

- **ARTICLE VI. - TOURIST ACCOMMODATIONS^[2]**

Footnotes:

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Editor's note— Ord. No. 2018-12, § 1, adopted Oct. 25, 2018, repealed the former Art. VI, §§ 8-200—8-213, and enacted a new Art. VI as set out herein. The former Art. VI pertained to similar subject matter and derived from Ord. No. 2014-08, § 1, 4-24-2014; Ord. No. 2017-06, §§ 1—3, 3-23-2017; Ord. No. 2018-05, §§ 1, 2, 5, 3-22-2018.

- **Sec. 8-200. - 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:

A-R bed and breakfast inn shall mean an establishment which serves food to its registered guests and not to the public at large. This term shall include establishments serving breakfast or a similar early morning meal and an appropriate light snack in which the price of the food is included in the price of the overnight accommodation. The length of stay for A-R bed and breakfast inns as defined is limited to not more than 30 consecutive days. For the purposes of this article, this term shall mean an establishment in which the predominant relationship between the occupants thereof and the owner or operator of the establishment is that of guest and innkeeper.

Bedroom shall mean an attached room which is intended, arranged, or designed to be occupied by one or more persons primarily for sleeping purposes and shall have an area of not less than 70 square feet or be less than seven feet in any dimension with a closet opening on it or within it.

County shall mean unincorporated Fayette County, Georgia.

Guest shall mean anyone who has a home address somewhere other than where he or she is spending the night and other than where he or she pays a fee for accommodations.

Guestroom shall mean a room occupied or intended, arranged or designed for occupancy by one or more occupants and used for that purpose and where overnight occupancy is allowed.

Innkeeper shall mean any person who is furnishing for value to the public any room(s), lodging, or accommodations.

Local contact person, shall mean a person who has access and authority to assume management of the accommodation and take remedial measures.

Occupancy, transient, shall mean occupancy or use by a paying guest or tenant for a period of not more than 30 consecutive days or by the offering or advertising of a residence as being available in whole or in part to be used for such occupancy. Such occupancy is characteristic of tourist accommodations or other establishments, by whatever name called.

Operator shall mean any person operating a tourist accommodation (as defined in this section) in unincorporated Fayette County, including but not limited to the owner or proprietor of the premises, lessee, sub-lessee, lender in possession, or any other person otherwise operating a tourist accommodation.

Premises shall mean and include all physical buildings, appurtenances, parking lots, and all property owned and/or used by and for the tourist accommodation.

Special event or private function shall mean an organized activity for profit or non-profit having as its purpose entertainment, recreation and/or education, including but not limited to a festival, party, reception, celebration or assembly.

Tourist accommodation shall mean any property facility, or structure providing accommodations for value to the public for not more than 30 consecutive days.

(Ord. No. 2018-12, § 1, 10-25-2019)

- **Sec. 8-201. - Permit required.**

- (a) Every person engaging in or about to engage in business as an operator of a tourist accommodation, excluding a hotel, campground facility, or planned retreat and lodge as defined in [Chapter 110](#), shall immediately apply for a permit and obtain approval for the business with code enforcement on the forms provided by the same for such business. Persons engaged in such business must apply for a permit no later than 30 days after this section becomes effective; but such grace period for registration after the effective date of this section shall not relieve any person from the obligation of payment or collection of such permit fee on and after the date of imposition thereof. The required permit hereunder shall set forth the name under which the operator transacts business, and other such information as would be required by code enforcement. The permit application shall be signed by the

owner if a natural person, by a member or partner in case of ownership by partnership, or an officer in the case of corporation.

(b) The required permit holder shall designate a local contact person who has access and authority to assume management of the accommodation and take remedial measures. An owner of a tourist accommodation who resides within Fayette County or within 50 miles of the tourist accommodation may designate himself or herself as the local contact person. The local contact person shall be required to respond to the location of the tourist accommodation within one hour after being notified by Law Enforcement or the Fayette County Code Enforcement Office of the existence of a violation of the County Code or any other provision of the code section or any disturbance requiring immediate remedy or abatement.

(c) A separate permit will be required for each individual location of a tourist accommodation.

(Ord. No. 2018-12, § 1, 10-25-2019)

- **Sec. 8-202. - Application for permit.**

(a) Each person seeking to obtain a permit to operate a tourist accommodation shall submit an application to code enforcement on a form provided by the same. Said application shall include:

- (1) A statement that each applicant is a citizen or legal resident of the United States;
- (2) The address of the tourist accommodation;
- (3) The current set room rates and fees;
- (4) Consent by each applicant to undergo a criminal background check;
- (5) Complete set of fingerprints for the applicant(s) taken by the county sheriffs office;
- (6) A copy of a deed showing the applicant to be the owner of the premises for which the permit is sought or a copy of a lease showing any interest the owner of the premises has in the tourist accommodation for which the license is sought;
- (7) All state and local permits pertaining to the operation of tourist accommodations, including approvals, as applicable, from the Fayette County Environmental Health Department, Fayette County Fire Marshal, Fayette County Planning & Zoning Department, and Fayette County Building Safety Department;

(8) As-built scaled plans of the structure;

(9) Copy of the guest occupancy agreement as required by O.C.G.A. § 43-21-3.2;

(10) Documents showing compliance with state and local occupation taxes, excise taxes and sales taxes; and

(11) Local contact person information as defined in this code.

(12) Any other information as required by code enforcement or the board of commissioners.

(b) All applications for a permit to operate a tourist accommodation shall be accompanied by the payment of applicable fees as set in a schedule of fees adopted by the board of commissioners.

(Ord. No. 2018-12, § 1, 10-25-2019)

- **Sec. 8-203. - Issuance of permit.**

(a) Upon approval of the application for the permit and the timely payment of the applicable fees, code enforcement shall issue the appropriate permit for the year in which approval was granted.

(b) No permit shall be issued for any tourist accommodation where any individual having interest either as an operator, owner, partner, principal stockholder, or licensee, whether such interest is direct or indirect, or 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.

(Ord. No. 2018-12, § 1, 10-25-2019)

- **Sec. 8-204. - Annual renewal of permits.**

All permits issued pursuant to this article are annual permits that run from January 1 to December 31 of each year. Holders of existing permits in good standing shall apply to code enforcement for renewal for the next calendar year by filing a renewal application in proper

form and tendering the required fees. Fees for renewal of permits shall be according to a schedule of fees adopted by the board of commissioners.

(Ord. No. 2018-12, § 1, 10-25-2019)

- **Sec. 8-205. - Transfer of permits.**

No permit issued pursuant to this article shall be transferred from one owner to another. Any violation of this section shall constitute due cause for probation, suspension, or revocation of the permit.

(Ord. No. 2018-12, § 1, 10-25-2019)

- **Sec. 8-206. - Display of permit, Signs and Notifications.**

(a) Every holder of a permit issued pursuant to this article shall keep such permit conspicuously displayed at all places where such business is conducted.

(b) Each tourist accommodation shall post a legible notice, clearly visible to all guests containing the following information:

- (1) The name and contact information of the local contact person or owner of the location and the telephone number at which that party may be reached on a 24-hour basis.
- (2) The maximum number of overnight occupants permitted.
- (3) Notification that an occupant may be cited and fined for creating a disturbance or for violating this section or other provisions of the Fayette County Code of Ordinances.
- (4) Notification that the location cannot be utilized for special events as defined in this section.

(Ord. No. 2018-12, § 1, 10-25-2019)

- **Sec. 8-207. - Revocation of permit.**

(a) *Grounds* . Any permit issued pursuant to this article may be revoked by the board of commissioners, after notice and hearing, for any of the following causes:

(1) Any fraud, misrepresentation or false statement contained in the application for the permit;

(2) Any fraud, misrepresentation or false statement made in connection with any transaction;

(3)

Any violation of this article; or

(4)

The conducting of the business permitted under this article in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health safety or general welfare of the public.

(b)

Hearing .

(1)

Notice of hearing for the revocation of a permit issued pursuant to this article shall be given by the county administrator in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. The notice shall be served on the holder of the permit by handing the same personally to the person operating the permitted business, or by mailing the same, postage prepaid, to the holder of the permit at his or her last known address at least five days prior to the date set out for the hearing.

(2)

The giving of such notice shall suspend the permit pending the outcome of the hearing, and any business conducted under the permit shall cease during said period of suspension.

(Ord. No. 2018-12, § 1, 10-25-2019)

- **Sec. 8-208. - Records.**

Each operator of a tourist accommodation is required to keep a guest register. Each guest shall register on the date of their arrival, stating their names, current residence, address and description and license plate number of the vehicle they are using. Each operator of a tourist accommodation shall keep for a period of at least three years the above-described register, along with all records, receipts, invoices and other pertinent papers setting forth rental charged for each occupancy, the date or dates of occupancy, and such other information as required by code enforcement. Said records shall be made available for examination by code enforcement, the county environmental health department, or any authorized law enforcement agency.

(Ord. No. 2018-12, § 1, 10-25-2019)

- **Sec. 8-209. - Standards for health, sanitation and safety.**

(a)

All operators of tourist accommodations shall comply with all rules and regulations promulgated by the Georgia Department of Public Health and the Fayette County Environmental Health Department for the operation of tourist accommodations.

(b)

Toilet, lavatory and bathing facilities shall be provided at all tourist accommodations. Such facilities shall be easily accessible, convenient and available to patrons at all times and operated pursuant to all applicable rules and regulations promulgated by the Georgia Department of Public Health and the Fayette County Environmental Health Department.

(c)

Public sewer is not available in unincorporated Fayette County, therefore sewage disposal shall be provided to efficiently dispose of all water carried wastes in a sanitary manner pursuant to all applicable rules and regulations promulgated by the Georgia Department of Public Health and the Fayette County Environmental Health Department.

(d)

All plumbing in tourist accommodations shall comply with all applicable state and local rules and regulations.

(Ord. No. 2018-12, § 1, 10-25-2019)

- **Sec. 8-210. - Alterations to structure; signage.**

No exterior alterations may be made to a residence to indicate that it is being used as a tourist accommodation. Signage for a tourist accommodation is regulated in [Chapter 108](#).

(Ord. No. 2018-12, § 1, 10-25-2019)

- **Sec. 8-211. - Operating regulations.**

(a)

An A-R Bed and Breakfast Inn shall be permitted subject to the following:

(1)

The A-R bed and breakfast Inn is compliant with [Chapter 110](#) - Zoning, [section 110-169](#).

(2)

Meal service may be provided to registered guests only provided that all state and local rules and regulations for the operation of food service establishments are complied with and all state and local permits for the operation of a food service establishment are obtained.

(3)

No food preparation, except beverages, is permitted within individual guestrooms.

(b)

Operators of tourist accommodations, other than operators of an A-R bed and breakfast inn, shall not be permitted to serve food to guests for sale or otherwise and no food preparation, except beverages, is permitted within individual guestrooms.

(c)

No detached structures or recreational vehicles shall be used as a tourist accommodation.

(d)

Only a bedroom shall be used as a guestroom.

(e)

No more than two **adult** guests shall be allowed per guestroom with the exception of an A-R bed and breakfast that is compliant with [section 110-169](#).

(Ord. No. 2018-12, § 1, 10-25-2019)

- **Sec. 8-212. - Special events.**

Special events or private functions are not permitted at tourist accommodations with the exception of an A-R wedding/event facility that is compliant with [Chapter 110. Zoning, Sec. 110-169](#) that contains an A-R bed and breakfast that is compliant with [Sec. 110-169](#).

(Ord. No. 2018-12, § 1, 10-25-2019)

- **Sec. 8-213. - Violations.**

(a)

It shall be unlawful for any operator to commit any of the following acts:

(1)

Failure to obtain a permit as required under Article VI;

(2)

Fail to keep the guest register and any other records required by this article for the time period so specified;

(3)

Make any false entry therein;

(4)

Falsify, obliterate, destroy or remove from his or her place of business such register or records;

(5)

Refuse to allow any duly authorized law enforcement officer after proper identification to inspect such register or records during the ordinary hours of business or at other reasonable time; or

(6)

Fail to obtain from any guest the identification required by this article.

(b)

Any person violating any provision of this article shall be subject to a fine not exceeding \$1,000.00 and costs or to imprisonment for a term not exceeding 60 days, or to both such fine and imprisonment, any or all of such penalties to be imposed at the discretion of the judge. The infliction of a penalty under the provisions of this section shall not prevent the revocation of any permit or the taking of other punitive or remedial action where called for or permitted under the provisions of this Code.

(Ord. No. 2018-12, § 1, 10-25-2019)

- **Secs. 8-214—240. - Reserved.**