

8/1/22 DRAFT

TOWN OF CHESTER, VERMONT

ORDINANCE TO REGULATE THE OPERATION OF SHORT-TERM RENTALS (STRs)

SECTION 1. AUTHORITY. Under authority granted in 24 V.S.A § 2291(29), the Selectboard of the Town of Chester hereby adopts the following civil ordinance requiring annual registration for the operation of short-term rentals within the town.

SECTION 2. PURPOSE. The purpose of this Ordinance is to promote and protect the public health, safety, welfare, and convenience of the town, to preserve residents' rights to quiet enjoyment of homes and properties, and to ensure the safety of occupants of short-term rentals.

SECTION 3. DEFINITIONS.

- A. "Host" means a person who operates a short-term rental (whole or partial unit). The host is the primary contact for guests to make reservations and to contact during their stay. The host oversees compliance of the short-term rental with all applicable rules and regulations. The host may be the property owner, a tenant, or a manager.
- B. "Short-term rental" or "STR" means a dwelling unit rented to the transient, traveling, or vacationing public for a period of fewer than 30 consecutive days and for more than 14 days per calendar year, and is either a:
 - 1. "Partial Unit" meaning a room or group of rooms located within a Host's primary residence; or
 - 2. "Whole Unit" meaning an entire dwelling unit.

"Tourist Lodging" as defined and permitted under the Chester Unified Development Bylaws is not a short-term rental and is not regulated under this Ordinance.
- C. "Dwelling unit" means a furnished house, condominium, apartment, or room or group of rooms used as living quarters.
- D. "STR Administrator" means a person or persons designated by the Selectboard of the Town of Chester to administer and enforce this Ordinance.

SECTION 4. SHORT TERM RENTAL REGISTRATION.

- A. The short-term rental of a dwelling unit requires an annual Short-Term Rental Registration from the STR Administrator. A person shall not commence the use of a dwelling unit as a short-term rental unless and until the STR Administrator issues the requisite Short-Term Rental Registration.
- B. The dwelling unit capacity when registered as a short-term rental shall be two occupants for every bedroom plus an additional two occupants. For example, a three-bedroom dwelling unit shall have a dwelling unit capacity of eight persons ((3 bedrooms X 2) + 2) when used as a short-term rental.
- C. An application for Short-Term Rental Registration, for dwelling units with an occupancy of 8 or less, shall require the following:

1. The number of bedrooms to be rented and the requested dwelling unit capacity to be approved in the Short-Term Rental Registration.
 2. The host's name, address, email, and a cell phone number or other number that will be answered during the time that the short-term rental unit is being rented.
 3. The property owner's name, address, phone number, email, date of birth, driver's license and license state, and military status (active or not), and if the owner is a corporation, the registered corporate agent and president of the corporation and their name and address, and if the owner is a partnership, the registered partnership agent and the names and addresses of the general partners (for enforcement purposes).
 4. For property owners who do not live within Windsor County, a designated agent located in Windsor County for service of process.
 5. The Posting of Contact Information required by 18 V.S.A. § 4467.
 6. The education materials required by 18 V.S.A. § 4468(a), including without limitation the self-certification form pertaining to health and safety precautions that Hosts must take into consideration prior to renting a dwelling unit required by 18 V.S.A. § 4468(b).
 7. Proof that the liability insurance policy that covers the dwelling unit extends bodily injury and property damage insurance coverage that occurs during or as result of the use of the dwelling unit as a short-term rental.
- D. An application for Short-Term Rental Registration, for dwelling units with a capacity of greater than 8 occupants, shall require compliance with subsection C above, plus the following:
1. Proof that the sewer or septic capacity is at least equal to the requested short-term rental dwelling unit capacity as approved on a Town of Chester Sewer Connection Permit, OR, a State of Vermont Wastewater and Water Supply Permit for the property for dwelling units constructed or occupied after June 30, 2007, OR, the local zoning or septic permit for dwelling units constructed before July 1, 2007, OR, by the number of bedrooms indicated in the listers property database if a local zoning or septic permit does not exist for dwelling units constructed before July 1, 2007.
 2. An inspection report with occupancy approved from the State of Vermont Division of Fire Safety for the requested short-term rental dwelling unit capacity.
- E. No registration for the short-term rental of a dwelling unit shall be issued unless the applicant has complied with subsection C above (for dwelling units with an occupancy of 8 or less) or has complied with subsection D above (for dwelling units with a capacity of greater than 8 occupants).

- F. Short-Term Rental Registrations shall expire on April 30 of each year and require renewal to continue use of a dwelling unit as a short-term rental.
- G. The number of lessees, guests, or other persons using a dwelling unit pursuant to the short-term rental lease or other agreement with the Host shall not exceed the approved dwelling unit capacity on the Short-Term Rental Registration.
- H. The use of a dwelling unit by a number of lessees, guests, or other persons in excess of the approved dwelling unit capacity on the Short-Term Rental Registration shall constitute a violation of this Ordinance.

SECTION 5. FEES. A fee shall be paid to the Town of Chester with the submission of any Short-Term Rental Registration application or annual renewal. The fee shall be in the amount of \$150 per year for partial unit short-term rentals and \$300 per year for whole unit short-term rentals. The Selectboard may, from time to time, modify this fee and may establish and adopt other fees related to the administration and enforcement of this Ordinance, and may incorporate all such fees into a duly adopted fee schedule.

SECTION 6. ENFORCEMENT. Any person who violates a provision of this Ordinance shall be subject to the civil penalty of up to \$800 per day for each day that a violation continues. Each day the violation continues shall constitute a separate offense. The STR Administrator, Chester Police Officers, the Chester Zoning Administrator, and the Chester Town Manager shall all be designated and authorized to act as Issuing Municipal Officials to issue and pursue before the Judicial Bureau, or other court having jurisdiction, a municipal complaint.

SECTION 7. WAIVER FEES. An Issuing Municipal Official is authorized to recover waiver fees, in lieu of a civil penalty, in the following amount, for any person who declines to contest a municipal complaint and pays the waiver fee:

- a) Operating an STR without a Registration - \$500
- b) All other violations:
 - First Offense - \$100
 - Second Offense - \$250
 - Third Offense - \$500
 - Fourth and Subsequent Offenses - \$700

Offenses shall be counted on a twelve-month basis, beginning on May 1 and ending on April 30 of each year. An Issuing Municipal Official shall have authority to issue a written warning, without recovering a waiver fee, for any First Offense violation other than Operating an STR without a Registration. In such instance, the written warning shall be counted as a First Offense for calculating annual offenses.

SECTION 8. PENALTIES. An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation:

c) Operating an STR without a Registration - \$800

d) All other violations:

First Offense - \$400

Second Offense - \$600

Third Offense - \$800

Fourth and Subsequent Offenses - \$800, plus automatic revocation for twelve months before a new Short-Term Rental Registration application may be submitted.

Offenses shall be counted on a twelve-month basis, beginning on May 1 and ending on April 30 of each year. An Issuing Municipal Official shall have authority to issue a written warning, without recovering a civil penalty, for any First Offense violation other than Operating an STR without a Registration. In such instance, the written warning shall be counted as a First Offense for calculating annual offenses.

SECTION 9. OTHER RELIEF. In addition to the enforcement procedures available under Chapter 59 of Title 24, the Chester Town Manager is authorized to commence civil action in the Civil Division of the Vermont Superior Court to obtain injunctive and other appropriate relief, to request revocation or suspension of any Short-Term Rental Registration on behalf of the Chester Selectboard, or to pursue any other remedy authorized by law.

SECTION 10. SEVERABILITY. If any section of this Ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this Ordinance.

SECTION 11. EFFECTIVE DATE. This Ordinance shall become effective 60 days after its adoption by the Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this Ordinance.

Date of adoption by the Selectboard: _____

Signatures of Selectboard members:

