



CITY OF FOLLY BEACH

Introduced by: Mayor Goodwin

Date: July 22, 2010

1st Reading: July 22, 2010
2nd Reading: September 28, 2010

ORDINANCE NO. 19-10

AN ORDINANCE CREATING SECTION 116 OF THE FOLLY BEACH CODE OF ORDINANCES ESTABLISHING REQUIREMENTS FOR OBTAINING A BUSINESS LICENSE TO RENT PROPERTY ON A SHORT TERM BASIS.

The City Council of Folly Beach, South Carolina, duly assembled, hereby ordains as follows:

SECTION 1. That the Folly Beach Code of Ordinances, Title XI: Business Regulations be amended by the creation of Chapter 116: Short Term Rentals:

§ 116.01 Registration of Short Term Rentals Required

In order to receive a business license for the short term rental of residential property all owners of rental dwellings shall register the rental property with the city on an application in a form provided by the city. At the time an application is filed a registration fee in an amount established from time to time by City Council shall be paid in full.

(A) Annual Registration

The annual registration date shall be January first of each year and all fees required by this article shall be paid on or before February fifteenth of each year.

(B) Registry of New Rental Dwellings

The owner of a new rental dwelling or of any dwelling newly converted to a rental dwelling shall register the rental dwelling prior to obtaining a business license to rent the property.

(C) Change in Registered Information

The owner of a rental dwellings already registered with the City shall re-register within sixty (60) days after any change occurs in the registration information. A new owner of a registered dwelling shall re-register the dwelling within sixty (60) days of assuming ownership.

(D) Information Required

Application for rental registration shall contain the following information:

- 1) The address of the rental dwelling.
- 2) The number of rental dwelling units.
- 3) The name, residence address, business phone, personal phone, and business address or the owner and local agent.
- 4) The address where the owner and/or local agent will accept notices and orders from the City.
- 5) Acknowledgement that the owner has read applicable Folly Beach Codes including, but not limited to, regulations regarding trash, parking, alcohol, animal, litter, surfing, dune protection, sea turtle and golf carts.
- 6) Acknowledgement that the owner has prominently posted within the property a summary of applicable Folly Beach Codes including, but not limited to, regulations regarding trash, parking, alcohol, animal, litter, surfing, dune protection, sea turtle and golf carts.
- 7) Acknowledgement that tenants listed on any rental agreements **will receive** a summary of Folly Beach Codes including, but not limited to, regulations regarding trash, parking, alcohol, animal, litter, surfing, dune protection, sea turtle and golf carts.
 - a) The summary of applicable Codes shall be in a form determined by the City and made available to all owners of rental property.

(E) Inaccurate or incomplete register information

It shall be a violation of this article for an owner to provide inaccurate information for the register of rental dwellings or to fail to provide information required by the application.

(F) Designation of Local Agent

The owner of a rental dwelling shall designate a responsible agent who shall be legally responsible for operating such rental dwelling in compliance with the law. Official notices may be served on the responsible local agent **and/or the owner and any notice served on the agent** shall be deemed to have been served upon the owner of record.

- 1) Nothing shall prevent the owner of rental property from designating himself or herself as the agent.
- 2) The agent shall be required to be able to **physically** respond to the site within thirty (30) minutes in case of emergency or need by the City for entry into the property.

(G) More Than one Owner or Ownership by Entity

Where more than one person has an ownership interest, the required information shall be provided for each owner. In those cases in which the owner is not a person, the information required for the register shall be provided for the organization owning the rental dwelling and for the president, general manager, or other chief executive officer of the organization.

§ 116.02 Records Required for Short Term Rentals

(A) All owners and/or agents responsible for the leasing of short term rentals shall be required to keep for the purpose of City inspection and copying for a period of one (1) year the following:

- (1) The name, address, and other contact information of each signatory on the rental agreement.
- (2) A document signed by the person responsible for renting the dwelling certifying the number of persons intended to occupy the dwelling.

(B) The information required by this section shall be updated by the owner and/or agent for each rental to different tenants or occupants.

(C) Compliance with this section may be achieved through the inclusion of the required information into a rental agreement or lease signed by each occupant.

§ 116.03 Definitions

As used in this article, the following words and terms shall have the meanings respectively ascribed to them:

- (1) "Occupant" means any person, other than a legal or equitable title holder, occupying or possessing all or part of a short term rental property.
- (2) "Rental Dwelling" or "rental property" means any residential dwelling which is in whole or in part occupied by one or more person(s) pursuant to an oral or written agreement for monetary or any other consideration, but which person(s) is not acquiring an ownership interest in the dwelling. This shall include single-family, two family, and multi family properties and short term rentals.
- (3) "Short term rentals" means any residential property providing transient accommodations for periods of less than one month.
- (4) "Tenant" means any person, other than a legal or equitable title holder, occupying or possessing all or part of a rental dwelling.

(H) The annual registration date shall be January first of each year and all fees required by this article shall be paid on or before February fifteenth of each year.

ADOPTED this 28th day of September, 2010, at Folly Beach, South Carolina.

Ayes: 6

Nays: 0

Abstains:

Timothy Goodwin, Mayor

Attest: Municipal Clerk

Council Member Rich

Council Member Ellis

Council Member Beck

Council Member Hume

Council Member Clamp

Council Member McCarty