

DRAFT SHORT TERM RENTAL ORDINANCE FOR TOWN OF WARREN VT

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§ 1. Authority.

This Ordinance is adopted pursuant to the authority set forth in Chapters 59 and 61 of Title 24 of the Vermont Statutes Annotated, including specifically 24 VSA § 2291(29). This Ordinance is a civil ordinance under 24 V.S.A. § 1971(b).

§ 2. Purpose.

Given the rise in popularity of online platforms like Airbnb and HomeAway/ VRBO, the Town of Warren (the “Town”) is examining the economic and social impacts of short-term rentals.

STRs provide property owners with the opportunity to earn income. STRs also benefit Warren’s and the whole Mad River Valley’s tourism economy and provide guests with a convenient, and sometimes more affordable, place to stay when traveling. However, along with the benefits of STRs, there may be associated negative impacts, such as reducing the number of dwelling units available for long-term occupancy and impacts on neighbors and the character of a neighborhood, as well as greater demands on Town emergency services. By establishing a permitting process for short-term rental properties, the Town of Warren seeks to:

- (a) Gather Data: Collect information about STRs in Warren to inform future decisions; and
- (b) Ensure Safe and Responsible Operation by collecting emergency contact information, promoting good neighbor practices, and ensuring fire and health safety standards are met.

§ 3 Definitions.

- (1) “Short-Term Rental (STR)” means a furnished residence rented for fewer than 30 consecutive days and for more than 14 days per calendar year, excluding commercial lodging establishments (e.g., hotels, motels, inns and bed and breakfasts).
- (2) “Property Owner” means the individual(s) or entity/entities that hold legal title to the STR property.
- (3) “Local Host” means an individual designated by the property owner who can respond on-site to the STR property within one hour (by automobile) in case of emergencies.
- (4) “Zoning Administrator” means the Town official responsible for administering and enforcing this ordinance.

§ 4 Regulations.

Property owners must obtain a permit whenever a dwelling unit is to be used as a short-term rental.

- (a) A short-term rental permit shall be obtained prior to using the unit as a short-term rental.
- (b) The Zoning Administrator may inspect the short-term rental for compliance with Town and state codes. The short-term rental shall not operate unless it is in full compliance with Town and state codes.
- (c) A short-term rental permit shall be valid for one calendar year, shall expire on **December 31** of the year it is in effect, and must be renewed upon expiration as long as the unit is to be continued to be used as a short-term rental.
- (d) The short-term rental permit is transferable to a new owner, so long as the new owner registers with the Town, updates the short-term rental permit application and agrees in writing to comply with the requirements of the short-term rental permit and these regulations within 30 days of sale.

§ 5. Permit application requirements.

An application for (or renewal of) a short-term rental permit shall be submitted to the Town Zoning Administrator. The application/renewal must be completed on the form provided by the Town. It must be accompanied by payment of a permit fee, as determined by the Town Select Board. If relevant circumstances on the property change or for any reason the certification is or becomes inaccurate, a new certification shall be submitted.

The application shall provide the following information:

- (a) List of all the property owners of the short-term rental including names, residential addresses, telephone numbers and email addresses. Each property owner must also provide the address of their principal residence if it is different from that of the short-term rental. (In the event the property is owned by an entity such a trust or LLC, the ultimate owners and/or beneficiaries of such entity shall provide the information required by this paragraph.)
- (b) Completion of a signed affidavit by the property owners certifying the following:
 - (1) The number of sleeping rooms within the short-term rental, as defined in this section.
 - (2) The number of parking spaces on the property that meet the standard set forth below.
 - (3) The septic capacity of the STR property.
 - (4) Compliance with the following standards:

- A. The Short-Term Rental Safety, Health and Financial Obligations of the Vermont Departments of Health and Fire Safety [See the Vermont Division of Fire Safety at: [Safety Consideration sort term rentals.pdf \(vermont.gov\)](https://www.vermont.gov/division-of-fire-safety/safety-consideration-sort-term-rentals.pdf)].

In addition, for units with an occupancy of greater than eight guests, a State Division of Fire Safety inspection is required by the State of Vermont. The Waterbury Regional Office of Fire safety can be reached at 802-479-4434.

- B. All exterior doors shall be operational and all passageways to exterior doors shall be clear and unobstructed.
 - C. Electrical systems shall be serviceable with no visual defects or unsafe conditions.
 - D. All solid fuel-burning appliances (i.e., a chimney-connected device that burns solid fuel designed for purposes of heating, cooking, illumination, decoration or ambiance, including but not limited to wood stoves and heaters, fireplace inserts, masonry chimneys or fireboxes and pellet stoves) must be inspected in accordance with the Town of Warren Solid Fuel Burning Appliance Ordinance (<https://www.warrenvt.org/wp-content/uploads/2018/03/Solid-Fuel-Burning-Ordinance.pdf>)
- (c) A property map showing the location of buildings, required parking and, if not served by a public sewer, the location of the septic system and leach field. An accurate, suitable plan need not be prepared by a professional.
 - (d) For owner-occupied short-term rentals (i.e., the owner is present during the entire rental period), the owner must provide their name, address, telephone number and email address. For non-owner-occupied short-term rentals, the owner must designate a local (i.e., within 60 minutes by automobile) host and provide the name, address, telephone number and email address of the local host, who shall be responsible, and authorized, to act on the owner's behalf to promptly remedy any violation of these standards or the permit. The host may be the owner, or a local host or agent designated by the owner to serve as a contact person.
 - (e) A declaration of insurance coverage specific to the renting of short-term vacation rentals is required
 - (f) Payment of a fee which has been set by the Town Selectboard.

§ 6. Standards.

All short-term rentals must meet the following standards:

- (a) The maximum occupancy for each short-term rental unit shall be the number of people calculated based on two persons per sleeping room (unless the room size is below 100 square feet) plus an additional two persons. For example, for a three-bedroom unit, maximum capacity is 8 persons (three bedrooms with two persons per bedroom, plus an additional two persons).

For this purpose, a "sleeping room" is defined as fully enclosed habitable space of at least 70 square feet for one person and 100 square feet for two persons, with an emergency escape or rescue opening.

- (b) The property must have sufficient off-street parking spaces to accommodate the maximum occupancy.

- (c) Tenants and guests shall park in the off-street parking spaces.
- (d) A house number visible from the street or road shall be maintained.
- (e) Provisions shall be made for weekly garbage removal during rental periods. Garbage containers shall be animal proof and always secured with tight-fitting covers to prevent leakage, spilling or odors.
- (f) Advertisements for the short-term rental must conform to what is allowed under these regulations and the short-term rental permit.
- (g) In the event of a federal, state or local disaster declaration, all owners and guests must comply with federal, state and/or local disaster orders.
- (h) A Knox-Box (i.e., for emergency keys) is required for all short-term rental properties for which the owner is not present during the entire rental period, The Knox-Box must be registered with the Warren Fire Department. [To order the Knox-Box, see this form:]

In addition, to keys to access all locked interior and exterior doors (including closets) in the short-term rental unit, owners must provide the following in the Knox-Box for use by emergency services:
 - (1) emergency contact information for the owner and property manager, as well as for the utility companies and commercial alarm companies serving the unit
 - (2) a map of the unit showing all bedrooms and sleeping areas, and the location of all fire/smoke/CO2 detectors and alarms.
- (i) For all short-term rental properties for which the owner is not present during the entire rental period, the property must contain, in a visually prominent location for guests to access:
 - (1) a list of emergency contact numbers; and
 - (2) detailed instructions for guests on how to respond in the event of an emergency and/or should an alarm sound.

§ 7. Procedure upon filing application.

- A. Upon the filing with the Town Zoning Administrator of the permit application, permit fee, and all documents and information required by this ordinance, the Town Zoning Administrator shall have 45 days to review the application and then either issue the permit, with or without conditions, or notify the applicant in writing that the application has been denied along with the reason or reasons for denial.
- B. The Town Zoning Administrator may decline an application for any of the following reasons:
 - (1) If the application is incomplete, the documentation required by this ordinance was not included with the application or the application or the full permit fee, in payment form acceptable to the Town Treasurer, was not included with the application.
 - (2) If the Town of Warren issued a short-term rental permit to any of the owners needing to sign the short-term rental permit application and any of such owners had a short- term rental permit revoked within the previous year.
- C. Short-term rental permits issued pursuant to this section shall state the following:
 - (1) The names, addresses and phone numbers of every person or entity who has an

ownership interest in the short-term rental property and the host who shall be available during the entire time the short-term rental property is being occupied.

- (2) The maximum occupancy and vehicle limits for the short-term rental unit.
- (3) Identification of the number of and location of parking spaces available.
- (4) A statement that no outdoor fires are allowed, except as permitted by local and state law. Outdoor barbecues and supervised fires in fire pits are permitted.
- (5) No tents will be allowed as overnight quarters.
- (6) Any animals which are pets of guests shall not leave the subject parcel except when under control by leash.
- (7) A statement that no noise beyond normal levels shall emanate between 10:00 p.m. and 9:00 a.m.
- (8) A statement that the short-term rental permit may be revoked for violations.

§ 8. Inspection

The Zoning Administrator may inspect any property before issuing a permit, or at any time thereafter. The Town reserves the right to validate via inspection or otherwise any information contained in the permit application.

§ 9. Recordkeeping Requirements

- A. Owners and operators of short-term rentals are required to keep written (including electronic) records of advertising information and rental activity (i.e., number of bookings, name of booking guest, number of people, length of stay, amount collected, amount of tax collected or remitted) for a minimum of three years.
- B. In the event of a dispute with the owner(s) of a short-term rental as to the need for a permit or as to compliance with this ordinance, the Zoning Administrator shall have the right to inspect the written records upon reasonable notice.

§ 10. Compliance, hearings and penalties.

- A. Owners of short-term rental units must obey all applicable laws, ordinances and regulations of the Town of Warren, Washington County, Vermont, and the United States of America, and shall be subject to the enforcement and penalty proceedings contained in this ordinance.
- B. If the Town Zoning Administrator determines a violation of the permit or of this Ordinance or the Town's Land Use and Development Regulations, the Zoning Administrator may do any of the following depending on the circumstances:
 - (1) Issue a Notice to Remedy;
 - (2) Impose a fine or suspension pursuant to the Schedule below;
 - (3) Initiate a hearing before the Selectboard; and/or
 - (4) Attach reasonable conditions to the existing short-term rental permit.

Fine Schedule

	1 st violation	2 nd violation	3 rd violation	
Fine for advertising a property for short-term rent (online or offline) without first having obtained a permit or complying with local listing requirements	\$300	\$600	\$900	Upon the fourth or subsequent violation in any twenty- four-month period, the Town may suspend or revoke any permit. The suspension or revocation can be appealed
Fine for violating any other requirements of this short-term rental regulation	\$150	\$300	\$450	
<p>Notes:</p> <p>a. Any person found to be in violation of this ordinance shall be ordered to remit all illegally obtained short-term rental revenue proceeds to the Town.</p> <p>b. Any unpaid fine will be subject to interest from the date on which the fine became due and payable to the Town until the date of payment.</p> <p>c. The remedies provided for in this fine schedule are in addition to, and not in lieu of, all other legal remedies, criminal or civil, which may be pursued by the Town to address any violation or other public nuisance.</p>				

§11. Expiration

This ordinance will expire in two years after its initial adoption to allow for a period of data gathering and analysis. Upon expiration of this ordinance, the Selectboard will revisit the issue of STRs and adopt a new ordinance to replace this one.