

ROCKDALE COUNTY

CONYERS, GEORGIA

AN ORDINANCE TO AMEND THE TEXT OF SEC. 218-1 (PERMITTED USE TABLE), AND SEC. 218-13 (STANDARDS OF USE AND DEVELOPMENT) SUBSECTION (MMM2) OF THE UNIFIED DEVELOPMENT ORDINANCE OF ROCKDALE COUNTY, GEORGIA, AS AMENDED, REGARDING SHORT-TERM RENTALS; AND AMENDING THE SUPPLEMENTAL REGULATIONS RELATED THERETO; TO REPEAL CONFLICTING ORDINANCES AND FOR OTHER PURPOSES.

WHEREAS, Title 2, the Unified Development Ordinance of Rockdale County (Subpart B – Planning and Development of The Code of Rockdale County, Georgia), as amended, governs land use and zoning; and

WHEREAS, provisions within the Unified Development Ordinance pertaining to Short-Term Rentals to amend standardized regulations and criteria governing the location and density of Short-Term Rentals sites to protect health, safety, climate, welfare, and economic growth; and

WHEREAS, public hearings were held following public notice and all other requirements of Sec. 238-4 of the Unified Development Ordinance;

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of Rockdale County, Georgia, and it is hereby ordained by the authority of same as follows:

Section 1

That Sec. 218-1, entitled “Table of Permitted Uses,” is hereby amended by enacting the following:

Short-term rentals are permitted in A-R (Agricultural-Residential) and R-1 (Single-Family Residential) in accordance with the supplemental regulations found in Sec. 218-13 (mmm2) with approval and issuance of a License from the Director of the Department of Planning and Development with the concurrence of the Chair of the Board of Commissioners or the Chair’s designee. For parcels of land within these districts (A-R, R-1, & WP-NR), short-term rental use is limited to no more than 250 total licenses. Upon issuance of the maximum allowed licenses, any application for licensure thereafter shall be waitlisted and considered for approval in the order in which they are received by the Department of Planning and Development. In the event of non-renewal or revocation of any existing licenses, the Department of Planning and Development shall review, process, and issue licensure to the waitlisted applications which conform with the regulations herein.

NAICS Code	Uses	Sec. 218-13	Suppl	A-R	R-1	R-2	CRS	CSD	CUD	MRU	RM	CID	O-I	NC	M&D	C-1	C-2	OBP	M-1	M-2	CSO
	Short Term Rental	(mmm2)	Yes	P	P																

Section 2.

That Sec. 206-1 entitled "W-P Watershed Protection District" is hereby amended by enacting the following:

Short-term rentals are permitted in W-P (Watershed-Protection) in accordance with the supplemental regulations found in Sec. 218-13 (mmm2) with approval from the Director of the Department of Planning and Development after a motion to that effect is approved by the Chair of the Board of Commissioners or their designee.

Specified Use	W-NR	W-RW	W-RR	W-RB	W-RP
Short Term Rental	P				

Section 3.

That Sec. 218-13 subsection (mmm2) Supplemental Use Standards and Development, Short Term Rentals is hereby repealed and replaced with the following:

- (1) All structures used for short term rentals shall satisfy the National Fire Protection Association and International Fire codes, as adopted and amended by the Georgia Department of Community Affairs, and the Rockdale County Code of Ordinances.
- (2) All swimming pools, spas, and hot tubs shall comply with the International Swimming Pool and Spa Code as adopted and amended by the Georgia Department of Community Affairs and the Rockdale County Code of Ordinances as it applies to barriers and floatation devices.
- (3) No exterior alterations may be made to a residence to indicate that it is being used as a short-term rental. House numbers shall always be visible from the public street.
- (4) No advertising shall be visible from the street or from adjoining properties.
- (5) No detached structures, guest houses, or recreational vehicles or trailers shall be used as a short-term rental.

- (6) The maximum overnight occupancy for any license issued pursuant to this section shall be two people per bedroom.
- (7) Short-term rental premises must be maintained in compliance with standards contained within the Rockdale County Code of Ordinances.
- (8) Each operator of a short-term rental is required to keep a guest registry containing guest names, dates of occupancy, city of permanent residency, and description and license plate number of the vehicle they are using. Each operator of a short-term rental shall keep the above-described register for a period of at least 3 years, along with receipts and invoices, dates of occupancy, and such other information required by the Department of Planning and Development. Said records shall be made available for examination by the Rockdale County Board of Health or any authorized law enforcement agency upon the operator or owner of such a short-term rental being presented with a warrant to provide such information or immediately upon exigent circumstances.
- (9) Operators of short-term rentals shall not be permitted to serve food to guests for sale or otherwise; provided, however, that guests may prepare and serve food for people that are staying at the short-term rental.
- (10) The license number shall be included on all advertisements for the short-term rental.
- (11) Special events or private functions are not permitted at short-term rentals.
- (12) The operator shall not permit any occupant to sublet the premises and shall notify occupants of this prohibition in the guest occupancy agreement as required by O.C.G.A. § 43-21-3.2.
- (13) Application for License.
 - a) Each person seeking to obtain a license to operate a short-term rental shall submit an application to the Department of Planning and Development on a form provided by the same. The said application shall include:
 - 1. A statement that each applicant is a citizen or legal resident of the United States.
 - 2. The address, phone number, and email address of each applicant.
 - 3. The address of the short-term rental.
 - 4. Consent by each applicant to undergo a State of Georgia criminal background check.
 - 5. A copy of a deed showing the applicant to be the owner of the premises for which the license is sought.

6. All other state and local permits pertain to the operation of short-term rentals, including approvals, as applicable, or as determined by the Director of Planning and Development.
 7. A copy of the guest occupancy agreement as required by O.C.G.A. § 43-21-3.2. This agreement shall contain, at a minimum, notice to the occupants regarding the County's noise ordinance, special event prohibition, prohibition on subleasing, and notice that failure to vacate the premises for violating the agreement will be considered trespassing and thus subject to criminal prosecution.
 8. An affidavit swearing to use a platform that complies with state laws and collection of appropriate sales and lodging taxes.
 9. The name, address, telephone number, and email address of the short-term rental agent, which shall constitute his or her 24-hour contact information, and who shall be at least 25 years old and shall be able to be present onsite within one hour of contact.
 10. The number and location of parking spaces allotted to the premises and site plan indicating designated parking areas.
 11. 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 will abide by all other short-term rental regulations, and will abide by any and all other regulations established by this Code.
 12. Any other information that may be required by the Department of Planning and Development.
- b) All applications for a license to operate a short-term rental shall be accompanied by the payment of applicable fees as set in a schedule of fees adopted by the County and amended from time to time.
 - c) Applicant must obtain an occupational tax certificate receipt, also known as a business license, from the Department of Planning and Development, in accordance with Rockdale County Code of Ordinances Sec. 86-32.
 - d) All holders of any licenses issued pursuant to this article shall abide by the following regulations:
 1. Licensees shall not allow occupants to violate any federal, state, or local law, statute, rule, or ordinances, including, but not limited to this section, and shall

maintain compliance with all requirements regarding the appointed short-term rental agent.

2. All marketing and advertising of the licensed premises shall include the prominent display of the number of the license issued pursuant to this chapter, and such license number shall be prominently displayed on the licensed premises. All marketing and advertising shall include notification of the maximum occupancy and maximum number of vehicles allowed.
3. A licensee may retain a management agency, managing agent, operator, representative or local contact person to comply with the requirements of this section, including, without limitation, the licensing of the short-term rental, the management of the short-term rental and the compliance with the conditions of this license. Any such person so retained must be eligible under Georgia law to serve in that capacity. The owner of the short-term rental is responsible for compliance with the provisions of this section, and the failure of an agent, representative, or local contact person to comply with this section shall be deemed noncompliance by the owner.
4. Each licensee shall designate a short-term rental agent who has access and authority to assume management of the short-term rental unit. The licensee may be designated as the short-term rental agent. The name of the property owner and the short-term rental agent shall, along with their email addresses and telephone numbers at which the agent may be reached on a 24-hour, seven-days-a-week basis, must be displayed with the short-term rental license. The short-term rental agent shall be required to respond to the location of the short-term rental within one hour after notification of the existence of a violation of this chapter or any other provision of this Code or any disturbance requiring immediate remedy or abatement. A licensee must immediately notify the Department of Planning and Development in writing upon a change of short-term rental agent or any change in such agent's contact information, and such notification will be through forms prescribed by the Department of Planning and Development within five days of any change in agent or contact information.
5. A copy of a valid short term rental license shall be posted in a conspicuous location inside the main entrance of the short-term rental and shall be presented by the owner, agent, renter, or occupant of the premises when requested by the sheriff, any deputy sheriff, fire marshal or official, or code enforcement officer. The contact information for the short-term rental license holder and agent, if applicable, must be prominently displayed within the premises at all times.
6. The licensee must furnish the renter of the property with a copy of the ordinance from which this article is derived and a contract specifying the terms of the rental, which will include the maximum number of people

allowed on the premises at any time. The said contract will also specify the maximum number of vehicles allowed on the property at any time during the rental period. The property owner, agent, or occupant of the short-term rental, when requested to do so, will present a copy of the rental contract to the sheriff, any deputy sheriff, fire marshal or official, or code enforcement officer.

7. The presence of more people on the premises of a short-term rental than the maximum number specified in the rental contract shall be a violation of this article, and the person(s) named in the rental contract shall be subject to being cited for said violation. The sheriff, any deputy sheriff, fire marshal or official may order the excess number of people to vacate the premises, and any person refusing to do so shall be subject to arrest and prosecution for disorderly conduct as provided for in the Rockdale County Code of Ordinances.
8. It shall be unlawful for any occupant of a short-term rental to make, continue or cause to be made or continue any excessive, unnecessary, or unusually loud noise which disturbs the peace or quiet of anyone in the neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity. All electronic devices with speakers, including televisions, radios, and stereo systems, must be operated within the enclosed confines of the primary residence between the hours of 10:00 p.m. and 7:00 a.m. The frequent or continuous barking or other means of communication by animals that disturb the comfort or repose of the residents of any residential neighborhood shall not be allowed.
9. The minimum age of the person signing the rental agreement is 25, and such person shall be responsible for adherence to all regulations in this section by all occupants staying at the short-term rental. The person signing the rental agreement shall be required to be present at the short-term rental within one hour upon request by the sheriff, any deputy sheriff, fire marshal or official, or code enforcement officer during the rental period.
10. No vehicles shall be parked on any public or private right-of-way, and all parking shall be consistent with the parking plan submitted with the license application. The parking plan, which should be approved as part of the licensure, should be sufficient to allow adequate parking for the maximum occupancy of the rental unit. No person occupying a short-term rental shall park any vehicle illegally on any street or road nor park adjacent to any such street in a manner that would prevent or hinder any emergency vehicle from traveling thereupon. No person occupying a short-term rental shall park on any other person's property or block any driveway of any other person or property owner without permission to do so. No occupant of a short-term rental shall dock or otherwise tie any boat or vessel to the dock of any other property owner without the permission of the property owner. The sheriff, any deputy sheriff may impound any vehicle found parking in such a manner.

11. The presence of more vehicles on the premises of a short term rental, or more boats or vessels docked or moored on a body of water adjacent to the premises, than the maximum number specified in the rental contract shall be a violation of this article and the person(s) named in the rental contract shall be subject to being cited for said violation. The sheriff, any deputy sheriff, or code enforcement officer may order the owners or operators of the excess number of vehicles, boats, or vessels to remove them from the property, and any person refusing to do so may be cited for violating this article. The sheriff, any deputy sheriff, may further impound the excess vehicles, boats, or vessels that are not removed upon a request to do so.
12. No renter shall go upon any adjacent properties or the common areas of the neighborhood community unless specifically authorized in advance and in writing by the owner of the short-term rental property.
13. No accessory structures shall be used for any overnight occupancy.
14. Any and all pets on premises must be leashed or contained at all times. A renter should adhere to Code Chapter 18 -Animals; and Sections 18-12 and 18-13 regarding restraint and control of dogs.
15. The premises may not be utilized for any special event, as defined by this Code, and there shall be no admission charged by the renter for access to the premises.
16. No renter shall be allowed to sublet the premises or any rooms during rental.
17. No renter shall be allowed to place, site, or occupy any recreational vehicles or campers on the premises during rental.
18. All external lighting shall be directed within the parcel and shall not be allowed to impact adjacent properties.
19. All garbage and trash must be stored in a trash container or appropriate receptacle and shall not be placed within or adjacent to any private or public right-of-way for a period greater than 48 hours.
20. An interconnected and hard-wired smoke detection and notification system with battery backup is required and must always be operable and in good working order.
21. Subject to state law, the use of fireworks is prohibited at all short-term rentals.

- 22. No licensee or person occupying a short-term rental shall engage in any behavior on the premises of the rental property that constitutes a violation of the Rockdale County Code of Ordinances.
- 23. A short-term rental property owner shall always have a current license on file with the Department of Planning & Development.
- 24. A property owner seeking to operate a short-term rental in a community that has a homeowners' association (HOA) should contact the association prior to applying for a license regarding their community regulations. If a HOA approves a short-term rental, include a copy of the letter with the license application.

(14) Issuance of License.

- a. Upon determining that an application is complete, applicable fees are paid, and all the standards of this section are satisfied, the Department of Planning and Development shall issue the appropriate license for one year for which approval was granted.
- b. No license shall be issued for any short term rental where any individual having interest either as an operator, owner, partner, principal stockholder, or licensee, whether such interest is direct or indirect, of beneficial or absolute, has been convicted or has taken a plea of nolo contendere within five years for a felony or any crime involving moral turpitude, or has been convicted or has taken a plea of nolo contendere within two years for any misdemeanor of any state or of the United States or any municipal or county ordinance which would have any effect on the applicant's ability to properly conduct such business, except traffic offenses. The term "conviction" as used in this section shall include adjudication of guilty plea, plea of nolo contendere, or forfeiture of a bond when charged with a crime.

(15) Annual renewal of license and abandonment of license.

- a. All licenses issued pursuant to this article are annual licenses that run 365 days from the issuance of the license. Holders of existing licenses in good standing shall apply to the Department of Planning and Development for renewal by filing a renewal application in proper form and tendering the required fees. Renewal applications shall be accompanied by compliance documentation for payment of excise taxes and sales taxes.
- b. The abandonment or failure to use a residence as a short-term rental for 12 consecutive months for any period shall be deemed an abandonment of the short-term rental use, and the owner shall be required to obtain a new short-term rental license for the property.

(16) Transfer of Licenses.

- a. Licenses are issued to the applicant and do not carry with the land or premises. No license issued pursuant to this article shall be transferred from one person to another. Any violation of this section shall constitute due cause for probation, suspension, or revocation of the license.

(17) Citation for violations; Revocation of License; Penalty

- a. The Department of Planning and Development through available enforcement officers shall notify the holder of a short-term rental license of all instances in which acts or omission of the owner, agent, or any individual results in a citation for a code violation or other legal infraction. Citations may be served upon the short-term rental owner, rental agent, or any individual violating the provisions of this article. Each individual code violation, regardless of whether citation for such violation is served collectively with any other violation, and each day or instance of a violation, shall be treated as a separate and independent violation.
- b. The Department of Planning and Development shall maintain, for each short-term rental property, a record of all code violation citations, findings of responsibility, and convictions related to the short-term rental property. If a licensee receives three (3) violations within a consecutive 12-month period, the County shall revoke the short-term rental license and deny all license applications for the short-term property for a period of 12 consecutive months.
- c. If a short-term rental applicant has been cited and found to be in violation of any zoning, building, health, or life safety code provision, the owner must demonstrate compliance with the applicable code prior to being eligible to receive a short-term rental license.
- d. Citations shall be heard in the same fashion as other violations of this Code. In addition to the available fines, a court of competent jurisdiction may impose any other available remedy and may suspend the subject license for one violation for the remainder of the license term, regardless of whether the subject property had previously been subject to a violation.
- e. The following conduct shall constitute a violation for which the penalties specified herein of this section may be imposed, or the short-term rental license revoked:
 1. The owner or local contact person has violated any of the provisions of this chapter; or
 2. The owner or local contact person has violated any zoning, building, health, or life safety provision; or

3. Each day the short-term rental is marketed or rented for overnight accommodation shall constitute a separate violation.
 4. Failure of the owner or local contact person to respond to calls or complaints regarding the condition, operation, or conduct of occupants and/or guests of the short-term rental in a timely and appropriate manner as specified herein shall be grounds for the imposition of penalties as outlined in this section.
- (18) Any violation of the provisions of this section by occupants and/or guests of the short-term rental shall be enforced pursuant to this section and any other applicable Code sections. Enforcement actions may be brought against occupants and/or guests of a short-term rental for violations of this section and any other provision of this Code, notwithstanding that this section may also make the owner or local contact person of the short-term rental responsible for the conduct constituting the violation. The penalties for violations shall be as follows:
- a. For the first violation within any 12-month period, the penalty shall be a citation and a fine not to exceed \$500.00.
 - b. For a second violation within any 12-month period, the penalty shall be a citation and a fine not to exceed \$750.00.
 - c. For a third violation within any 12-month period, the penalty shall be a citation, a fine not to exceed \$1,000.00, the revocation of the short-term rental license for 24 months, and the owner or local contact person shall not be eligible to reapply for a short-term rental on the property in violation for 24-months from the date of revocation.
- (19) If non-compliance with the provisions of this section occurs, the Department of Planning and Development, Code Enforcement Officer of the County, and/or the Rockdale County Sheriff Department shall investigate whenever there is reason to believe that an owner and/or local contact person has failed to comply with the provisions of this chapter. The investigation may include an inspection of the premises, a 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.
- (20) The Department of Planning and Development, Code Enforcement Officer of the County, and the Rockdale County Sheriff Department are hereby authorized and directed to establish such procedures, which may, from time to time, be required to carry out the purpose and intent of this chapter. The Rockdale County Sheriff or designee or Code Enforcement shall also have authority to enforce this chapter.
- (21) Complaints. Complaints about the property may result in a notice of the violation being directed at the local contact person. The local contact person shall be responsible for contacting the responsible guests and/or occupants to correct the problem within one hour. This local contact person is required to visit the property to confirm compliance

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with this chapter unless compliance can reasonably be confirmed without visiting the property. It is not intended that an owner or local contact person act as a peace officer or place himself or herself in an at-risk situation.

Section 4.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5.

If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the Board of Commissioners of Rockdale County, Georgia that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

Adopted this 27 day of January 2025.

Rockdale County, Georgia Board of Commissioners

By: Janice Van Ness
Janice Van Ness, Chair & CEO

By: Tuwanya Smith
Tuwanya Smith, Commissioner Post 1

By: Doreen Williams
Dr. Doreen Williams, Commissioner Post 2

Attest Jennifer Rutledge
By: Jennifer Rutledge
Jennifer Rutledge, County Clerk

Approved as to form:

By: M. Qader A. Baig
M. Qader A. Baig, County Attorney