



# Woodstock, Vermont

*The Shire Town of Windsor County*

TOWN - VILLAGE MANAGER GOVERNMENT

Town Hall • P.O. Box 488 • Woodstock, Vermont 05091 • 802/457-3456

**BE IT ORDAINED** by the Board of Trustees that the Woodstock Village Ordinances are hereby revised as follows:

## **VILLAGE OF WOODSTOCK SHORT TERM RENTAL ORDINANCE**

- I. **Authority.** This Ordinance is adopted pursuant to the authority set forth in Act 82 – An Act Incorporating the Village of Woodstock – approved November 11, 1836, and as amended from time to time thereafter, 24 V.S.A., Chapters 59 and 61, and 24 V.S.A. § 2291(14) and (15). This Ordinance is designated a civil ordinance under Chapter 59 of Title 24, V.S.A.
  
- II. **Purpose.** The Woodstock Village Trustees hereby find that unregulated short term (i.e., less than 30 day) transient occupancy of dwelling units in residential neighborhoods presents a threat to the public welfare relating to compatibility with residential uses and preservation of the character of the neighborhoods in which they are located, and to the availability of housing stock in the Village, as evidenced in a 2019 study of short term rentals in Woodstock. Unregulated short term rentals have negative secondary effects on residential areas, with such areas experiencing heightened adverse impacts from parking, garbage, noise and outdoor/nighttime activities. These negative effects, when left unchecked, injure and degrade the community as a whole and constitute a public nuisance. The majority of short term rentals are located in the Village. The purposes of this Ordinance are: (a) to balance the desire of property owners to rent their residential properties to short term rental guests for compensation against the desire of residents to preserve the traditional peace and quiet of their residential neighborhoods; (b) to preserve and protect residential neighborhood character and livability from the nuisance impacts that are often associated with short term rentals; (c) to limit or prevent long term rentals from being replaced with short term rentals; (d) to ensure the safety of occupants of short term rentals and the well-being of the community; and (e) to promote the public health, safety and welfare of the Village, its residents and visitors.
  
- III. **Definitions.**
  - A. Words, terms and phrases specifically defined in the Village of Woodstock Zoning Regulations shall have the same meaning in this Ordinance unless another meaning is specifically indicated.

- B. “Short Term Rental” or “STR” shall mean any rental of residential property, including single-family, two-family, multi-family dwellings, attached and detached apartments, whether accessory or not, and/or any dwelling unit or room located therein containing living quarters, but specifically excluding motels, hotels/inns, bed and breakfast, tourist homes, clubs, group homes, sober-living houses, schools, hospitals or similar facilities, for a term or period of time that is less than thirty (30) days.
- C. “Owner Occupied” shall mean that the owner of the Short Term Rental, or another person authorized by the owner to act on his, her or its behalf, will be present at and residing on the property where the Short Term Rental is located during the rental period.
- D. “Compliance Officer” shall mean a person or persons designated by the Village Board of Trustees to administer and enforce this Ordinance and to serve as a representative of the Village in any associated legal proceedings.
- E. “Foliage Period” shall mean the period of time running from September 15 up to and including October 21 of each year. As provided below, during the Foliage Period there is no limitation on the number of times that an Owner Occupied Short Term Rental property may be rented.

**IV. Compliance with Law.** The owner of any Short Term Rental property shall comply with all other requirements of federal, State and local law pertaining to rental housing, including, without limitation, relevant provisions of the Vermont Rental Housing Health Code and the Village of Woodstock Zoning Regulations, as amended from time to time. A building in which people rent accommodations, whether as a Short Term Rental or for a term of 30 days or more, constitutes a “public building” under 30 V.S.A. §2730(a)(1)(D) and may be subject to the authority of the State of Vermont Division of Fire Safety or its designee.

**V. Short Term Rental Registry & Annual Report.**

To provide Village officials, including designated Compliance Officers, with up-to-date emergency contact, identification, occupancy, and pre- and post-incident planning and compliance information for Short Term Rental properties in the Village, the Village will utilize a “Short Term Rental Registry and Annual Reporting Program.” The Short Term Rental Registry and Annual Reporting Program shall include all Short Term Rental properties, whether or not Owner Occupied.

## **A. Short Term Rental Registry**

On or before April 30 of each year:

(1) The owner of property proposed for use as a Short Term Rental shall complete and submit a Short Term Rental Registry form to the Village on an annual basis. Said form shall be approved by the Board of Trustees and may be modified or amended from time to time with the approval of the Trustees.

(2) The following information shall be provided by owner(s) of Short Term Rental property on or in conjunction with the Short Term Rental Registry form (note: proof of ownership may be required if the person submitting the Short Term Rental Registry form is not the record title holder, as indicated by documentation maintained in the Woodstock Land Records):

(a) physical address(es) of all property advertised, offered for use, or used as a Short Term Rental;

(b) contact information for property owner, including: name, mailing and/or physical address, telephone number, email address;

(c) contact information for any person present at and residing on the property and authorized to act on the owner's behalf, including: name, mailing and/or physical address, telephone number, email address;

(d) contact information for any property manager, including: name mailing address, telephone number, email address;

(e) a copy of the written property management agreement or contract, if applicable, stating the duration/term of any contract;

(f) if not a whole building rental, the number of Short Term Rental dwelling units located within the building and the 911 addresses assigned to the units (if separate from the building);

(g) a sketch plan depicting the Short Term Rental property and all proposed on-site parking spaces, including guest parking;

(h) a floor plan of the Short Term Rental depicting the location of all proposed sleeping areas and fire exits, including egress windows;

(i) valid proof of homeowners insurance with a short term rental endorsement;

(j) proof of Vermont tax account for room & meals and/or sale tax purposes;

(k) proof of positive inspection, for both new and existing buildings, by Division of Fire Safety or its designee; and

(l) copy of any Short Term Rental rules applicable to the rental property.

(3) The Short Term Rental Registry form may also require such additional information as the Village Board of Trustees, in their discretion, deem reasonable, necessary and appropriate.

(4) Upon transfer of ownership of any property on the Short Term Rental Registry, the new owner shall complete a new Short Term Rental registry form with updated information and any prior Short Term Rental authorization shall be null and void.

(5) Any owner of a Short Term Rental property who fails or refuses to complete a Short Term Rental Registry form as provided herein shall be subject to civil penalties under this Ordinance.

(6) Upon complete and proper submission of all required information, as determined by the Short Term Rental Compliance Officer, the Compliance Officer shall issue a Short Term Rental Authorization and Registration Number authorizing lawful rental of the Short Term Rental property.

(7) All Short Term Rental Authorization and Registration Numbers shall expire on March 31 of each year, with registration renewal forms submitted no later than April 30 of each year (even if actual rentals will occur later in the year).

## **B. Annual Report**

The owner of Short Term Rental property shall annually complete and submit a report form to the Village. Said report form shall be approved by the Board of Trustees and may be modified or amended from time to time with the approval of the Trustees. The following information shall be provided by owner(s) of Short Term Rental property on the annual report form:

- (a) updated owner/on-site manager contact information, if applicable;
- (b) updated property manager contact information, if applicable;
- (c) date, duration and number of guests for each Short Term Rental period/stay;
- (d) photographic proof that the telephone number of the person(s) responsible for the Short Term Rental and contact information for the Vermont Department of Health and the Vermont Division of Fire Safety is conspicuously posted in each dwelling unit of the Short Term Rental;
- (e) photographic proof that the Vermont Meals and Rooms tax license is conspicuously posted in each dwelling unit of the Short Term Rental;

(f) date of last inspection by the Vermont Division of Fire Safety or its designee;  
and

(g) identification of any municipal complaint tickets issued and/or fines paid in the preceding 12 months in connection with any Short Term Rental property.

## **VI. Regulatory Requirements and Prohibited Activities.**

- A. The Short Term Rental of property that is not in compliance with this Ordinance is prohibited.
- B. Providing false or materially misleading information on any Short Term Rental Registry or Annual Report form shall be a violation of this Ordinance.
- C. All Short Term Rental property in the Village shall be Owner Occupied or, if not Owner Occupied, under the active management and control of a property manager, who shall: (i) be located within a 30 minute drive of the Short Term Rental property being managed, (ii) available and authorized to respond promptly to incidents involving the Short Term Rental, and (iii) capable of providing timely interior and exterior access to the Short Term Rental, on a 24/7 basis. .
- D. All Short Term Rental property shall conspicuously display within each dwelling unit the current and valid name, address and phone number of the Short Term Rental operator (whether the owner, on-site manager, or property manager), the Vermont Department of Health, and the Vermont Division of Fire Safety. In addition, the contact information of the Village's Short Term Rental Compliance Officer shall be similarly displayed.
- E. Advertising any Short Term Rental without first obtaining a Village-issued Registration Number or not including the Registration Number in the advertisement to demonstrate that the STR is lawful shall be a violation of this Ordinance.
- F. Renting, using or occupying a Short Term Rental without first obtaining a Short Term Rental Authorization and Registration Number shall be a violation of this Ordinance.
- G. Short Term Rental guests shall not sublease, sublicense or assign all or any portion of the Short Term Rental to another person during the rental period.
- H. Short Term Rental properties shall be limited in occupancy to two guests per bedroom or sleeping area and a maximum of six guests total per occupancy, unless a waiver is granted by the Trustees.
- I. The following are expressly prohibited in connection with Short Term Rental properties:
  - a. Gatherings of more than six persons on the STR premises during the period of occupancy, absent a waiver or variance by the Board of Trustees.
  - b. Signs and other outside indications, other than on-site parking, that a property is used or occupied as a Short Term Rental.

- c. Noise or unreasonably loud activities, whether inside or out, that violate the Village's Noise Control Ordinance (Woodstock Village Ordinances, Title 5, Ch. 3).
    - d. Keeping of domestic pets or wolf-hybrids in violation of the Village's Ordinance Regarding Control of Animals (Woodstock Village Ordinances, Title 2, Ch. 1).
  - J. Except as otherwise provided herein, Short Term Rental of property shall occur no more than six (6) times during a twelve (12) month period running from April 1 to March 31.
  - K. The foregoing limitation on the number of times that a Short Term Rental property may be rented on an annual basis shall not apply to Owner Occupied Short Term Rentals occurring during the Foliage Period, which shall run from September 15 up to and including October 21 of each year. During this period, there is no limitation on the number of times that an Owner Occupied Short Term Rental may be rented. This exemption for Owner Occupied Short Term Rentals during the Foliage Period shall not relieve the owners of such properties of their obligation to comply with all other applicable requirements of federal, State and local law and regulations pertaining to rental properties, including health and safety requirements.
- VI. **Fees.** A fee of \$75.00 shall be paid to the Village in connection with the submission of any Short Term Rental Registry form or renewal thereof. The Village Board of Trustees 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.
- VII. **Waiver/Variance.** To prevent undue hardship or delay, avoid injustice, or for other good cause shown, the Village Board of Trustees may, upon good cause shown, waive or vary the requirements of this Ordinance upon such reasonable terms and conditions as it may require, unless precluded by the Ordinance itself or by other provisions of law. In considering any request for waiver or variance, the Trustees shall at least consider: (1) the reason for the request, including its reasonableness, and the reason for the requirement at issue, (2) the risk to public health, safety, welfare and convenience in granting the request, (3) the danger of prejudice to the applicant and third parties if the request is granted, (4) the timeliness of the request, and (5) whether the requestor is acting in good faith.
- VIII. **Enforcement.** Any person who violates a provision of this civil ordinance shall be subject to a civil penalty of up to \$800 per day for each day that such violation continues. Each day the violation continues shall constitute a separate offense. The Compliance Officer, Woodstock Police Officers, the Woodstock Zoning

Administrator and the Woodstock Village/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.

IX. **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 STR Without Authorization or Registration Number - \$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 (12) month basis, beginning April 1 and ending March 31 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 a Short Term Rental Without Authorization or a Registration Number. In such instance, the written warning shall be counted as a First Offense for calculating annual offenses.

X. **Civil Penalties.** An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation:

(a) Operating STR Without Authorization or Registration Number - \$800

(b) 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 Authorization Application may be submitted.

Offenses shall be counted on a twelve (12) month basis, beginning April 1 and ending March 31 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 a Short Term Rental Without Authorization or a Registration Number. In such instance, the written warning shall be counted as a First Offense for calculating annual offenses.

XI. **Other Relief.** In addition to the enforcement procedures available under Chapter 59 of Title 24, the Village/Town Manager is authorized to commence a 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 Authorization and Registration Number on behalf of the Village Board of Trustees, or to pursue any other remedy authorized by law.

XII. **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.

XIII. **Effective Date.** This Ordinance shall take effect upon passage.

**ADOPTED** at Woodstock, Vermont, this 12th day of November, 2019, and to be effective upon adoption.

**WOODSTOCK VILLAGE BOARD OF TRUSTEES**

Jeffrey Kahn, Chair

Cary Agin

Keri Cole

Serena Nelson

Antonina DiNatale