

SECTION 117.01 PURPOSE, APPLICABILITY AND DEFINITIONS

(A) The purpose of this Chapter is to regulate the use of residential units as short term rentals in order to:

1. Protect the integrity of the City's neighborhoods and the quality of life of its citizens;
2. Establish a system to track the short term rental inventory in the City;
3. To protect the health and safety of occupants of short term rental units;
4. To ensure a level playing field for individuals in the short term rental market; and
5. To protect the residential character of the Residential Districts of the City.

(B) The following definitions apply:

1. Short Term Rentals are residential dwellings rented for less than 30 days, used in a manner consistent with the residential character of the dwelling. Tourist Accommodations including hotels, motels, inns, and bed and breakfasts are not considered Short Term Rentals.

2. Rental Occupant shall mean any person who, in exchange for compensation paid, occupies a dwelling unit for less than 30 days.

SECTION 117.02 LICENSE, REGISTRATION, AND TAX REQUIREMENTS

Any owner wishing to operate a Short Term Rental must maintain a current business license, comply with rental registration requirements, and make proper payment of local, county, and state taxes.

(A) *Business License.* Business licenses must be renewed annually by the submittal of a form and fee as established by the City. The business license account number and the maximum occupancy for each short term rental must be prominently displayed in the rental unit as well as in any advertisement for the rental of the unit excluding signs posted on the rental property.

(B) *Rental Registration.* Each new Short Term Rental license application must be accompanied by a rental registration application form provided by the City and must be renewed on an annual basis. At the time an application is filed or renewed a registration fee in an amount established from time to time by City Council shall be paid in full.

(1) *Annual registration.* The registration fee shall be paid prior to February 1st of each year. Any registration fee paid after this date as a renewal from the previous year shall be doubled.

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

(3) *Information required.* Application for rental registration shall contain the following information:

- (a) The address of the rental dwelling;
- (b) The number of rental dwelling units;

- (c) The number of bedrooms in each rental dwelling;
- (d) The number of parking spaces provided on site for each rental dwelling;
- (e) The maximum overnight occupancy of each rental dwelling which shall not exceed 2 persons per bedroom plus 2 additional people per rental dwelling except as allowed under an exception under Section 164.03-01(C);
- (f) The type of wastewater system (septic or sewer);
- (g) The names, mailing addresses, business phone numbers, personal phone numbers, and business addresses of the owner and local agent;
- (h) The address where the owner and/or local agent will accept notices and orders from the City;
- (i) Certification that the owner has read applicable Folly Beach Ordinances including (but not limited to) regulations regarding noise, trash, parking, alcohol, animal, litter, surfing, dune protection, sea turtles and golf carts;
- (j) Certification that the owner has prominently posted within the property a summary of applicable Folly Beach Ordinances including (but not limited to) regulations regarding noise, trash, parking, alcohol, animal, litter, surfing, dune protection, sea turtles and golf carts;
- (k) Certifications that tenants listed on any rental agreement shall receive a summary of Folly Beach Ordinances including (but not limited to) regulations regarding noise, trash, parking, alcohol, animal, litter, surfing, dune protection, sea turtles and golf carts. The summary of applicable ordinances shall be in a form determined by the City and made available to all owners of rental property.

(1) Certification that the owner is aware that, upon receiving four or more notifications that occupants or guests have received a written warning or citation for noise, trash, turtle lighting, requirements for special events, or exceeding maximum occupancy during any rolling six month period, penalties may be assessed including business license revocation or nonrenewal.

(4) *Inaccurate or incomplete registration information.* It shall be a violation of this article for an owner to provide inaccurate information for the registration of rental dwellings or to fail to provide information required by the application form.

(5) *Designation of local agent.* The owner of a rental dwelling shall designate a responsible agent who shall be 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.

(a) Nothing shall prevent the owner of rental property from designating himself or herself as the agent.

(b) The agent shall be required to be able to physically respond to the site within 30 minutes in case of emergency or need by the City for entry into the property.

(6) *More than one owner or ownership by entity.* Where more than one person has an ownership interest in a **Short Term Rental** 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.

(Ord. 19-10, passed 9-28-10)

(C) *Taxes.* Owners of Short Term Rentals are subject to local, county, and state taxes

including but not limited to sales, use, and accommodations taxes and are liable for the payment thereof as established by state law and the Folly Beach Code of Ordinances.

(D) *Violations and penalties.*

(1) *Violations.* It shall be a violation of this Chapter:

(a) to operate a Short Term Rental without complying with the requirements of this Chapter and the Code of the City of Folly Beach,

(b) to expand the allowable occupancy of a Short Term Rental without obtaining a new permit,

(c) to advertise a property as being available as a Short Term Rental without first complying with the requirements of this Chapter,

(d) to advertise a Short Term Rental as being available for more overnight occupants than have been permitted pursuant to this Chapter,

(e) to advertise more Short Term Rental units on a property than have permitted pursuant to this Chapter,

(f) to advertise a property as a Short Term Rental or “event house” for events or parties with more than 49 people in attendance, or

(g) to operate a Short Term Rental that has received four or more notifications of occupant or guest violations of noise, trash, turtle lighting, requirements for special events, or exceeding maximum occupancy during any rolling six month period.

(i) The number of allowable notices and violations shall be reset upon a change of ownership which results in no overlap with prior common ownership

(ii) For the purpose of determining the total number of notifications to the owner, all written warnings and violations occurring within a single rental contract period shall be considered one instance. In no case shall notifications to the owner exceed one per rental contract period.

(2) *Penalties.* No permit may be issued or approved unless the requirements of this chapter or any ordinance adopted pursuant to it are complied with. A violation of this chapter can result in a civil penalty pursuant to Section 110.99, revocation or suspension of a business license pursuant to Section 110.17, or the non-renewal of the license.

Short Term Rental licensees shall be subject to graduated penalties as the licensee receives notifications that an occupant or guest has received a written warning or citation for noise, trash, turtle lighting, requirements for special events, or exceeding maximum occupancy during any rolling six month period. For the purpose of determining the total number of notifications to the owner, all written warnings and violations occurring within a single rental contract period shall be considered one instance. In no case shall notifications to the owner exceed one per rental contract period. The licensee may respond within 10 days of receiving the certified notice with evidence that demonstrates that the notice was issued in error. The graduated penalties are:

(a) First violation- a description of the violation committed by the tenant and a warning that progressive action shall be taken by the City in the case of further violations.

(b) Second violation- a description of the violation committed by the tenant and a second warning that progressive action shall be taken by the City in the case of further violations.

(c) Third violation- a description of the violation committed by the tenant, a civil penalty of \$500.00 dollars, and a third warning that progressive action shall be taken by the City in the case of further violations.

(d) Fourth violation- a description of the violation committed by the tenant and initiation by the City of business license revocation procedures pursuant to Section 110.17 or notice that the license will not be renewed.

SECTION 117.03 ADDITIONAL REQUIREMENTS 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 year the following:

(1) The name, address, and other contact information of each signatory on the rental agreement;

(2) A document signed by **the owner and/or agent** responsible for renting the dwelling certifying the number of persons intended to occupy the dwelling.

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

(B) The owner and/or agent shall provide each person signing a rental agreement as a responsible party for a Short Term Rental the following:

(1) The address of the Short Term Rental and emergency contact numbers;

(2) The name and contact information for the owner or designated agent; and

(3) A copy of the City's rules and regarding noise, trash, parking, alcohol on the beach, litter, dune protection, sea turtles, requirements for special events, maximum occupancy, and golf carts.

(C) Individual rooms in Short Term Rentals may not be rented under separate contracts at the same time.

(D) Any events held on the premises of a Short Term Rental shall meet the following requirements:

(1) Must follow any applicable special event notification rules established by the City in Section 153.05 of the Folly Beach Code of Ordinances for events on private property;

(2) Shall be subject to all applicable provisions of the noise regulations in Sections 131.30 through 131.35 ; and

(3) May not feature mobile food trucks, carts, or other outdoor retailers offering products for sale or in exchange for donations. Caterers are allowed at events on the premises of Short Term Rentals.

(E) All Special Events held after August 1, 2018 on the premises of a Short Term Rental shall meet the following requirements:

(1) May not exceed 49 people; and

(2) May not include outdoor amplified music to include bands, deejays, music broadcast through speakers and electronic musical instruments.

(3) These requirements do not apply to events hosted by the owner of the property for which the owner is on site for the duration the event, the owner has completed the required special event notification, and for which no compensation has been paid for the event or the use of the house.