

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 December 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 December 1, 2024 will be required to apply for a zoning permit to continue the short-term rental use within 6 months of the effective date. After December 1, 2024 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 December 1, 2024 are exempt from requirements of 18.3(b) and 18.3(e).

18.12 FEES

A fee (\$50.00) 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.

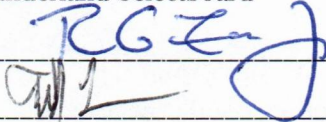
18.15 Severability

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 23rd day of September, 2024, and shall, unless a petition is filed as provided by law, become effective November 22, 2024.

Sunderland Selectboard



Chair

Short Term Rental Safety, Health and Financial Obligations

Contact Information	Instructions
Department of Health: 802-863- 7221 Division of Fire Safety: 802 479-7561	The short term rental operator shall post within the unit a telephone number for the persons responsible for the unit and the contact information for the Vermont Department of Health and the Vermont Division of Fire Safety. This form shall be completed by the short-term rental operator and retained on site. The form need not be filed with the department.

SHORT TERM RENTAL OPERATOR INFORMATION		
Operator(s) Name (Print):	Number of Rooms Rented:	
Physical 911 Address of Property:	Type of Heating System:	
Mailing Address:	Public or Private Water:	
Cell phone number:	E- Mail:	Tax Account Number:

Division of Fire Safety General Checklist (www.firesafety.vermont.gov)
<input type="checkbox"/> Smoke and carbon monoxide alarms are provided in accordance with the attached fire safety info sheet.
<input type="checkbox"/> GFI Outlets are provided in locations identified on the attached fire safety info sheet.
<input type="checkbox"/> Every sleeping room is provided with a secondary means of escape (see attached fire safety info sheet).
<input type="checkbox"/> Heating systems (fuel and wood) have been inspected by a certified fuel service technician (see info sheet).
<input type="checkbox"/> Landings, decks, porches and balconies higher than 30 inches from grade are provided with guards and rails.
<input type="checkbox"/> Stairs must be provided with graspable handrails (see attached fire safety info sheet).

Health Department General Checklist (www.healthvermont.gov)
<input type="checkbox"/> Appliances are operational and in good repair and hot and cold potable water have been supplied.
<input type="checkbox"/> Guest rooms have been serviced and cleaned before each new guest.
<input type="checkbox"/> Refuse containers are available and emptied at least once each week or more frequently, if necessary.
<input type="checkbox"/> Swimming pools, recreational water facilities, and hot tubs are kept sanitary and in good repair.
<input type="checkbox"/> Sewage system and toilets function and are in good repair.
<input type="checkbox"/> Toxic cleaning supplies are properly labeled, safely stored and used according to the manufacturer's directions.
<input type="checkbox"/> Guest rooms are free of any evidence of insects, rodents, and other pests.

Tax Department General Checklist (www.tax.vermont.gov)
<input type="checkbox"/> Meals and rooms taxes are filed and paid by a third party. I do not need a Vermont tax account.
<input type="checkbox"/> Meals and rooms taxes are NOT filed and paid by a third party. I have a Vermont tax account.
<input type="checkbox"/> The Vermont Meals and Rooms Tax license is displayed in each rental unit.
<input type="checkbox"/> My income from these activities is included on my income tax return.
<input type="checkbox"/> I file and pay Vermont Sales Tax for any tangible items I sell.

Signature of Short Term Rental Operator	Date
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Fire Safety Considerations for Short-Term Rental Operators

For detailed information on providing and maintaining a safe short-term rental, please visit our home page www.firesafety.vermont.gov

Smoke Alarms

- Photoelectric type smoke alarms are required in the immediate vicinity of sleeping rooms, inside each sleeping room, and on all floor levels including the basement. All newly installed smoke alarms must be hard wired into the buildings electrical system.
- Smoke alarms in sleeping rooms of buildings constructed prior to 1994, may be of the 10-year photoelectric lithium powered tamper resistant type.

Carbon Monoxide Alarms

- Outside each sleeping area in the immediate vicinity of the bedrooms. An additional detector shall be installed in each sleeping room that contains a fuel- burning appliance.
- Carbon Monoxide alarms installed or replaced in a dwelling after July 1, 2005 must be directly wired to the building electrical service and have a battery backup.
- Existing One and Two family dwellings constructed prior to July 1, 2005 may use plug in style alarm with battery backup or battery power or you may hardwire.

Guard and Handrails

- Landings, decks, porches or platforms more than 30 inches of grade must be provided with guards and intermediate rails spaced no more than 4 inches apart.
- Graspable handrails must be provided on all stairs.

Electrical Safety:

Ground Fault Current Interrupters (GFCI) are required in the following areas;

- Bathrooms, garages and accessory buildings having a floor located at or below grade level, not intended as a habitable room and limited to storage. Work areas, outdoors, crawl spaces, unfinished portions or areas of the basement not intended as a habitable room. Kitchen, where the receptacles are installed to serve countertop surfaces and sinks and where the receptacles are installed within 6ft from the top inside edge of the bowl of the sink. Boathouses and bathtubs or shower stalls, where receptacles are installed within 6ft of the outside edge of the bathtub or shower stall and laundry areas.

Secondary Means of Escape from Sleeping Rooms

- Every sleeping room must be provided with a primary and secondary means of escape.
- A window meeting rescue and ventilation requirements can satisfy the secondary means of escape.

Heating System Safety

- Oil, gas, wood, wood pellet and kerosene fuel fired heating systems shall be cleaned and maintained in accordance with manufacturer's installation instructions and shall be inspected at least once during any 2-year period by a certified fuel service technician or Chimney sweep in the case of solid fuels.

For additional details and information, visit the Code Information & Hot Topic Fire Safety Sheet section of our web page.

<https://firesafety.vermont.gov/buildingcode/codesheets>