

**BANKS COUNTY, GEORGIA
BUSINESS OCCUPATION TAX APPLICATION
FOR SHORT-TERM RENTALS**

REMIT TO: BANKS COUNTY PLANNING
150 HUDSON RIDGE, SUITE 4
HOMER, GA 30547
TELEPHONE: 706-677-4272

FOR GOVERNMENT USE ONLY	
TAX YEAR _____	SAVE Affidavit _____
ACCT/LICENSE # _____ / _____	E-Verify Affidavit _____
NAICS CODE _____ 721199 _____	
AMOUNT PAID _____	CASH CHECK # _____
DATE _____	

Property Owner

24-Hour Local Contact

Corporate Name

Address

Mailing Address

City, State, Zip

City, State, Zip

Phone Number

Phone Number

Email Address

Email Address

Rental Address

City, State, Zip

Bedrooms _____ # Beds _____ Maximum Occupancy _____ Maximum Parking _____

Definitions:

Bedroom- a room that is designed to be and meets the building code requirements to be used as a sleeping room and for no other purpose. Every bedroom shall have one operable window or door for emergency escape or rescue that opens directly to the exterior of the unit. The emergency door or window shall be operable from the inside to provide a full, clear opening without the use of separate tools.

Bed- a full or standard, queen, or king size bed or pullout sofa not intended for more than 2 persons or a twin-size bed not intended for more than 1 person. A standard sofa (no pull-out) is not considered a bed.

Bunk- one of multiple beds of any size, stacked one upon another, occupying the same bedroom. No more than 4 bunks per residence.

Parking Space- a designated space to park a single vehicle within the boundaries of the property. Street parking is strictly prohibited. Maximum parking shall be no more than 6 vehicles per residence.

Local Contact- the owner or owner's agent who shall be available at any time to respond to a violation of the Code of Ordinances of Banks County.

SHORT-TERM RENTAL LICENSE AFFIDAVIT

I the undersigned owner of certain real property located in Unincorporated Banks County, do hereby state the intent to rent said premises to individuals or groups for the purpose of short-term rental not to exceed seven (7) calendar nights and further understand that the short-term rental license is subject to the following: *(please initial)*

- The acknowledgment that a copy of the Short-term Rental Ordinance (“the Ordinance”) has been provided to me and that I have read the Ordinance in its entirety and agree to the terms set forth in the Ordinance.
- No person shall allow occupancy or possession of the short-term rental unit if the premises or the owner thereof is in violation of any applicable zoning, building, health, or life safety code provisions.
- The residence shall meet all current local, state, and international code requirements.
- It is the responsibility and the duty of the owner to collect a state sales/use tax and remit the same in accordance with the rules and regulations of the Georgia Department of Revenue.
- All short-term rentals will be subject to the accommodations tax as required by state law.
- The owner shall limit the maximum occupancy and the maximum parking as designated on the license application by written agreement with the occupants.
- The owner shall post within the rental unit a list of rules, including maximum occupancy and parking, and 24-hour emergency contact information.
- Short-term rental licenses shall be valid for no more than one year, beginning the date of issuance and expiring on December 1st of the same year.
- The owner shall be held responsible and liable for any violations of the Ordinance.
- If the owner does not live within a reasonable distance from the short-term rental unit, an agent shall be designated who has access and authority to manage the unit. The local contact must be available to remedy any violation of the Ordinance within 1 hour after being notified by Code Enforcement.

Owner

Agent, Local Contact

Signature

Signature

Date

Date

Sworn to and subscribed before me this _____ day of _____, 20_____

Notary Signature

Expiry

(Seal)

**APPENDIX A, ENTITLED “ZONING”, ARTICLE IV, ENTITLED “GENERAL PROVISIONS”, SECTION 421.
“THE ORDINANCE”**

For the purposes of this chapter, a short-term rental (STR) shall be defined as the rental of any residential home or portion of any residential home to transient guests for a period of time no longer than 7 consecutive days.

A short-term rental as defined by these regulations shall conform to the following requirements:

1. No person or entity shall rent all or any portion of a dwelling unit as short-term rental without first obtaining a short-term rental license pursuant to the regulations contained in this chapter. Such a license shall be valid for one year, renewable annually. Licenses are non-transferrable and should ownership change, a new application and fee will be required. Licenses are only effective at the location for which they are issued; each rental property must have its own separate license.
2. Applicants for a short-term rental license shall submit, on an annual basis, an application for a short-term rental license to the Department of Planning and Zoning. The application shall be accompanied by a non-refundable application fee in the amount of \$150.00. Such application should include:
 - a. The address of the unit to be used as a short-term rental;
 - b. Proof of ownership of the unit;
 - c. Proof of homeowner’s insurance;
 - d. The maximum occupancy and parking limitations;
 - e. The name, address, telephone number and email address of the short-term rental agent, which shall include 24-hour contact information;
 - f. A signed acknowledgement that the owner or agent has reviewed this Chapter and understands its requirements; and
 - g. The agent’s agreement to assure that use of the premises by short-term rental occupants will not disrupt the neighborhood and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties.
3. The owner of the rental residence or the rental agent must be available to handle any problems arising from use of the short-term rental unit; post emergency contact name and phone number in a readily visible place in the short-term rental unit; receive and accept responsibility of any notice of violation related to the use or occupancy of the premises; and monitor the short-term rental unit for compliance with this chapter.
4. STRs must provide proof of registration with the Georgia State Department of Revenue as they shall be subject to applicable state and local taxes and are responsible for payment thereof as established by state law and the county code. Short-term rentals shall be subject to the hotel-motel tax for the furnishing of rooms as permitted under OCGA Section 48-13-51.
5. There shall be posted inside the unit a copy of the rental license as well as emergency contact information and rules of conduct to include maximum occupancy and maximum parking.
6. Maximum occupancy for a short-term rental shall be two persons per bed plus with a maximum of four bunks, but no rental shall have a maximum occupancy greater than twelve. Maximum parking shall be limited to one car per bedroom plus one additional car per residence, but no maximum parking shall exceed six vehicles.
7. All structures built for the purpose of short-term rental shall be built to the current international, state, and county codes for building, zoning, fire prevention, and health and sanitation and shall be required to be permitted and inspected as such. An operable interconnected, hard-wired smoke detection system, with battery backup, is required outside each bedroom. (In the case of registered nonconforming uses, an operable battery-operated smoke detector outside of each bedroom will be accepted.) Any units with LP or natural gas must have a carbon monoxide detection system as well.
8. There shall be only one dwelling (primary or rental) per parcel. No vacation rentals may be operated out of any type of outbuilding or accessory structure.
9. New rentals must meet the minimum requirement of 1000 sq. ft. of heated space as outlined in Section 602(4) of this code. Homes built prior to the 1000 sq. ft. minimum may be considered for rentals. No tiny homes will be permitted. HUD approved manufactured homes of any size are allowable and may be considered for rentals.
10. No recreational vehicles, no campers, no tents, nor any structures of a temporary nature may be used for short-term rentals.
11. All new applications for short-term rentals/vacation rentals must be approved in a public hearing by the Board of Commissioners with a recommendation from the Planning Commission.

Violations of this chapter will be cited and are punishable by fine. Multiple citations may result in the suspension or revocation of a license.



E VERIFY AFFIDAVIT

Private Employer Affidavit Pursuant to
O.C.G.A. § 36-60-6(d)

By executing this affidavit under oath, the undersigned private employer verifies one of the following with respect to its application for a business license, occupational tax certificate, or other document required to operate a business as referenced in O.C.G.A. § 36-60-6(d):

Section 1. Please check only one:

(A) _____ On January 1st of the below-signed year, the individual, firm, or corporation employed more than ten (10) employees.

(B) _____ On January 1st of the below-signed year, the individual, firm, or corporation employed ten (10) or fewer employees.

*** If the employer selected Section 1(A), please fill out Section 2 below.

Section 2.

The employer has registered with and utilizes the federal work authorization program in accordance with the applicable provisions and deadlines established in O.C.G.A. § 36-60-6. The undersigned private employer also attests that its federal work authorization user identification number and date of authorization are as follows:

Name of Private Employer

Federal Work Authorization User Identification Number
(Also called e-Verify #, usually 4-6 digits)

Business License Account No.

Date of Authorization

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on the _____ day of _____, 20____ in _____ (city), _____ (state).

Signature of Authorized Officer or Agent

Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME ON THIS THE _____ DAY OF _____, 20_____.

NOTARY PUBLIC
My Commission Expires: _____



S.A.V.E. AFFIDAVIT

Systematic Alien Verification for Entitlement

Alcohol License

Business License

Business Name _____

Business Owner _____

Address _____ Phone # _____

By executing this affidavit under oath, pursuant to O.C.G.A. § 50-36-1, I am stating the following:

- I am a United States citizen, or
(Must include a copy of either current State Driver's License, Passport, Military ID, or another approved document*.)
- I am a legal permanent resident of the United States**, or
(Must include a copy of your Permanent Resident Card or other approved document*.)
- I am a qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency**
(Must include a copy your Employment Authorization Card or other approved document*.)

**My alien number issued by the Department of Homeland Security or other federal immigration agency is: _____ (required.)

The undersigned applicant also hereby verifies that he or she is 18 years of age or older and has provided at least one secure and verifiable document, as required by O.C.G.A. § 50-36-2, with this affidavit.

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20, and face criminal penalties as allowed by such criminal statute.

Executed on the _____ day of _____, 20____
in _____ (city), _____ (state).

Signature of Authorized Officer or Agent

Printed Name of and Title of Authorized Officer or Agent

SCRIBED AND SWORN BEFORE ME ON THIS _____ DAY OF _____, 20____

NOTARY PUBLIC

(SEAL)

Secure and Verifiable Documents Under O.C.G.A. § 50-36-2

Issued February 20, 2018, by the Office of the Attorney General, Georgia

The Illegal Immigration Reform and Enforcement Act of 2011 (“IIREA”), as amended by Senate Bill 160, signed into law as Act No. 27, (2013), provides that “not later than August 1, 2011, the Attorney General shall provide and make public on the Department of Law’s website a list of acceptable secure and verifiable documents. The list shall be reviewed and updated annually by the Attorney General.” O.C.G.A. § 50-36-2(g). The Attorney General may modify this list on a more frequent basis, if necessary. The following list of secure and verifiable documents, published under the authority of O.C.G.A. § 50-36-2, contains documents that are verifiable for identification purposes, and documents on this list may not necessarily be indicative of residency or immigration status.

- An unexpired United States passport or passport card [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- An unexpired United States military identification card [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- An unexpired driver’s license issued by one of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Marianas Islands, the United States Virgin Island, American Samoa, or the Swain Islands, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]¹
- An unexpired identification card issued by one of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Marianas Islands, the United States Virgin Island, American Samoa, or the Swain Islands, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2] ¹ For identification presented to poll workers when voting, a registered Georgia voter may present an expired Georgia driver’s license as proof of identification when voting pursuant to O.C.G.A. § 21-2-417.
- An unexpired tribal identification card of a federally recognized Native American tribe, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer. A listing of federally recognized Native American tribes may be accessed at: <https://www.bia.gov/tribal-leaders-directory> [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- An unexpired United States Permanent Resident Card or Alien Registration Receipt Card [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- An unexpired Employment Authorization Document that contains a photograph of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- An unexpired passport issued by a foreign government, provided that such passport is accompanied by a United States Department of Homeland Security (“DHS”) Form I-94, DHS Form I-94A, DHS Form I-94W, or other federal form specifying an individual’s lawful immigration status or other proof of lawful presence under federal immigration law² [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- An unexpired Merchant Mariner Document or Merchant Mariner Credential issued by the United States Coast Guard [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- An unexpired Free and Secure Trade (FAST) card [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
 - An unexpired NEXUS card [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- An unexpired Secure Electronic Network for Travelers Rapid Inspection (SENTRI) card [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- An unexpired driver’s license issued by a Canadian government authority [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A Certificate of Citizenship issued by the United States Department of Citizenship and Immigration Services (USCIS) (Form N-560 or Form N-561) [O.C.G.A. § 50-36-2(b)(3); 6 CFR § 37.11] ² Senate Bill 160 (Act No. 27), effective July 1, 2013, limited the use of passports issued by foreign nations to satisfy the requirements for submission of secure and verifiable documents to only those passports submitted in conjunction with a United States Department of Homeland Security (“DHS”) Form I-94, DHS Form I-94A, DHS Form I-94W, or other federal form specifying an individual’s lawful immigration status or other proof of lawful presence under federal immigration law.
- A Certificate of Naturalization issued by the United States Department of Citizenship and Immigration Services (USCIS) (Form N-550 or Form N-570) [O.C.G.A. § 50-36-2(b)(3); 6 CFR § 37.11]
- Certification of Report of Birth issued by the United States Department of State (Form DS-1350) [O.C.G.A. § 50-36-2(b)(3); 6 CFR § 37.11]
- Certification of Birth Abroad issued by the United States Department of State (Form FS-545) [O.C.G.A. § 50-36-2(b)(3); 6 CFR § 37.11]
- Consular Report of Birth Abroad issued by the United States Department of State (Form FS-240) [O.C.G.A. § 50-36-2(b)(3); 6 CFR § 37.11]
- An original or certified copy of a birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal [O.C.G.A. § 50-36-2(b)(3); 6 CFR § 37.11]
- When applying for any public benefit with the Department of Driver Services, an applicant may submit either an expired or unexpired document that is listed above as a secure and verifiable document. [O.C.G.A. §§ 50-36-1(g) & 50-36-2(b)(3)]
- When applying for a voter identification card pursuant to O.C.G.A. § 21-2-417.1, an individual may submit the aggregate forms of identification authorized by O.C.G.A. § 21-2-417.1(e).
- In addition to the documents listed herein, if, in administering a public benefit or program, an agency is required by federal law to accept a document or other form of identification for proof of or documentation of identity, that document or other form of identification will be deemed a secure and verifiable document solely for that particular program or administration of that particular public benefit. [O.C.G.A. § 50-36-2(c)]