



Agenda
City of Clarkesville
Council Work Session
5:00 PM March 11, 2024

1. *Call to Order*
2. *Unfinished Business*
 - 2a. *Discuss Partnership Habersham*
 - 2b. *Discuss the Short Term Rental Regulations*
3. *New Business*
 - 3a. *Discuss Sewer Repairs Utilizing GEFA*
 - 3b. *Mr. Dickerson Will Provide an Update on the Bridge Water Line*
 - 3c. *Discuss Contract With Falcon Design to Evaluate Sewer for GDOT Project at Hwy 115 Bridge*
 - 3d. *Discuss and Vote to Approve Resolution 2024-2; 2023 Budget Amendments*
4. *Public Comment*
5. *Consider Going Into Executive Session*
6. *Adjournment*

CITY OF CLARKESVILLE, GEORGIA

SHORT-TERM RENTAL REGULATIONS

Sec. I Purpose

The purpose of the regulations is for the use of an accommodation as a short-term rental (STR) in order to support the health, well-being, and safety of guests and residents while minimizing the negative secondary effects on surrounding properties, including lowering of neighboring property values, to ensure proper safety precautions are in place, and to facilitate the collection and payment of STR taxes and related fees according to O.C.G.A. Title 48, Chapter 13, Article 3, Section 51(a)(3).

Sec. Definitions.

As used in the regulations, the following terms shall have the meanings ascribed to them in this section:

Accommodation. Any single or multifamily home, or any portion thereof, studio, condominium, townhouse, duplex, guest house, tiny home, cabin, tent, yurt, treehouse, container, cave, houseboat, hostel, bunkhouse, or recreational vehicle. The term accommodation shall not include land leases providing sites for camping, RVs or similar non-permanently affixed lodging.

Bedroom. A room that is intended primarily for sleeping as reflected on the building permit, tax assessors' records and/or site inspection. It must have its own access door and means of emergency egress.

Code Enforcement Officer. Any person contracted with or employed by a state, county or municipality who has enforcement authority for health, safety, or welfare requirements and is authorized to issue citations or file formal complaints regarding the same O.C.G.A. 36-74-21 (1).

Fee Schedule. Official document established by resolution outlining fees associated with STR licensing and regulations.

Good Neighbor Notification. A document provided by the property owner/registered agent to surrounding properties annually.

Guest. Any person or persons renting a short-term rental.

Daytime Occupancy. Daytime occupancy not to exceed twice overnight occupancy.

Overnight Occupancy. Sleeping capacity based on number of bedrooms.

Property Owner. The person(s) or entity that holds legal title to the property as registered with Habersham County to include:

a) An Individual;

b) A Business Entity to include corporations, general partnerships, limited partnerships, joint ventures, limited liability companies, and trusts. In the case of a Business Entity, the owner shall be the majority shareholder or partner and will be responsible for any violations. However, all shareholders, partners, and members must be disclosed for the purposes of the regulations; and

c) A Business with over 50 Employees. In the case of a business with over 50 employees, the STR license shall be granted to the individual or partners primarily responsible for personally supervising and conducting the operation of the STR and will be responsible for any violations. Any person applying on behalf of a corporation must disclose the extent of his representative capacity as well as the names and addresses of the officers of the corporation. The applicant must also furnish the names and addresses of any persons, firms, or corporations who have a financial interest in the ownership of the STR.

Leasing, subleasing, franchising, and occupancy agreements are not recognized as owners of property.

Local Registered agent. An individual(s) with the legal authority to make and act on decisions of tenancy, building maintenance, complaints, and repairs.

STR Officer. The local government official authorized to issue citations or file formal complaints under the regulations.

Short-term rental advertisement. Any method soliciting use of a lodging accommodation or any part thereof for short-term rental purposes.

Short-term rental. A lodging accommodation rented to transient guests for a period not to exceed 30 consecutive days. Because Tourist Accommodations (single properties owned by one person with more than one separately rented short-term rental unit) are licensed/permitted and regulated by the State Department of Public Health, these properties are not considered short-term rentals for the purposes of local licensing. DPH Chapter 511-6-2.

Sec. Tax Rate

(a) Rate of levy. There is hereby set and levied on the occupant of a guest room of any lodging accommodation within the City of Clarkesville a tax in the amount of five percent of the gross rent and fees for such occupancy.

(b) Any action by a local governing authority to impose or change the rate of the tax authorized under this article shall become effective no sooner than the first day of the second month following its action by the local governing authority. O.C.G.A. § 48-13-51(g)(1).

(c) Exemptions. The tax imposed by the regulations shall not apply to:

1. Permanent residences. Notwithstanding any other provision of this section, no tax shall be imposed hereunder upon a permanent resident.

2. Charges made for any rooms, lodgings, or accommodations provided to any persons who certify that they are staying in such room, lodging, or accommodation as a result of the destruction of their home or residence by fire or other casualty; O.C.G.A. § 48-13-51(h)(1).

3. The use of meeting rooms and other such facilities or any rooms, lodgings, or accommodations provided without charge; O.C.G.A. § 48-13-51(h)(2).

4. Any rooms, lodgings, or accommodations furnished for a period of one or more days for use by Georgia state or local governmental officials or employees when traveling on official business. Notwithstanding the availability of any other means of identifying the person as a state or local government official or employee, whenever a person pays for any rooms, lodgings, or accommodations with a state or local government credit or debit card, such rooms, lodgings, or accommodations shall be deemed to have been furnished for use by a Georgia state or local government official or employee traveling on official business for purposes of the exemption. For purpose of the exemption provided under this paragraph, a local government official or employee shall include officials or employees of counties, municipalities, consolidated governments, or county or independent school districts; O.C.G.A. § 48-13-51(h)(3).

5. Charges made for continuous use of any rooms, lodgings, or accommodations after the first 30 days of continuous occupancy. O.C.G.A. § 48-13-51(h)(4).

Sec. Use of Revenue.

Revenue will be allocated in accordance with the requirements in O.C.G.A. 48-13-51(a)(3).

Sec. License required.

The property owner must be the STR license holder. It is unlawful for any person or entity to

operate or advertise as an STR within the city without a valid STR license issued for each short-term rental accommodation pursuant to the regulations.

a) The non-refundable annual fees for the issuance of an STR license shall be established by resolution and shall be set forth in the STR fee schedule.

b) An STR license shall expire December 31st of each year and must be renewed annually.

c) The purchaser of a property covered by an existing STR license shall have first right of refusal to obtain a STR license for that property if the purchaser is in compliance with all the requirements of the regulations. The new property owner shall have 30 days after closing to apply for an STR license.

d) This license applies to all short-term rentals in the City of Clarkesville.

e) A penalty of \$75 will be assessed to all late annual renewal license fee payments received after the deadline.

f) Operation of an STR business for more than 60 days without renewal of the license can result in termination and non-renewal of the STR license.

g) An STR license shall be for a specific property held by the owner of that property who is required to be the applicant and license holder. An owner of a property holding a STR license may not transfer that license to a different property owned by the same owner. Any time a new owner of a property or a new property seeks consideration for a STR license a new application must be made.

Sec. Inspections and issuance of STR license.

Upon receipt of a completed application for the issuance or renewal of an STR license, the Code Enforcement Officer may schedule an inspection of the STR for compliance with all applicable laws, rules, permits, regulations, and operational requirements set forth by the regulations.

SEC. STR License applications.

1. Total number of STR licenses in the City of Clarkesville is not limited. The distance between STR's will be at least 1,500 feet away from each other in residential zoned areas. Zoning must be approved by the Code Enforcement Officer.

2. Application for the initial issuance or renewal of a short-term rental license shall be completed with the City Clerk's office. Official renting may commence upon City approval of an STR license. STR licenses are officially approved by the City Clerk's office and inspection by the Code Enforcement Officer. Completion of an application for STR license does not guarantee a license, but it does place the property in queue for consideration.

3. The STR license applicant shall be the owner(s) of the property.

4. Upon receipt of a new application, an inspection may be scheduled by the Code Enforcement Officer. There is no charge for the initial inspection or a follow-up inspection to confirm issues identified in the initial inspection were rectified. However, if a second and/or subsequent follow-up is required, a \$75 fee shall be paid at the time each follow-up inspection is scheduled.

SEC. Operational Requirements for Owners.

All short-term rentals applications must provide required documentation and a signed Declaration of Compliance with subsections (1) through (16) below:

Regulations. Compliance with all applicable laws, rules and regulations pertaining to the use and occupancy of a short-term rental.

1. Address. Identification of each STR with a unique 911 address for the purpose of emergency services response.

2. License Limitations. Acknowledgement that a property owner can hold a maximum of two STR licenses in the City of Clarkesville. Any individual listed as a member in a business entity owning an STR property is considered an owner of the STR as it pertains to the
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3. Registered Agent. Identification of a local registered agent who will serve as the primary contact in cases of violations of the regulations. Owner shall provide the City with any changes to contact information for the local registered agent within 48 hours of change. The person designated by the owner as the local registered agent shall be available twenty-four hours per day, seven days per week for the purpose of violation resolution. The registered agent shall respond within two (2) hours to violations of the regulations.

4. Neighbor Notification. Attest to distributing a Good Neighbor Notification letter to those

within 100 feet of the short-term rental's property boundary. Owner shall provide neighbors with any changes to contact information for the local registered agent within 7 days of the change. A waiver to this notification may be issued for safety or health reasons after review by the City Manager.

5. Fee Collection. Register with the City of Clarkesville STR Tax Collection System and use this system to: submit initial license application, report related taxes, and submit annual renewal application. STR renewals must be submitted and paid by December 31 annually.

6. Short-term Rental Homeowners Insurance. Attest to obtaining the correct homeowner's insurance to protect all parties in case of incident.

7. STR Tax Return. File an STR tax return for each licensed property monthly regardless of who remits the taxes. STR tax returns are due and payable no later than the 20th day of the month following the period reported. Licensees that do not use third party rental platforms to remit STR taxes on their behalf (Airbnb, VRBO, HomeAway, etc.) are responsible for remitting all applicable STR tax proceeds through City of Clarkesville STR Tax Collection System according to the STR fee schedule. If return or payment is received after the 20th of the month following the reporting period, late fees will be assessed.

a) Pursuant to O.C.G.A 48-13-58.1 it shall be unlawful for any STR property owner to fail to make a return and pay the taxes due under the regulations to any applicable governing authority imposing a tax under the regulations.

b) Pursuant to O.C.G.A 48-13-60 it shall be unlawful for any property owner required by the regulations to make, render, sign, or verify any return to make a false or fraudulent return with intent to evade the tax levied by the regulations.

c) Pursuant to O.C.G.A 48-13-61 it shall be unlawful for any property owner subject to the regulations to fail or refuse to furnish any return required to be made by the regulations or to fail or refuse to furnish a supplemental return or other data required by the governing authority imposing a tax under this article.

8. Tax Obligations. An inquiry will be made into the city records to determine if the applicant, or other parties with an interest in an application for a license under the

regulations have any outstanding taxes or special assessments that are delinquent against his property or any other monies owing to the city, or if any taxes or assessments are owing on the property where the licensed establishment will be located. No license shall be issued or renewed until such debts are paid in full.

9. STR Advertisements. Ensure short-term rental license number and permitted occupancy is listed in all short-term rental advertisements, including but not limited to digital, online, or print materials.

10. Occupancy. For STR occupancy will be based on the number of bedrooms permitted by the on-site Inspection by the Code Enforcement Officer. The number of overnight occupants shall not exceed two persons per bedroom plus two additional persons per residence. Additionally, occupancy shall meet all life-safety codes, but in no case shall overnight occupancy exceed 15 overnight persons. Allowed day-time occupancy of STR will be equal to twice over-night occupancy.

11. Septic Capacity. Provide a copy of STR's septic permit or a copy of septic evaluation completed by the Habersham County Environmental Health Department.

12. Fire and Life Safety. Post emergency escape routes in conspicuous areas when STR is multi-story. Ensure one 5lb. fire extinguisher is available on each floor. If dwelling is heated by gas, mount carbon monoxide detectors on each floor. Ensure one functioning smoke alarm is installed in each sleeping room, hallways of sleeping areas, basement, and any enclosed garages.

13. Parking. All parking must be within the property boundaries of the STR. Vehicles shall not be parked within the right-of-way of roads or easements. Special considerations should be given to emergency vehicle access. No parking on the lawn areas.

14. Amplified Sound. As outlined by Clarkesville, owners cannot allow amplified sound from their guests that disturb or causes a nuisance to neighboring properties. While tenants can be fined under the City of Clarkesville Sound Ordinance, property owners are responsible for amplified sound that causes a nuisance to neighboring properties under the regulations.

15. Pets. If pets are permitted by the STR they shall always be secured within the boundaries of the STR. If the STR property is not fenced, permitted pets must be kept on a leash and

always accompanied by the pet owner while outside.

16. Solid waste/trash. Ensure that trash and refuse is not to be left stored within public view, except in proper enclosed containers for purposes of collection by an authorized waste hauler.

16. Interior posting. Ensure the following information is posted in a conspicuous place within the short-term rental:

- a) Contact information for the local registered agent;
- b) 911 street address for STR;
- c) Floor plan indicating fire exits, fire extinguishers and escape routes;
- d) Maximum daytime occupancy and maximum sleeping capacity;
- e) Maximum parking and parking instructions.
- f) "In Case of Emergency", Dial 911.
- g) Instructions for garbage storage and removal.

SEC. Violations/Consequences.

1. Any section of the regulations that is not followed constitutes a violation.
2. The Code Enforcement Officer has the discretion to issue a warning or a citation on a case-by-case basis
3. A first violation of the regulations, the property owner is subject to a maximum fine of \$500 and or 6 months' probation. Each day of a continuing violation may constitute a subsequent violation.
4. A second or subsequent violation of the regulations within 12 months of the first violation, the property owner shall have a maximum punishment not to exceed a fine of \$1,000.00, and/or suspension or revocation of STR license and/or 6 months' probation and/or all of the above.
5. Any property owner with 8 violations within a 24-month period or revocation of any license may be subject to permanent revocation of all STR licenses issued for any property in the City of Clarkesville past, present, or future in addition to penalties not to exceed a fine of \$1,000 and/or 6 months' probation.
6. Any property operating as an STR without a valid STR license shall immediately cease and

desist rental operations and will be subject to penalties not to exceed a fine of \$1,000, and/or 60 days in jail, and/or 6 months' probation from receiving a license.

Sec. Enforcement.

1. This article shall be enforced by any Court of competent jurisdiction, the STR Officer, Code Enforcement Officer, or State, and city law enforcement. Enforcement by the STR Board may result in additional civil fines and penalties beyond those assessed by any court.
2. The STR Code Enforcement Officer shall have the right to make such inquiry or investigation as it may find to be reasonably necessary to determine compliance with the regulations. Such investigation may consist, among other actions, of calling licensees for examination under oath, obtaining evidence under oath from other persons; their procurement of documents and records including records of the licensee, and inspection and examination of records and documents from whatever source obtainable.
3. The STR Code Enforcement Officer shall be authorized to suspend or revoke a license previously granted under this article. If the STR Code Enforcement Officer seeks to suspend or revoke a license, the STR Code Enforcement Officer shall give written notification to the applicant of such action and such notice shall contain the specifics of the violation or violations and shall be served upon the licensee at least ten days prior to a hearing. The licensee shall be given at least ten days' written notice of the time and place of the hearing.
4. The STR Code Enforcement Officer, if it finds cause, shall be authorized to suspend or revoke a license in the event of any one or more of the following:
 - a. Any licensee providing false or misleading information in the original application process;
 - b. Any licensee has knowingly allowed the violation of a city ordinance or a violation of any criminal law of the state to occur on the premises, to include the entire owned parcel;
 - c. Violation of any of the provisions of this article by the holder of a license issued under this article or its agents or employees, whether compensated or not;
 - d. Any licensee fails to pay any fee, tax, fine or other amount of money due to the city under this article or any other ordinance provision of the city;
 - e. The performance of any act prohibited by this article or the failure to perform any act

required by this article as well as the violation of any law, state or federal, relating to the business of the licensee. If such act, omission or violation is done by an agent, servant, employee, or officer of the licensee, whether paid or unpaid, the lack of knowledge on the part of the licensee or the lack of authorization for such act or omission or violation shall be no defense;

f. Any other act or omission with respect to the operation of a business licensed under this article which the STR Code Enforcement Officer shall find to be contrary to the public interest, health or welfare, or which shall render the licensee or the business location unfit for the continued operation of the business.

g. In the event the STR Code Enforcement Officer shall suspend any license under this article, the suspension shall be for a period of not less than one day or more than one year, within the discretion of the STR Code Enforcement Officer. The STR Code Enforcement Officer shall forward to the city clerk the establishment's license which shall be retained as revoked by the clerk until final adjudication of the suspension of the license by the STR Code Enforcement Officer any license suspended for more than one year shall be considered revoked. The STR Code Enforcement Officer has the authority to permanently revoke a license for good cause shown.

h. No applicant may apply for a license during any period of suspension or revocation.

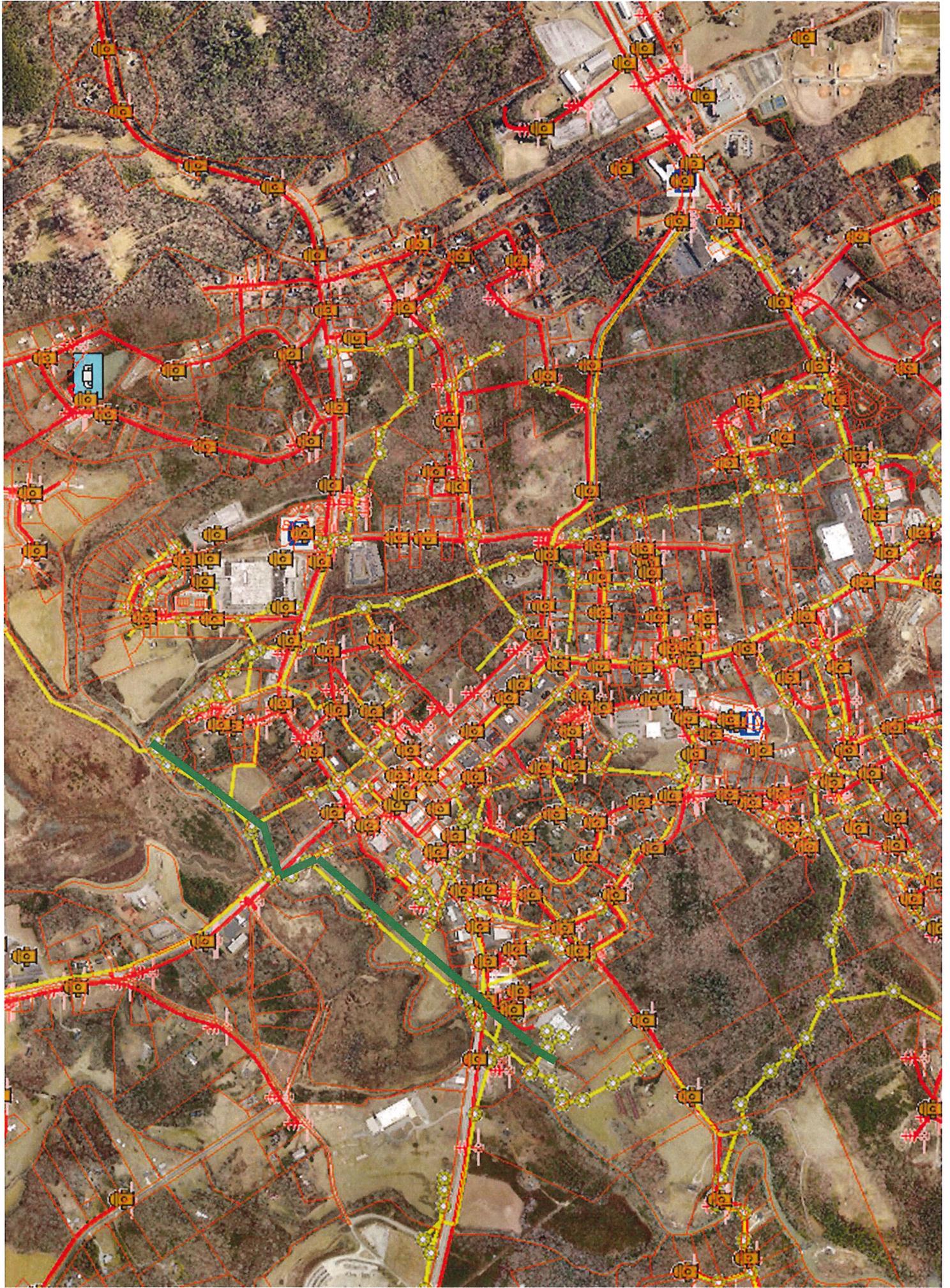
i. The STR Code Enforcement Officer shall have the power to assess civil penalties for any violation of this article after a hearing. For a first violation of any provision of this article, a civil fine shall be at least in the amount of \$150.00 for each violation and no more than \$1,000.00. For a second and any subsequent violation of any provision of this article the civil fine shall be at least in the amount of \$500.00 and no more than \$1,000.00. Such civil fines shall be in addition to any suspension or revocation of a license as provided in this article and in addition to any fines imposed by the Municipal Court of the City of Clarkesville.

j. Failure to register and obtain a license as a STR or failure to comply to the rules will result in water disconnect until the issue is resolved.

Fees:

Initial Fee new STR - \$250.00

Renewal Fee - \$85.00



Approximately 5,800 feet (17 Manholes = \$100,000 Installation of pipe -\$150 per foot = \$870,000 Extras = \$350,000

**STATE OF GEORGIA
CITY OF CLARKESVILLE**

RESOLUTION NO. 2024-2

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF CLARKESVILLE, GEORGIA AMENDING THE FISCAL YEAR 2023 BUDGET; ADJUSTING, RECLASSIFYING, AND CORRECTING CERTAIN REVENUES AND EXPENDITURES, BY FUND, AS REFLEXED IN THE SCHEDULE OF BUDGET AMENDMENTS:

WHEREAS, The Mayor and Council of the City of Clarkesville (the “City) adopted a balanced operating budget for Fiscal Year 2023;

WHEREAS, Subsequent to the adoption of the Fiscal Year 2023 budget, the City approved various expenditures, and budget amendment requests;

WHEREAS, State law authorizes the City to amend its budget, by resolution, in order to adapt to changing governmental needs, under O.C.G.A. § 36-81-3(d).

NOW, THEREFORE BE IT RESOLVED, as follows:

Section 1. The City of Clarkesville Budget for the Fiscal Year ending December 31, 2023 is hereby amended as shown in Exhibit “A.”

Section 2. All resolutions, ordinances or portions thereof in conflict with the provisions of this Resolution are hereby repealed.

Section 3. This Resolution shall become effective immediately upon adoption.

SO RESOLVED this 11 day of March, 2024.

CITY OF CLARKESVILLE, GEORGIA

Barrie Aycock, Mayor

Attest: _____
Julie Poole, City Clerk

**CITY OF CLARKESVILLE
BUDGET AMENDMENT NO. I
FISCAL YEAR ENDING DECEMBER 31, 2023**

EXHIBIT A

Budget Amendment				
Line Item	Description	Original Budget	Increase Amount	Amended Budget
100-01-1510-511115	Salaries – Part Time	0	10,528.50	10,528.50
100-01-1510-512200	FICA/Medicare	11,275.00	961.27	12,236.27
100-01-1510-531750	Animal Control	15,400.00	242.30	15,642.30
100-01-1510-542200	Capital Vehicles	0	12,000.00	12,000.00
100-01-1510-621000	Bicentennial Expenses	0	385.02	385.02
100-04-7550-571100	Façade Grant Payments	5,000.00	3,000.00	8,000.00
100-05-3500-511300	Salaries – Overtime	0	1,316.75	1,316.75
100-15-6200-522205	Park Building R&M	0.00	37,614.22	37,614.22
100-15-6200-531231	Park Utilities	6,349.19	7,628.89	13,978.08
100-25-3200-511300	Salaries – Overtime	4,400.00	4,119.25	8,519.25
100-25-3200-512100	Group Insurance	77,280.00	4,730.54	82,010.54
100-25-3200-512700	Worker’s Comp	14,000.00	22.24	14,022.24
100-25-3200-572055	GSCCCA	10,238.05	2,347.65	12,585.70
100-35-4200-511300	Salaries Over Time	1,500.00	310.32	1,810.32
100-35-4200-512200	FICA/Medicare	5,164.00	29.30	5,193.30
100-35-4200-522230	Street R&M	0	18,002.65	18,002.65
100-35-4200-523950	Cemetery Expense	1,000.00	630.00	1,630.00
100-35-4200-531233	Street Lights & Traffic Signals	48,000.00	635.12	48,635.12
100-35-4200-531270	Gasoline	4,000.00	531.02	4,531.02
100-35-4200-531700	Streets Supplies	1,580.01	646.42	2,226.43
100-35-4200-531750	Special Events	1,847.00	103.13	1,950.13