

# **2022 CODE AMENDMENTS**

## **Official Code of Cobb County Part I. – Chapter 78**

### Package II

Version I - distributed on August 11, 2022

Version II- Distributed on September 21, 2022

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Board of Commissioners Work Session

August 23, 2022 – 1:30 pm

Board of Commissioners Public Hearing Dates

September 13, 2022 – 9:00 am

September 27, 2022 – 7:00 pm

Cobb County Community Development

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## Chapter 78 – LICENSES, PERMITS AND BUSINESSES

The Official Code of Cobb County, Georgia, is amended by adding Division 11, to read as follows:

### DIVISION 11. – SHORT TERM RENTALS

#### Section 78-407. – Short-term rentals

##### (a) Purpose.

1. The purpose of this section is to protect the public health, safety and general welfare of individuals and the community at large; to establish standards for 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 rentals occurs.
2. This section is not intended to regulate hotels, motels, inns, boardinghouses, lodging houses, or rooming houses.

##### (b) Applicability.

1. It shall be unlawful for any owner of any property within the unincorporated areas of Cobb County to rent or operate a short-term rental of residential property contrary to the procedures and regulations established in this section, other provisions of this Code, or any applicable state law.
2. The restrictions and obligations contained in this section shall apply to short-term rental units at all times during which they are marketed and/or used as short-term rental units.
3. The allowance of short-term rental properties pursuant to this section shall not prevent private enforcement of additional restrictions that may be contained in restrictive covenants or other private contractual agreements or arrangements.
4. This ordinance shall be effective January 1, 2023.

##### (c) Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Noise ordinance: Those regulations contained in the official code of Cobb County, Georgia, chapter 50, article VII.

Owner: A person or entity that holds legal and/or equitable title to private property, as shown on Cobb County tax records.

Private: Intended for or restricted to the occupants and/or guests of his or her short-term rental property; not for public use.

Property: A residential lot of record on which a short-term rental property is located.

Rental term: The period of time a responsible person rents or leases a short-term rental.

Short-term rental occupant means guests, tourists, lessees, vacationers or any other person or persons 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 property means an accommodation for transient guests where, in exchange for compensation, a residential dwelling unit is provided for lodging for a period of time not to exceed 30 consecutive days.

Short-term rental agent means a person or agency designated by the owner of a short-term rental property on the short-term rental certificate application. Such person or agency shall be available for

and responsive to contact at all times and someone who is customarily present at a location within the county for purposes of transacting business.

*Short-term rental certificate* means a certificate issued by the business license division to owners or the designated rental agent of short-term rental properties who have submitted the required documentation and met the requirements set forth in this chapter for operation of a short-term rental.

(d) Short-term rental certificate required.

1. A short-term rental certificate is required to be obtained from the business license division for each short-term rental property.
2. No person shall rent, lease or otherwise exchange for compensation all or any portion of a property as short-term rental without first obtaining a short-term rental certificate from the county.
2. A separate short-term rental certificate shall be required for each short-term rental property.
3. The short-term rental certificate may not be transferred, assigned, or used, for any location other than the one for which it is issued.
4. When a change of ownership occurs, the new owners shall notify the business license division and apply for and obtain a new short-term rental certificate.

(e) Application for short-term rental certificate.

1. Applicants for short-term rental certificate shall submit, on an annual basis, an application for a short-term rental certificate to the business license division. The application shall be accompanied by a non-refundable application fee in the amount of \$55.00. Such application shall include:
  - a. The name, address, telephone and email address of the owner(s) of record of the property for which a certificate is sought. If such owner is a corporate entity or similar legal entity, the application shall identify all partners, members, officers and/or directors of any such entity, including personal contact information, unless the entity operates a leasing office on the property where the short-term rental agent is customarily present for purposes of conducting business.
  - b. The address of the property to be used as a short-term rental property;
  - 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 short-term rental agent'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; and
  - f. Any other information that this section requires the owner to provide to the county as part of an application for a short-term rental certificate. The community development agency director, or his or her designee, shall have the authority to request and obtain additional information from the applicant as necessary to achieve the objectives of this section.
2. Attached to and concurrent with the short-term rental certificate application, the owner or short-term rental agent shall provide:
  - a. Proof of the owner's current ownership of the short-term rental property;
  - b. A written certification from the short-term rental agent that he or she agrees to perform the duties subscribed as specified in section;

c. A sworn statement from the applicant that any applicable homeowners association or property owners association has been notified of the application; and

d. Adjoining property owners, as shown on the most current tax records, shall be notified of the application in writing, and proof of notification shall be submitted to the business license division.

3. If the short-term rental agent changes, the property owner shall notify the county within five business days.

(f) Short-term rental agent.

1. The owner of a short-term rental property shall designate a short-term rental agent on his or her application for a short-term rental certificate. An owner may serve as the short-term rental agent. Alternatively, the owner may designate a person or agency as his or her agent.

2. The duties of the short-term rental agent are to:

a. Serve as the 24-hour contact and be available to handle any problems arising from use of the short-term rental property;

b. Keep his or her name and emergency contact phone number posted in a readily visible place in the short-term rental property;

c. Receive and accept service of any notice of violation related to the use or occupancy of the short-term rental property;

d. Monitor the short-term rental property for compliance with this section; and

e. List the short-term rental certificate number on each online listing.

3. 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 short-term rental property at any given time. To change the designated agent, the owner shall notify the business license division in writing of the new agent's identity, a new written certification from the short-term rental agent that he or she agrees to perform the duties subscribed to her or her as specified in section, and proof that the name and contact information for the new rental agent has been posted in the short-term rental property.

(g) Grant or denial of application.

Review of an application shall be conducted in accordance with due process principles and shall be issued within thirty days of all required information being received. Any false statements or information provided in the application are grounds for denial of the application, citations and/or imposition of penalties.

(h) Standard conditions.

All short-term rental properties established pursuant to this section are subject to the following standard conditions:

1. Short-term rental properties are permitted in all Residential (R) zoning districts. No more than one short-term rental certificate shall be issued per dwelling unit.

2. Short-term rental properties shall only be permitted in residential structures with a valid Certificate of Occupancy.

3. Occupancy and parking for single-family dwelling units shall be in accordance with Sec. 134-1.

4. Parked vehicles. Off-street automobile parking shall be provided in accordance with Sec. 134-272.

5. Life safety and sanitation.

a. Short-term rental properties shall meet all applicable building regulations, as required by Chapter 18.

- b. Short-term rental properties shall meet all applicable fire prevention and protection regulations, as required by Chapter 54.
- c. Short-term rental properties shall meet applicable Health and Sanitation regulations, as required by Chapter 62.
- 6. The short-term rental property must be properly maintained and regularly inspected by the owner or short-term rental agent to ensure continued compliance with applicable zoning, building, health and life safety code provisions.
- 7. Any advertising of the short-term rental property shall include short-term rental unit certificate number, notification of the maximum occupancy, maximum number of vehicles allowed, and provisions regulating noise. This information shall also be posted at the rental property.
- 8. A legible copy of the short-term rental certificate 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 certificate number;
  - c. The maximum occupancy of the unit;
  - d. The maximum number of vehicles that may be parked at the unit; and
  - e. Provisions regulating noise.

(i) Enforcement

- 1. Complaints regarding a short-term rental property may be provided in writing, by email, through the online code enforcement system, or by telephone to the code enforcement division, which shall include a description of the complaint and the property address.
- 2. Complaints shall result in a notice of the complaint being directed to the short-term rental agent and owner. The short-term rental agent shall be responsible for contacting the short-term rental occupant to correct the problem.
- 3. If non-compliance with provisions of this section occurs, the code enforcement division shall conduct an investigation whenever there is reason to believe that an owner and/or short-term rental agent has failed to comply with the provisions of this section. Should the investigation support a finding that a violation occurred, the code enforcement division shall issue a written notice of the violation and intention to impose a penalty to the owner and/or short-term rental agent. The written notice may be served either by first class mail, by commercial overnight delivery, by personal service on the owner and/or short-term rental agent, or by any other reasonable means of delivery, including email, and shall specify the facts which, in the opinion of the code enforcement division, constitute grounds for imposition of the penalties.
- 4. To ensure the continued application of the intent and purpose of this section, the community development agency shall notify the owner of a short-term rental property of all instances in which nuisance behavior of the rental guest or the conduct of his or her short-term rental agent results in a citation for a code violation or other legal infraction.
- 5. The community development agency shall maintain, in each short-term rental property file, a record of all code violation charges, founded accusations, and convictions occurring at or relating to a short-term rental property.
- 6. The code enforcement division is also hereby authorized and directed to establish such procedures for issuing citations for violations of this section. The Cobb County Police Department shall also have authority to enforce this section and issue citations.
- 7. Citations resulting from the enforcement of this section shall be heard by Magistrate Court.

(j) Penalties.

1. The penalties for violations specified in this section shall be as follows:
  - a. For the first violation within any 12-month period, the penalty shall be a fine of \$500.00;
  - b. For a second violation within any 12-month period of the first violation, the penalty shall be a fine of \$750.00;
  - c. When a short-term rental agent has accumulated three violations for a particular property within a 12-month period of the first violation, the county shall revoke any pending certificates, the existing certificate for the subject property, and reject all applications for the subject premises for a period of 12 consecutive months.
  - d. For any violation that occurs when more than a 12-month period has transpired, it shall start again as a first violation.
2. A short-term rental property that is determined to be operating without the necessary short-term rental certificate shall subject the owner to a penalty of \$500.00. Each day the short term rental is rented for overnight accommodation without a certificate is a separate violation.

(k) Taxes.

The short-term rental property owner shall be responsible for collection of all required hotel/motel taxes, tourism fees, or other state and local fees/taxes relating to the lodging of individuals. These payments shall be paid to the state and county as prescribed by state law and county code. The county may seek to enforce payment of all applicable taxes to the extent provided by law, including injunctive relief.

Secs. 78-~~407-408~~—78-410. - Reserved.