly authorized representative of Dawson County. Such person, firm, or agency shall be legally responsible for ensuring that all occupants and/or guests of a Short-term Rental or Bed and Breakfast Establishment comply with all applicable rules and regulations.

*Permittee:* a person who obtains a permit for a Short-term Rental or Bed and Breakfast Establishment.

*Subdivision:* Property that has been divided into three (3) or more smaller pieces.

*Tourist Accommodation Permit:* A permit issued by Dawson County Environmental Health Office to allow overnight accommodations and breakfast.

*Trash:* Discarded Matter, Refuse

*Zoning:* The classification of real property and delineating permitted and prohibited uses of said real property depending on a prescribed zoning classification along with other rules to be followed such as building heights and setbacks.

### **Sec. 30-502 – Short-term Rental Permit Required**

No person shall rent, lease, or otherwise exchange for compensation or advertise for such all or any portion of a dwelling, dwelling unit, building, or structure as a Short-term Rental without first obtaining a Short-term Rental permit pursuant to the regulations contained herein.

### **Sec. 30-503 – Bed and Breakfast Establishment Permit Required**

No person shall rent, lease, or otherwise exchange for compensation all or any portion of a dwelling, dwelling unit, building, or structure as a Bed and Breakfast Establishment without first obtaining a Bed and Breakfast Establishment permit pursuant to the regulations contained herein.

### **Sec. 30-504 – Application for permit**

- (a) An Owner of a proposed Short-term Rental or Bed and Breakfast Establishment shall submit an application for a Short-term Rental permit or a Bed and Breakfast permit to the Dawson County Planning and Development Department. All applications shall be fully completed by the Applicant and sworn to and signed by the Applicant in the presence of a notary public or other officer authorized to administer oaths. If the Owner is not a Natural Person, then the Applicant must certify he or she has the actual authority to submit the

application on behalf of the Owner. All applications shall be on a form specified by Dawson County.

(b) All applications shall be accompanied by a non-refundable application fee as set forth in the Dawson County Planning and Development Fee Schedule.

(c) All applications shall include:

- (1) The name, address, telephone number, and email address of the Owner(s) of record of the Property. 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 for each such Natural Person, including address, telephone number, and email address;
- (2) The address of the Property to be used as a Short-term Rental or Bed and Breakfast Establishment;
- (3) The current zoning classification and Tax Map and Parcel number for the Property;
- (4) The name, address, telephone number, and email address of the designated Short-term Rental Agent or Bed and Breakfast Agent;
- (5) The Owner's sworn acknowledgement that he or she has reviewed and understands all regulations of the County pertaining to the operation of Short-term Rentals and/or Bed and Breakfast Establishments, as applicable;
- (6) The number of off-street parking spaces allotted to the Property;
- (7) The number of bedrooms and approximate square footage in the Short-term Rental or Bed and Breakfast Establishment, and a statement of the maximum number of overnight and daytime occupants, as allowed by this Article;
- (8) The Owner's agreement to use his or her best efforts to assure that use of the Property by Short-term Rental or Bed and Breakfast Establishment occupants will not disrupt the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their property;
- (9) Any other information that this Article requires the Owner to provide to Dawson County as part of the application process. The Permit Administrator or his or her designee shall have the authority to obtain any additional information from the Applicant as necessary to achieve the objectives of this Article.

(d) Attached to and concurrent with submission of the application described in this Section, the Owner shall provide:

- (1) Proof of Owner's current ownership of the Property;
- (2) A Paid Tax Receipt for the most current year taxes paid for the Property;

- (3) If the Property is not serviced by public sewer, a Septic Tank Permit or other appropriate documentation from the Dawson County Environmental Health Office which denotes the number of bedrooms permitted for the Property;
- (4) A Labeled Floor Plan of the dwelling, dwelling unit, building or structure to be used as a Short-term Rental or Bed and Breakfast Establishment;
- (5) A written certification from the Owner verifying compliance with the requirements of Section 30-510;
- (6) A copy of the Owners or Owner's agents' government issued photo identification card (i.e. driver's license or other legal identification card); and
- (7) Proof of insurance for the Short-term Rental and/or Bed and Breakfast Establishment.
- (8) Proof of professional trash service for the Short-term Rental and/or Bed and Breakfast Establishment, with documentation indicating designated trash collection days.

#### **Sec. 30-505 - Grant or denial of application**

- (a) Prior to the issuance of a permit under this Article, the Permit Administrator, or his or her designee, shall provide written notice of the application to all owners of record of property adjacent to the Property proposed to be used as a Short-term Rental or Bed and Breakfast Establishment. Such notification shall include:
  - (1) The street address of the proposed Short-term Rental or Bed and Breakfast Establishment;
  - (2) The location of any on-site parking for Short-term Rental or Bed and Breakfast Establishment occupants;
  - (3) Applicable maximum occupancy requirements; and
  - (4) The name of the Property Owner.
- (b) Review of an application submitted under this Article, including renewal applications, shall be conducted by the Permit Administrator, or his or her designee, and a permit shall be issued or the application denied within fifteen (15) business days of receipt of a completed application.
- (c) An application or renewal may be denied if:
  - (1) The Applicant has had any other permit issued under this Article revoked within the immediately preceding twelve (12) month period;
  - (2) The Property is not current on its property taxes;

- (3) There is a history of complaints regarding the Property or the Owner or operator of the Short-term Rental or Bed and Breakfast Establishment, as applicable, as determined in the sole good faith discretion of the Permit Administrator;
  - (4) The Health Department notifies the County of an inadequate septic system or other health concerns;
  - (5) There are violations of the Code of Dawson County, Georgia on the Property;
  - (6) The Homeowner's Association of the relevant neighborhood provides covenants or other legal documents preventing Short-term Rentals or Bed and Breakfast Establishments from operating on the Property; or
  - (7) The Applicant fails to meet the conditions and/or requirements of this Article, or otherwise fails to demonstrate the ability to comply with any other local, state, or federal law.
- (d) A decision to deny a permit shall be provided to the Applicant in writing and delivered to the Applicant by certified mail.

#### **Sec. 30-506 - Duty to notify Dawson County of material change to application**

The Owner, Applicant, and/or Permittee maintain a duty to provide written notice to Dawson County of any material change to information listed on the application, which shall be provided within three (3) business days of such change unless otherwise noted in this Article.

#### **Sec. 30-507 – Maximum Occupancies**

(a) Short-term Rentals:

- (1) The maximum overnight occupancy (between the hours of 10 p.m. and 8 a.m.) of any Property to be used as a Short-term Rental shall be limited to two (2) persons per bedroom plus two (2) additional persons;
- (2) The maximum daytime occupancy (between the hours of 8 a.m. and 10 p.m.) of any Property to be used as a Short-term Rental shall be the maximum overnight occupancy times two (2). For example, if a five-bedroom house is rented, the maximum occupancy between 8:00 a.m. and 10:00 p.m. would be twelve (12) Short-term Rental overnight occupants and twelve (12) guests, for a total of twenty-four (24) persons.
- (3) Only six (6) bedrooms may be rented regardless of the total number of bedrooms, provided however, that ten (10) bedrooms may be rented on properties of five (5) or more acres, subject to the number of bedrooms noted by the Dawson County Environmental Health Office.



- (b) Bed and Breakfast Establishments: The maximum overnight occupancy of any Property to be used as a Bed and Breakfast Establishment shall be based on the number of bedrooms less one, with an overall maximum of six (6) bedrooms, with no more than two (2) persons per bedroom. For example, if a five-bedroom house is being used as a Bed and Breakfast Establishment, the occupancy would be calculated by not counting one bedroom (caretakers room) and then multiplying the number of remaining bedrooms, four (4) bedrooms, by two (2), with a maximum of eight (8) overnight occupants.
- (c) The maximum occupancies set forth in this section shall be based on the number of bedrooms set forth in the documentation from the Dawson County Environmental Health Office which denotes the number of bedrooms permitted as referenced in Section 30-504(d)(3) above.

### **Sec. 30-508 – Parking**

- (a) No parking for any purposes shall be allowed on the street on which the Short-term Rental or Bed and Breakfast Establishment is located or any adjacent street thereto.
- (b) Parking spaces and vehicles shall be limited to the number designated in the application for a permit, with the maximum allowable vehicles not to exceed one vehicle per bedroom permitted for the Property. A watercraft, travel trailer, or any other recreational trailer which is pulled by a motorized vehicle shall be counted as a separate vehicle;
- (c) Vehicles shall be parked only 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 in yards);
- (d) No motorhomes, campers or the like shall be parked or hooked up to utilities at any Short-term rental or Bed and Breakfast Establishment property.

### **Sec. 30-509-Solid Waste**

The Owner of any Short-term Rental or Bed and Breakfast Establishment shall provide adequate solid waste receptacles with closable lids to prevent wildlife incursion, as well as professional solid waste collection and disposal services for the Property. Said receptacles shall be secured except on days when trash pickup occurs.

### **Sec. 30-510- Life Safety and Sanitation**

- (a) All designated bedrooms, including egress from all bedrooms, shall comply with all applicable safety codes as were in effect on the date the Short-term Rental or Bed and Breakfast Establishment was issued a Certificate of Occupancy.
- (b) Every bedroom, adjoining hallway, and common area shall be equipped with an operational smoke detector that meets current IRC standards and shall be maintained in good working

order at all times. The placement and mounting of each smoke detector shall comply with all applicable requirements of the current IRC.

- (c) Each habitable floor shall be equipped with an operational carbon monoxide detector that meets applicable state law requirements and shall be maintained in good working order at all times.
- (d) Each floor of a Short-term Rental or Bed and Breakfast Establishment shall be equipped with a fire extinguisher that is fully charged, not past expiration date, and that meets all National Fire Protection Association (NFPA) standards, including those as set forth in NFPA 10: Standard for Portable Fire Extinguishers.
- (e) Private swimming pools shall comply with the current International Swimming Pool and Spa Code.
- (f) The Owner shall maintain a house number that is visible from the street at all times.

### **Sec. 30-511 – Postings on Property**

- (a) The following shall be posted in a conspicuous place near the main entry door of the dwelling, dwelling unit, building or structure used as a Short-term Rental or Bed and Breakfast Establishment:
  - (1) The Short-term Rental permit or Bed and Breakfast Establishment permit;
  - (2) The maximum overnight occupancy and maximum daytime occupancy of the Short-term Rental or Bed and Breakfast Establishment;
  - (3) Rules and regulations for occupants to view in order to promote compliance with this Article.
  - (4) Tourist Accommodation Certificate provided by the Dawson County Environmental Health Office (Bed and Breakfast Establishments Only).
  - (5) An emergency exit route map with the 911 emergency number clearly denoted.
  - (6) The number of vehicles which may be parked on the Property.

### **Sec. 30-512 – Guest Rules**

The following are the minimum rules to be published and displayed in a conspicuous place as described in Sec. 30-511(a)(3) of this Article:

- (1) Please respect the neighborhood and your neighbor's right to quiet enjoyment of their home. Loud music and noise are prohibited by the Dawson County Noise Ordinance. Quiet time: 10 p.m. to 7 a.m. on weekdays and 10:00 p.m. to 8:00 a.m. on weekends and holidays.
- (2) Overnight guests shall not exceed the property's posted occupancy.

- (3) All rental properties are designed for residential use consistent with the Dawson County Land Use Resolution. Large groups, events, receptions or the like which exceeds the maximum daytime occupancy of the property is prohibited.
- (4) Cars may not be parked on the street and must remain on the property associated with said Short-term Rental or Bed and Breakfast Establishment in designated parking areas.
- (5) Motor homes, campers, etc. are prohibited and may not be parked or hooked up at a Short-term Rental or Bed and Breakfast Establishment.
- (6) Garbage shall be bagged securely and placed in provided trash receptacles. Lids must be secured on trash receptacles to prevent wildlife incursions.

### **Sec. 30-513 – Additional Requirements**

- (a) *Access to a Short-term Rental.* The Property upon which a Short-term Rental or Bed and Breakfast Establishment is located must either front upon, and have access to, a County-maintained road by a minimum fifty (50) feet of road frontage, or if the property is located on a privately-owned road, the property owner/applicant must provide written authorization from any and all owners of the road granting access to County employees with authority to enforce this Article, including employees or agents of the County Marshals Office, Sheriff's Office, Fire Department, and Health Department, which shall authorize gate access, where applicable, for enforcement purposes.
- (b) *Advertising.* Any advertising of a Short-term Rental or Bed and Breakfast Establishment shall conform to information included in the permit and requirements of this Article, and shall include the permit number issued by the County.
- (c) The Short-term Rental or Bed and Breakfast Establishment must have a sewer connection or a septic system in good working order and capable of handling the number of bedrooms approved for rental.
- (d) No Short-term Rental may be rented on a nightly basis. Any rental of a Short-term Rental shall be for a minimum term of at least two (2) consecutive nights.

### **Sec. 30-514 - Short-term Rental Agent; duties**

- (a) The Owner of a Short-term Rental shall designate a Short-term Rental Agent on its application for a Short-term Rental permit 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.
- (b) An Owner may designate himself or herself as the Short-term Rental Agent, or may designate any other Natural Person over the age of 21. Alternatively, an Owner may retain a managing agent, managing agency, operator, or representative to serve as the Short-term Rental Agent 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 to comply with this Section shall be deemed noncompliance by the Owner.

- (c) 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 Dawson County Marshal in writing of the new agent's identity, together with all information regarding such person as required by this Article.
- (d) Any change in designation of the Short-term Rental Agent will not take effect until notice has been provided to Dawson County.
- (e) The Short-term Rental Agent shall:
  - (1) Respond to the Property 24 hours a day, 7 days a week, and within two (2) hours following notification from a duly authorized representative of Dawson 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 have committed violations of Code of Dawson County, Georgia, or other applicable local, state or federal law pertaining to noise, disorderly conduct, overcrowding, consumption of alcohol, or use of illegal drugs. This is not intended to impose a duty on the Short-term Rental Agent to act as a peace officer or otherwise require the agent to place himself or herself in a perilous situation.
    - i. Whether the Short-term Rental Agent shall be required to respond to the Property 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.
    - ii. Nothing in this section shall be construed as limiting Dawson County or any officer or employee thereof in responding to any violation, disturbance, or complaint or taking any enforcement action under this Article.
  - (2) Receive and accept service of any notice of violation related to the use or occupancy of the Short-term Rental.
  - (3) Monitor the Short-term Rental for compliance with this Article.

**Sec. 30-515 - Bed and Breakfast Establishment Owner/Agent; duties**

- (a) The Owner of a Bed and Breakfast Establishment shall designate a Short-term Rental Agent on its application for a Bed and Breakfast Establishment permit who has access and authority to assume management of the Bed and Breakfast Establishment and take remedial measures while the Bed and Breakfast Establishment is being rented to an occupant and/or guest.
- (b) An Owner may designate himself or herself as the Bed and Breakfast Agent, or may designate any other Natural Person over the age of 21. The Owner of the Bed and Breakfast Establishment is responsible for compliance with the provisions of this Section, and the failure of an agent to comply with this section shall be deemed noncompliance by the Owner.
- (c) An Owner may change his or her designation of a Bed and Breakfast 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 Dawson County Marshal in writing of the new agent's identity, together with all information regarding such person as required by this Article.
- (d) Any change in designation of the Bed and Breakfast Agent will not take effect until notice has been provided to Dawson County.
- (e) The Bed and Breakfast Agent shall:
  - (1) Reside on the Property of the Bed and Breakfast Establishment and be at least 21 years of age or older.
  - (2) Respond to the Property 24 hours a day, 7 days a week, and within two (2) hours following notification from a duly authorized representative of Dawson 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 Bed and Breakfast Establishment have created unreasonable noise or disturbances, engaged in disorderly conduct, or have committed violations of the Code of Dawson County, Georgia, or other applicable local, state or federal law pertaining to noise, disorderly conduct, overcrowding, consumption of alcohol, or use of illegal drugs. This is not intended to impose a duty on the Bed and Breakfast Agent to act as a peace officer or otherwise require the agent to place himself or herself in a perilous situation.
    - i. Whether the Bed and Breakfast Agent shall be required to respond to the Property 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.

- ii. Nothing in this section shall be construed as limiting Dawson County or any officer or employee thereof in responding to any violation, disturbance, or complaint or taking any enforcement action under this Article.
- (3) Receive and accept service of any notice of violation related to the use or occupancy of the Property.
  - (4) Monitor the Bed and Breakfast Establishment for compliance with this Article.

### **Sec. 30-516 - Renewal of permit**

- (a) An approved Short-term Rental or Bed and Breakfast Establishment permit shall be valid for a period of twelve (12) months from the date issued.
- (b) Each application for renewal of a permit shall be approved or denied in accordance with the procedures prescribed in this Article.
- (c) Each application for renewal of a permit shall be submitted by 4:00 p.m. thirty (30) days prior to the permit expiration date. Any Permittee who has not submitted the renewal application and required fee by 4:00 p.m. thirty (30) days prior to the permit expiration date shall pay a late charge as determined by the Dawson County Board of Commissioners and set forth in Dawson County Planning and Development Fee Schedule. If the renewal deadline date falls on a Saturday or Sunday, the renewal deadline shall be the following Monday.
- (d) Any application received after the permit expiration date shall be treated as an initial application and the Applicant shall be required to comply with all rules and regulations for the granting of permits as if no previous permit had been held. This will include, but in no way be limited to, a reassessment of administrative fees and suspension of any and all rental activities during the reapplication process.

### **Sec. 30-517 – Transfer or Assignment**

No person to whom a permit has been issued shall transfer, assign or convey such permit to another person and no permit issued under this Article may be transferred or assigned or used at any location other than the location for which it is issued.

### **Sec. 30-518 – Cancellation of Permit**

Before the expiration of a permit, a Permittee may voluntarily cancel the permit by notifying Dawson County in writing of the intent to cancel the permit. The permit shall become void upon the receipt of written notice of intent to cancel the permit.

### **Sec. 30-519 – Suspension or Revocation of Certificate – Administrative Penalties**

- (a) Any false statements or false information provided in the application is grounds for denial, suspension or revocation of a permit under this Article, including the denial of future applications.
- (b) Any violations or noncompliance with the provisions of this Article are grounds for denial, suspension, or revocation of a permit, including denial of future applications.
- (c) *Discovery of an immediate health hazard.* Upon the discovery of an immediate health hazard to renters, the Permit Administrator shall suspend a permit issued under this Article until the hazard is remedied. If the hazard is not timely corrected, the permit may be revoked.
- (d) Reasons for revocation of a permit include, but are not limited to:
  - (1) Any permit issued under this Article shall be immediately revoked in the case of bankruptcy, receivership or levy of legal process upon the Owner or subject Property.
  - (2) A permit shall be immediately suspended or revoked upon learning that an Applicant furnished fraudulent or untruthful information in the application for a permit, or omits information required in the application for a permit, or fails to pay all fees, taxes, or other charges imposed under the provisions of this Article or other applicable ordinances and laws.
  - (3) A permit may be suspended or revoked in the case of three violations of this Article within a 12-month period.
  - (4) A permit may be suspended or revoked if the Property's use as a Short-term Rental constitutes a public nuisance.
  - (5) A permit shall be immediately suspended upon violation of any zoning, building, health, or safety code provision, and the Owner must demonstrate compliance with the applicable code prior to being eligible for reinstatement or to receive a subsequent permit.
- (e) Any suspension, revocation, or forfeiture of an issued permit shall occur only after notice and opportunity for a hearing before the Board of Commissioners consistent with the procedures set forth in this Article.

### **Sec. 30-520 - Permit fee**

The permit fee shall be a non-refundable fee amount as set forth in the Dawson County Planning and Development Fee Schedule, and as amended by the Dawson County Board of Commissioners from time to time. Permits are valid for twelve (12) months from the date of issuance.

## **Sec. 30-521 – Taxes**

Short-term Rental and Bed and Breakfast Establishment Owners are subject to state sales tax, County taxes, including but not limited to the hotel/motel tax, and are liable for payment thereof as established by state law and the Code of Dawson County, Georgia. The County may seek to enforce payment of all applicable taxes to the extent provided by law, including injunctive relief.

## **Sec. 30-522 – Violation and Penalties – upon Citation in Magistrate Court**

- (a) Any violation of this Article, including any violation of the Noise Ordinance set forth in the Code of Dawson County, Georgia, shall subject the permit holder to the following progressive actions, except for those violations and occurrences set forth in Section 30-519 that provide for immediate suspension or revocation upon notice and hearing:
  - (1) The first violation within a consecutive 12-month period, which 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 in magistrate court.
  - (2) The second violation within a consecutive 12-month period, which shall result in a fine in magistrate court not to exceed \$ 500.00 and a suspension of the permit for a period of not less than thirty (30) nor more than ninety (90) days upon a finding of guilt or plea in magistrate court.
  - (3) The third violation within a consecutive 12-month period, which shall result in a fine in magistrate court not to exceed \$ 1,000.00 and the revocation of the permit upon a finding of guilt or plea in magistrate court, and the Owner or Short-term Rental Agent/Bed and Breakfast Agent shall not be eligible to reapply for a permit for a period of twelve (12) months from the date of revocation.
- (b) Any violation of the provisions of this Article by the Owner, Short-term Rental Agent/Bed and Breakfast Agent, or, occupants and/or guests of a Short-term Rental or Bed and Breakfast Establishment shall be enforced in magistrate court to the full extent authorized by O.C.G.A. § 36-1-20. Enforcement actions may be brought against occupants and/or guests of a Short-term Rental or Bed and Breakfast Establishment for violations of this Article and any other provision of the Code of Dawson County, Georgia notwithstanding that enforcement actions may also be brought against the Owner or Short-term Rental Agent/Bed and Breakfast Agent responsible for the conduct constituting the violation. A finding of guilt or plea of guilty or nolo contendere for any violation of the provisions of this Article shall subject the Owner of a Short-term Rental or Bed and Breakfast Establishment to the administrative penalties as set forth in Section 30-522(a)(1-3) regardless of whether the finding of guilty is against, or the plea of guilty or nolo contendere was by, the Owner, Short-term Rental Agent/Bed and Breakfast Agent, or occupants and/or guests of a Short-term Rental or Bed and Breakfast Establishment.



- (c) Each day the Short-term Rental or Bed and Breakfast Establishment is advertised, marketed, or rented for overnight accommodation without the necessary permit required under this Article shall constitute a separate violation.
- (d) A property subject to this Article 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.) as a Short-term Rental or as a Bed and Breakfast Establishment shall be prima facie evidence the property is being used as a Short-term Rental or Bed and Breakfast Establishment.
- (e) Failure of the Owner or Short-term Rental Agent/Bed and Breakfast Agent to respond to calls or complaints regarding the condition, operation, or conduct of occupants and/or guests of the Short-term Rental or Bed and Breakfast Establishment 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 Short-term Rental Agent/Bed and Breakfast Agent act as a peace officer or place himself or herself in an at-risk situation.
- (f) In addition to the penalties described above, any person violating the provisions of this Article by operating a Short-term Rental or Bed and Breakfast Establishment without a valid permit under this Article may be prosecuted in magistrate court and upon conviction, shall be subject to a fine in an amount not to exceed \$1,000.00 or confinement in the county jail not to exceed 60 days or both.
- (g) 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 30-522(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.
- (h) In all cases, the mandatory suspension period may be mitigated by the Board of Commissioners upon presentation of evidence that the permit holder established practices and procedures to prevent the violation from occurring.

### **Sec. 30-523 – Enforcement**

- (a) To ensure continued application of the intent and purpose of the Article, any complaints received by Dawson County regarding a Short-term Rental or Bed and Breakfast Establishment shall result in a notice of the complaint being directed to the Short-term Rental Agent or the Bed and Breakfast Agent, as applicable. The Short-term Rental Agent or Bed and Breakfast Agent shall be responsible for contacting the occupants to correct any problem within one (1) hour, if applicable. As directed by a duly authorized officer or employee of Dawson County, the Short-term Rental Agent or Bed and Breakfast Agent is required to visit the Property to confirm compliance with this Article. However, nothing in this section shall be construed as limiting Dawson County or any officer or employee

thereof in responding to any violation, disturbance, or complaint, or taking any enforcement action under this Article.

- (b) The Permit Administrator, or his or her designee, shall investigate whenever there is reason to believe that an Owner, Occupant(s) and/or Short-term Rental Agent or Bed and Breakfast Agent has failed to comply with the provisions of this Article. The investigation may include an inspection of the Short-term Rental or Bed and Breakfast Establishment in accordance with applicable law, review of law enforcement/security reports, online searches, citations, or neighbor documentation consisting of photos, sound recordings and video all of which may constitute evidence of a violation. Should the investigation support a finding that a violation occurred, the Permit Administrator shall determine in his/her discretion whether to proceed with the administrative penalties set forth in Section 18-385 or upon citation to Magistrate Court as set forth in Section 18-386, or both, as applicable.
- (c) The Permit Administrator, or his or her designee, is hereby authorized to establish such procedures as may be required to carry out the purpose and intent of this Section.
- (d) County employees, including employees or agents of the County Marshal's Office, Sheriff's Office, Code Compliance, Fire Department, and Health Department shall have the authority to enforce this Article.

### **Sec. 30-524 – Appeals and Hearings**

- (a) A person aggrieved by the Permit Administrator's or his or her designee's decision to deny a permit may appeal the decision to the Dawson County Board of Commissioners. The appeal must be filed with the Dawson County clerk in writing, within 30 calendar days of the date of the decision to deny the permit, contain a concise statement of the reason for appeal, and be accompanied by the appeal fee as set out in Dawson County Planning and Development Fee Schedule as amended by the Dawson County Board of Commissioners from time to time.
- (b) Upon receipt of an appeal of the Permit Administrator's or his or her designee's decision to deny a permit, or upon the administrative suspension or revocation of a permit, the Dawson County clerk shall schedule a hearing before the Dawson County Board of Commissioners. The timely filing of an appeal shall stay the revocation, suspension, or denial, pending a decision by the Dawson County Board of Commissioners.
- (c) The Dawson County Board of Commissioners shall hold a hearing within 30 days after receipt of the appeal or following the Permit Administrator's determination that suspension or revocation of the permit is warranted, unless extended for good cause, and provide the aggrieved party written notice of the time, place, and date of the scheduled hearing on the matter. 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.

- (d) At the hearing, the Permit Administrator or his or her designee shall present the facts upon which the denial, suspension, or revocation of the permit were based. After presentation of the case against the aggrieved party, the aggrieved party will have an opportunity to present his/her case, to rebut the allegations made against him/her, and present whatever defenses he/she has. The aggrieved party shall have the right to be represented by an attorney, at the expense of the aggrieved party, and to present evidence and cross-examine opposing witnesses.
- (e) At the conclusion of the hearing, the Dawson County Board of Commissioners shall place any findings and conclusions in writing, which shall be forwarded by the Permit Administrator or his or her designee to the aggrieved party.
- (f) The decision of the Dawson County Board of Commissioners shall be final unless appealed to the superior court of the County, within 30 days of the Permit Administrator or his or her designee providing written notification to the aggrieved party of the decision. Appeal shall be by writ of certiorari based upon the record in accordance with O.C.G.A. § 5-4-1.
- (g) For purposes of this Article, 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.

#### **Sec. 30-525 – Severability**

If any paragraph, sub-paragraph, sentence, clause, phrase, or portion of the ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if a provision of any part of this ordinance is applied to any particular situation or set of circumstances in such a manner as to be declared invalid or unconstitutional, then any such invalidity shall not be construed to affect the portions of this ordinance not so held to be invalid and the application of this ordinance to other circumstances shall be held to be invalid. The Dawson County Board of Commissioners hereby declares the intent of Dawson County Board of Commissioners is to provide for separable and divisible parts, and the Dawson County Board of Commissioner hereby adopts any and all parts hereof as may not be held invalid for any reason.

#### **Sec. 30-526 – Repealer**

All resolutions or ordinance or parts thereof in conflict with the terms if this Article are hereby repealed.

