

SUNDERLAND SHORT TERM RENTAL ORDINANCE

SHORT-TERM RENTAL ORDINANCE

Preamble

This Ordinance is adopted pursuant to 21 V.S.A. § 1971 and § 2291(29). The purpose of this Ordinance is to promote the health, safety, and welfare of the Town of Sunderland and its residents and visitors; ensure the safety of occupants of short-term rentals and the wellbeing of the community and neighborhoods within the Town; and to preserve the character of Town and its neighborhoods, and to avoid an adverse effect on neighbors and surrounding property owners.

18.1 Definitions

Short term rental: A short term rental is defined as a furnished house, condominium, or other dwelling room or 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.

Camp: A building not used as a primary or secondary residence, but used occasionally or seasonally for a temporary shelter in connection with a recreational activity.

Campground: Any tract or parcel of land occupied by two or more travel trailers, Recreational Vehicles, tent sites, or temporary cabins for a brief period for vacation or recreation purposes. There shall be no distinction made between non-commercial (no charge, no service) and commercial operations; bona fide "primitive" or "wilderness" camping areas are specifically excluded.

Designated Responsible Person: Shall mean a Person or Persons designated and authorized by the Owner to act as their agent, or that Person's employee or agent, capable of and responsible for responding to emergency situations and other issues related to the STR when the property is being rented or leased as an STR. A Designated Responsible Person shall reside within 25 miles of the short-term rental property.

18.2 Exemptions

18.2.1: Camps and campgrounds as defined are not considered short term rentals.

18.2.2 Month-to-month leases are not short-term rental and are not subject to the provisions of this section.

18.2.3 Condominium Association whose members are restricted from permanently occupying their premises, and which existed prior to the effective date.

18.3 A short-term rental use must:

- a) Be located within a dwelling and/or accessory building(s) to a dwelling;
- b) Not occupy space in more than two structures on a parcel;
- c) Not have a sign;
- d) Conform to all applicable state health and safety codes;
- e) Provide all guests with a private, secured bedroom for their exclusive use that is not less than 80 square feet in floor area;
- f) Provide all guests with access to bathroom facilities within the same structure as their sleeping quarters that include a toilet, sink and shower or bathtub;
- g) Not house any guest for a continuous period of 30 days or more;
- h) Be limited to a maximum number of guests that does not exceed twice the number of bedrooms as documented in the Town of Sunderland property assessment records and the wastewater permit for the property. The owner must clearly state the maximum occupancy when advertising the property and booking guests.
- i) **Maximum of four bedrooms per dwelling.**

18.4 Inspections - Registration

The owners of all short-term rental units subject to inspection and the hosts of all short-term rentals shall be required to annually file a registration application and fee with the Town, which shall be due annually on or before November 1.

18.5 Property Information Form

All owners or hosts must complete a rental property information form to be provided by the Town which contains the following information:

- a) The address of the property.
- b) The number of dwelling units at that address.
- c) The number of rental units at that address.
- d) The number of sleeping rooms in each rental unit.
- e) The number of parking spaces that are dedicated for the rental units at the property.
- f) The name, address, phone number, email address, and state of the property owner, and if the owner is a corporation, the registered corporate agent and the 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.
- g) The name, address phone number, and email address, of:

(i) All owners or hosts who do not live within Bennington County, or who are not present during the duration of a given rental period are required to appoint a Designated Responsible Person which Person shall be empowered to represent the owner or host in matters concerning compliance with this ordinance during the rental period.

(iii) A person within the state for service of process for this property. All owners or hosts who do not live within Bennington County are required to designate a person located in Bennington County for service of process.

(iv) For hosts who are tenants, the name, address, phone number, email address, driver's license and state of the host, and written permission from the owner of the rental unit that the tenant may register it as a short-term rental.

(v) If applicable, written proof of the host's permanent residence. For hosts who are owners of the short-term rental, this shall be proven by a declaration of homestead pursuant to 32 V.S.A. § 5410. For hosts who are tenants, the enforcement officer may accept other written proof of permanent residency at its discretion, relying on criteria such as the address listed on the host's driver's license, car or voter registration forms, on utility bills or bank accounts, or on the host's individual tax returns.

(vi) The applicant must submit a copy of a completed state Short Term Rental Safety, Health and Financial Obligations checklist showing that the unit conforms to all applicable state health and safety codes as part of a complete application for a short-term rental.

(vii) Upon submission of all required STR Registration information, the registered property may be rented as an STR, subject to the requirements of this Ordinance and the payment of any required fee(s). Note, however, that a building in which people rent accommodations constitutes a "public building" under 20 V.S.A. § 2730(a)(I)(D) and, as such is subject to the authority of the State of Vermont Division of Fire Safety, or its designee. Other provisions of federal, State and local law may also apply to Short Term Rentals.

18.6 Property Transfer/ New STR Construction

(a) Upon purchase or transfer of property containing a rental unit, the purchasers or transferees shall file a new registration application and a fifty dollars (\$50.00) fee. The payment of this fee shall cover one (1) or more rental properties being transferred to a new owner or host on the same date.

(b) Prior to occupancy of any newly constructed short term rental unit or conversion of use to a short-term rental unit, the owner or host shall file an application for registration with the Town and pay the required fee which shall be the pro rata portion of the fee due for that year based on the date of registration.

(c) It shall be a violation for an owner or host of any short-term rental unit within the Town to fail to register a short-term rental unit as required by this section.

(d) Property owners and hosts shall have a continuing obligation to notify the enforcement officer of any changes in the information required under subsection (a) during the periods between the required filings of the registration applications.

18.7 Standards

In addition to registration requirements for all rental units noted in (a) – (d) above, all short-term rentals shall be subject to the following standards:

(a) A host may register their primary residence as one (1) whole unit short term rental or the host may register up to three (3) rooms within their primary residence as a partial unit short term rental.

(b) A host may register a dwelling unit that is not within the same building or lot as their primary residence as one (1) whole unit short term rental.

18.8 Short Term Rental Only Minimum Standards

The following additional minimum standards shall apply to short term rentals only:

(a) Hosts shall comply with all applicable State law and regulations regarding short term rentals.

(b) Short term rentals must be serviced and cleaned before each new guest.

18.9 Documentation for Guests

Hosts shall provide guests written documentation with the following information:

(a) the name, phone number, and email of the host and, if not the host individually, an emergency contact within Bennington County who is available at all times during a guest's rental.

(b) contact information for the enforcement officer, the State Department of Health, and the State Department of Public Safety's Division of Fire Safety.

(c) written instructions on the location and use of fire extinguishers;

(d) written instructions on emergency shut-off of heating systems and fuel burnings appliances.

(e) a diagram identifying emergency egress routes.

18.10 PROHIBITED ACTIVITY AT SHORT TERM RENTALS:

a. Parties and/or catered events:

- i. Short term rentals shall not be used for parties, gatherings, weddings, or any catered event that exceed twice the permitted occupancy of the STR. Catered events are limited to one per Calander month and require a permit issued by the Zoning Administrator.
- b. Signs and other outside displays indicating that property is short term rental.
- c. Outdoor activities between 11PM and 7AM

18.11 Effective Dates

18.11.1 Properties used for short-term rental in the 12 months prior to *[effective date]* will be required to apply for a zoning permit to continue the short-term rental use within 6 months of the effective date. After *[effective date]*, if there are no short-term rentals of such a property for a period of 12 months the use will be considered discontinued and a zoning permit will be required to resume offering the property for short-term rental.

18.11.2 Properties used for short term rental in the 12 months prior to [effective date] are exempt from requirements of 18.3(b) and 18.3(e).

18.12 FEES

A fee shall be paid to the Town of Sunderland with the submission of any Short-Term Rental Registration application or annual renewal, regardless of date of registration. The fee shall be in an amount as determined by the Select board which 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.

18.13 Violations

If a complaint is filed with the Zoning Administrator, it will be the landowner's responsibility to demonstrate that the standards of this section and any other conditions of approval are being met.

18.14.1 Enforcement; penalties

This ordinance is designated as a civil ordinance under 24 V.S.A. § 1971(b). Any person who violates this ordinance after it has been adopted shall be fined not more than \$800.00 for each day that such violation continues. Each day the violation continues shall constitute a separate offense. The Town of Sunderland Zoning Administrator and Health Officer shall be designated and authorized to act as Issuing Municipal Officials to issue and pursue before the Judicial Bureau, or any other court having jurisdiction, a municipal complaint.

An Issuing Municipal Officer is authorized to recover civil penalties in the following amounts for each violation:

First offense: \$400 per day

Second offense: \$600 per day

Third and subsequent offenses: \$800 per day

The Issuing Municipal Officer shall have the discretion to issue a written warning lieu of a fine.

18.14.2 Short term listing platform (for example VRBO, AIRBNB) will be notified of non-compliance.

18.15 Severability

Severability. If any provision of this ordinance is deemed by a court of competent jurisdiction to be unconstitutional, invalid or unenforceable, that provision shall be severed from the ordinance and the remaining provisions that can be given effect without the severed provision shall continue in effect.

18.15.1 Adoption and Effective Date

This Ordinance is hereby adopted by the Selectboard of the Town of Sunderland on this ___ day of _____, 2024, and shall, unless a petition is filed as provided by law, become effective _____, 2024.