



CITY of POOLER
— GEORGIA —

STATE OF GEORGIA }
 }
COUNTY OF CHATHAM }

ORDINANCE O2025-09.A

Short-Term Rental Ordinance Revisions

AN ORDINANCE TO AMEND THE CITY OF POOLER CODE OF ORDINANCES CHAPTER 26 – BUSINESSES, ARTICLE VIII – SHORT-TERM RENTALS, SECTION 26-211- DEFINITIONS, SECTION 26-214- APPLICATION FOR SHORT-TERM RENTAL CERTIFICATE, SECTION 26-215- SHORT-TERM RENTAL AGENT, SECTION 26-216- GRANT OR DENIAL OF APPLICATION, SECTION 26-219- REQUIREMENTS; VIOLATIONS AND PENALTIES AND APPENDIX A-ZONING, ARTICLE III – GENERAL PROVISIONS, SECTION 32 – SHORT-TERM RENTALS TO PROVIDE REVISIONS RELATED TO SHORT-TERM RENTAL REQUIREMENTS AND TO COMPLY WITH STATE CODE CHANGES; TO REPEAL ALL ORDINANCES IN CONFLICT HERewith; TO PROVIDE FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Pooler that the Code of Ordinances of the City of Pooler, Georgia are hereby amended as follows:

I

That CHAPTER 26 – BUSINESSES, ARTICLE VIII. SHORT-TERM RENTALS, SECTION 26-211 DEFINITIONS be amended by deleting the strikethrough language and adding the underlined text as follows:

Section 26-211. – Definitions.

Short-term rental. An accommodation where, in exchange for compensation, a residential dwelling unit, or a portion thereof, is provided for transient lodging. A short-term rental shall have a minimum one-night stay requirement with a maximum of ~~30~~ 27 consecutive days. Abbreviated as “STR”.

II

That CHAPTER 26 – BUSINESSES, ARTICLE VIII. SHORT-TERM RENTALS, SECTION 26-214 APPLICATION FOR SHORT-TERM RENTAL CERTIFICATE AND SECTION 26-215 SHORT-TERM RENTAL AGENT be amended by adding the underlined text as follows:

Section 26-214. – Application for short-term rental certificate.

- (a) Applicants for a short-term rental certificate shall submit annually an application for a short-term rental certificate to the City of Pooler. An applicant for a short-term rental certificate shall be the short-term rental owner. Any landlord that is not a resident of the state of Georgia that owns or operates single-family or duplex residential rental properties in the state of Georgia shall employ a broker licensed pursuant to the

O.C.G.A Chapter 40 of Title 43, that may or may not reside within the state of Georgia. If the broker does not reside within the state of Georgia, the broker shall employ at least one person, to be located within the state of Georgia, who shall be responsible for receiving, coordinating, managing and responding to communications from tenants of such landlord related to maintenance and other issues related to such properties. The application shall be furnished under oath on a form specified by the City, accompanied by the non-refundable application fee. Such application shall include, but is not limited to, the following:

- (1) through (8) no change
- (b) Attached to and concurrent with submission of the application, the applicant shall provide:
 - (1) The owner's notarized short-term rental application form.
 - (2) The owner's notarized code compliance affidavit form.
 - (3) A copy exemplar rental agreement, which shall consist of the form of documents to be executed between the short-term rental owner or agent and short-term rental guest(s), which shall contain the following provisions, and which shall be posted in the short-term rental:
 - a. The guest(s)' agreement to abide by all of the requirements of this article, any other City of Pooler ordinances, state, and federal law and acknowledge that his or her rights under the agreement may not be transferred or assigned to anyone else.
 - b. The guest(s)' acknowledgement that it shall be unlawful to allow or make any noise or sound that exceeds the limits set forth in the City's noise ordinance, Section 42-117.
 - c. The guest(s)' acknowledgement and agreement that violation of the agreement or this article may result in immediate termination of the agreement and eviction from the short-term rental by the owner or agent, as well as the potential liability of fines levied by the City.
 - d. The guest(s)' acknowledgement on the maximum occupancy of the short-term rental, and if available, the maximum number of vehicles allowed to be parked on the premises and location of on-site parking.
 - e. The guest(s)' acknowledgement and agreement that they have read and will abide by the standards of the Good Neighbor brochure.
 - (4) Proof of ownership of the short-term rental, and proof of residence as applicable. Any landlord that is not a resident of the state of Georgia that owns or operates single-family or duplex residential rental properties in the state of Georgia shall provide proof they employ a broker licensed pursuant to the O.C.G.A Chapter 40 of Title 43, that may or may not reside within the state of Georgia. If the broker does not reside within the state of Georgia, the broker shall provide proof they employ at least one person, to be located within the state of Georgia, who shall be responsible for receiving, coordinating, managing and responding to communications from tenants of such landlord related to maintenance and other issues related to such properties.
 - (5) through (8) no change

(C) no change

Section 26-215. – Short-term rental agent.

(a) The applicant for a short-term rental shall designate a short-term rental agent on the application for a short-term rental certificate. The owner of the short-term rental may serve as the short-term rental agent. Any landlord that is not a resident of the state of Georgia that owns or operates single-family or duplex residential rental properties in the state of Georgia shall employ a broker licensed pursuant to the O.C.G.A Chapter 40 of Title 43, that may or may not reside within the state of Georgia. If the broker does not reside within the state of Georgia, the broker shall employ at least one person, to be located within the state of Georgia, who shall be responsible for receiving, coordinating, managing and responding to communications from tenants of such landlord related to maintenance and other issues related to such properties.

(b) through (d) no change

III

That CHAPTER 26 – BUSINESSES, ARTICLE VIII. SHORT-TERM RENTALS, SECTION 26-216 GRANT OR DENIAL OF APPLICATION be amended by adding the underlined text as follows:

Section 26-216. – Grant or denial of application.

City staff will review all applications for compliance with the requirements of this Ordinance, and provided all conditions are met, a certificate will be issued no more than 60 days from the date of submittal. The City shall have no obligation to issue a certificate to an applicant unless all conditions of this Ordinance are met and the property complies with all applicable federal, state, or local law. Any false statements or information provided in the application for a short-term rental are grounds for revocation or suspension of the short-term rental certificate, and may result in the imposition of penalties, along with denial of future applications. Denials, suspensions, or revocations of short-term rental certificates shall be based on specific violations of this ordinance, supported by evidence, and subject to appeal to the Superior Court as provided herein.

IV

That CHAPTER 26 – BUSINESSES, ARTICLE VIII. SHORT-TERM RENTALS, SECTION 26-219 REQUIREMENTS; VIOLATIONS AND PENALTIES be amended by adding the underlined text as follows:

Section 26-219. – Requirements; violations and penalties.

(a) Through (k) no change

(l) A short-term rental may be inspected only if there is probable cause to believe there is or has been a violation or violations of this ordinance, and any such inspection shall comply with all applicable constitutional and legal protections, including but not limited to the 4th Amendment of the U.S. Constitution and Article I, Section I, Paragraph XIII of the Georgia Constitution. No inspection or enforcement action under this article shall be conducted in a manner that violates the 4th Amendment of the U.S. Constitution or Article I, Section I, Paragraph XIII of the Georgia Constitution. Except in cases of exigent circumstances or consent, entry into a short-term rental shall require a warrant issued by a court of competent jurisdiction upon a showing of probable cause.

- (m) Any violation cited for a short-term rental must be corrected and compliance demonstrated prior to being eligible to continue use as a short-term rental.
- (n) Violations of this article are subject to the following fines, which may not be waived or reduced, and may be combined with any other legal remedy available to the City:
 - (1) First violation: \$500
 - (2) Second violation within the preceding 12 months: \$750
 - (3) Third violation within the preceding 12 months: \$1000
- (o) The City shall maintain a file of each short-term rental, including a record of code violation charges, founded accusations, and convictions occurring at or relating to a short-term rental. When a short-term rental owner has accumulated three violations within a calendar year, the City shall temporarily suspend the certificate. The City will provide notice to the short-term rental owner of a hearing in front of City Council. Should the Council revoke the short-term rental certificate, no new short-term rental applications from the short-term rental owner for the subject premises will be accepted for a period of 12 consecutive months. A person aggrieved by the City's decision to revoke a short-term rental certificate may appeal the decision to the Superior Court.
- (p) Nothing in this section shall limit the City from enforcement of its code, state, or federal law by any other legal remedy available to the City. Nothing in this section shall be construed to limit or supplant the power of any City inspector, deputy, or other duly empowered officer under the City's ordinances, rules, and regulations and the authority granted under state law, as amended, to take necessary action, consistent with the law, to protect the public from property which constitutes a public nuisance or to abate a nuisance by any other lawful means of proceedings.

V

That APPENDIX A – ZONING, ARTICLE III. GENERAL PROVISIONS, SECTION 32. SHORT-TERM RENTALS be amended by deleting the strikethrough language and adding the underlined text as follows:

Section 323. – Short-~~t~~erm Rentals

(A) Purpose.

(B) Definitions.

- (1) *Home-based Lodging*. A short-term rental whereby the whole unit is provided as accommodation for a fee. This definition includes both a primary and an accessory structure when the unit is a detached secondary dwelling.
- (2) *Home-based Lodging, Hosted*. A short-term rental whereby a portion of the dwelling unit is provided as accommodation for a fee, as an accessory use to a residence, and where the owner of the property resides there.
- (3) *Short-term rental*. An accommodation where, in exchange for compensation, a residential dwelling unit, or a portion thereof, is provided for transient lodging for a period of time not exceeding ~~30~~27 consecutive days. Abbreviated as "STR".

(C) and (D) no change

VI

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

VII

If any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the said holding shall in no way affect the validity of the remaining portions of this ordinance.

VIII

This ordinance shall be effective immediately upon its adoption by the Mayor and City Council of Pooler, Georgia.

FIRST READING: _____ day of _____, _____

SECOND READING: _____ day of _____, _____

ADOPTED: _____ day of _____, _____

CITY OF POOLER, GEORGIA

Karen L. Williams, Mayor

ATTEST:

Kiley Fusco, Clerk of Council