

## **SHORT-TERM RENTAL ORDINANCE**

The Trustees of the Village of Manchester, Vermont, acting under the authority of 24 V.S.A. 2291(29), hereby adopts and ordains this ordinance regulating certain Short-Term Rentals in the Village of Manchester.

### **SECTION 1: PURPOSE**

- 1.1. This Ordinance is adopted to protect and preserve the character of the Village of Manchester; to promote health, safety, and welfare; to further the purposes of the Village Plan; and 24 V.S.A. Chapter 117.
- 1.2. This Ordinance may be referred to as the “Short-Term Rental Ordinance” for the Village of Manchester, Vermont.
- 1.3. This Ordinance is designated as a civil ordinance under 24 V.S.A. § 1971 and shall be enforced in accordance with the provisions of 24 V.S.A. § 1974a and other applicable provisions of law.

### **SECTION 2: DEFINITIONS**

As used in this Ordinance:

- 2.1. “Short-term rental” means in accordance with 24 V.S.A. § 2291(29), as “a furnished house, condominium, or other dwelling room or self-contained 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.”
- 2.2. “Owner” means an owner of property meeting the definition of a short-term rental stated in this Ordinance.
- 2.3. “Occupant” means (i) a person who rents a property as a short-term rental, and (ii) each person who is present at a short-term rental by permission or invitation of a person renting the property as a short-term rental.
- 2.4. “STRO” means the Short-Term Rental Officer serving pursuant to Section 3 of this Ordinance.

### **SECTION 3: SHORT-TERM RENTAL OFFICER**

The Short-Term Rental Officer (“STRO”) of the Village of Manchester shall be appointed by the Board of Trustees (“BOT”) and may be removed at-will by action of the Trustees at any time, with or without cause.

### **SECTION 4: REGISTERING A SHORT-TERM RENTAL**

- 4.1. Every short-term rental shall be registered by its owner with the STRO on or before the later of (i) 90 days after the effective date of this Ordinance; or (ii) 60 days before the first day the short-term rental is occupied by an occupant. Thereafter, the owner shall register the short-term

rental annually, no later than April 1 in every calendar year in which the property is occupied as a short-term rental. Registrations shall be completed on a form approved by the Trustees.

4.2. The fee for registration shall be \$300, provided that the fee may be increased from time to time by the Trustees.

## **SECTION 5: RULES FOR SHORT-TERM RENTALS**

5.1. Fire Safety. A short-term rental is a “public building” as defined by 20 V.S.A. § 2730, subject to inspection and regulation by the Vermont Division of Fire Safety.

(a) The owner shall provide proof of satisfactory compliance with inspections as may be required by the Vermont Division of Fire Safety prior to the first occupancy by the occupant as defined by this ordinance.

(b) Additionally, each owner shall provide to the STRO a copy of the Vermont Division of Fire Safety, Short Term Rental Safety, Health, and Financial Obligations Form which has been completed by the owner and posted at the rental location

5.2. Trash and Waste.

(a) An owner shall provide for disposal of trash, food waste, and recyclable material utilizing bear proof receptacles, and shall provide one or more adequate metal containers for disposal of ash and coals if there is a fireplace, fire pit, wood burning stove, wood or charcoal grill, or other source of ash or coals at the short-term rental.

(b) An occupant shall dispose of all trash, food waste, recycling materials, ash, and coals in receptacles provided for such purposes in accordance with this subsection, and in a reasonably safe and secure manner.

5.3. Maximum Occupancy.

(a) An owner shall not advertise or permit occupancy by more than (a) two persons per bedroom plus (b) an additional two persons (the “occupancy limit”).

(b) Each occupant who remains overnight in a short-term rental in excess of the occupancy limit imposed by this subsection shall be in violation of this Ordinance and shall be subject to separate and individual liability.

5.4. Caretakers. An owner shall provide for a caretaker who is available (a) 24 hours per day (or two or more caretakers who together provide 24 hour per day coverage) during the occupancy period of each short-term rental, and (b) located within a 30 minute drive of the short-term rental. An owner shall provide all occupants and the STRO with contact information for the caretaker. An owner shall provide updated caretaker’s contact information to the STRO upon any change in such information, prior to any subsequent occupancy of the short-term rental.

5.5. Inspection. A short term-rental shall be made available by the owner for inspection within one week of a request by the STRO.

5.6. Required Information to Occupants. An owner shall prominently display one or more posters with the following information at the short-term rental:

(a) The caretaker’s contact information and, if more than one caretaker is used, a schedule showing the dates and hours at which each caretaker may be contacted.

- (b) Phone numbers and directions to two or more of the nearest hospitals to the property.
- (c) Instructions on the location and proper use of bear-proof trash receptacles, use of containers for ash and coals, and reasonable instructions for parking consistent with any applicable law. The instructions required by this paragraph shall include a notice in substantially the following form:

***Be advised that any person who violates Vermont State Law against unnecessary and offensive noise between sunset and sunrise MAY BE FINED under 13 V.S.A. § 1022. Any occupant of this short-term rental property MAY BE LIABLE FOR A CIVIL PENALTY for violation of applicable provisions of the Short-Term Rental Ordinance and/or the Noise Ordinance of the Village of Manchester, including, without limitation, restrictions on the placement of trash, food waste, recyclable materials ash and coal, and restrictions on maximum occupancy limits. The Ordinance is available at [www.villageofmanchester.com](http://www.villageofmanchester.com).***

5.7. Violation of Ordinance. The STRO may revoke or deny the registration of a short-term rental if, within the preceding twelve-month period, three or more violations of any Village of Manchester Ordinance regulating short-term rentals or noise have occurred. For purposes of this subsection, a violation shall be deemed to have occurred if a person is charged with a violation of such ordinance and (i) the person waives a hearing on the charge or otherwise responds in a manner not contesting the charge; or (ii) the Vermont Judicial Bureau, or another court or tribunal having jurisdiction, enters a judgment or decision against the person on such charge and such judgment or decision becomes final.

A short-term rental owner may contest a determination by the STRO to revoke or deny registration of the short-term rental under this subsection at any time by appealing to the Board of Trustees for the Village of Manchester to grant or reinstate registration of the short-term rental. Upon receipt of such an application, the Board of Trustees shall review the determinations of the STRO de novo and shall otherwise apply the provisions of this Ordinance to the application. The decision of the Board of Trustees shall be appealable in accordance with Title 24, Chapter 117, Subchapter 11 of the Vermont Statutes.

## **SECTION 6: PENALTIES; ENFORCEMENT**

6.1. Civil Penalty. This is a civil ordinance. Pursuant to 24 V.S.A. § 1974a, a civil penalty of up to \$800 may be imposed for a violation of this ordinance. Each day the violation continues shall constitute a separate violation. The STRO, Town of Manchester Police Department, The Vermont State Police, The Bennington County Sheriff's Department, and such other enforcement officers as the Village Trustees may appoint from time to time, are authorized to enforce this ordinance.

6.2. Multiple Owners or Occupants.

(a) In the event that a short-term rental has more than one owner, each owner shall be subject to individual and separate liability and enforcement action for any violation of a requirement or restriction imposed by this Ordinance on an owner or owners, in an amount up to the full penalty authorized by Section 6.1 of this Ordinance.

(b) In the event of a violation of a requirement or restriction imposed by this Ordinance on an occupant or occupants, each occupant of the short-term rental who (i) is present at the short-term rental at a time that the violation exists or occurs, or (ii) knows or should reasonably know that a violation exists or has occurred and fails to take reasonable action to remedy the violation, shall be subject to individual and separate liability and enforcement action for the violation in an amount up to the full penalty authorized by Section 6.1 of this Ordinance.

(c) The individual and separate liability imposed by paragraphs (a) and (b) of this subsection 6.2 shall not be affected by whether liability or enforcement action is imposed, prosecuted, or proven against one or more other owners or occupants for the same violation.

6.3. Complaints. The STRO is designated and authorized as a “municipal official” to sign a complaint for violation of this Ordinance in accordance with 24 V.S.A. § 1977.

6.4. Order to Cease Violation. In addition to any other remedy provided in this Ordinance or available at law or in equity, the Village may apply to the Judicial Bureau under 24 V.S.A § 1974a(c) for an order that a violation of this Ordinance cease.

**SECTION 7: CONSTRUCTION WITH OTHER LAW**

This Ordinance shall not be construed as waiving the Village’s rights of enforcement with regard to any State statute or any bylaw, regulation, rule, ordinance or other provision of law. This Ordinance is in addition to and not a substitution for, and shall not operate to the exclusion of, any such other law.

This action is taken by the Trustees of the Village of Manchester and shall be printed in full in the minutes of the Trustees, posted in 3 (3) conspicuous places within the Village of Manchester and a summary published in the Bennington Banner within fourteen (14) days of its adoption and shall become in full force and affect sixty (60) days after the date of adoption to the right of petition provided by law.

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Tom Deck President    Date

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Trustee    Date

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