

TOWN OF GRAFTON, VERMONT
ORDINANCE REGARDING SHORT-TERM RENTALS

SECTION 1: AUTHORITY

Under authority granted in 24 V.S.A. §2291(12), (13), (14), and (29) and 24 V.S.A. §1971 *et seq.*, the Selectboard of the Town of Grafton hereby adopts the following civil ordinance requiring the annual registration of all short-term rentals operating 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. "Operator" means a person who owns property used as a short-term rental.
- 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:
 - 1. "Hosted" meaning a room or group of rooms located within an Operator's primary residence or an accessory dwelling or cabin on the premises of the Operator's primary residence; or
 - 2. "Unhosted" meaning a furnished house, condominium, apartment, or an accessory dwelling or cabin that is not the Operator's primary residence or located on the premises of property of the Operator's primary residence.

Any room or group of rooms, house, condominium, apartment, or accessory dwelling or cabin, operated, controlled and rented by the Grafton Inn are not regulated under this Ordinance.
- C. "Dwelling Unit" means a furnished house, condominium, apartment, room or group of rooms, or accessory building or cabin used as living quarters.
- D. "STR Administrator" means a person or persons designated by the Selectboard of the Town of Grafton to administer and enforce this Ordinance.

SECTION 4: SHORT TERM RENTAL REGISTRATION

- A. The short-term rental of a dwelling unit requires the annual submission of a completed and signed Short-Term Rental Application form along with the applicable registration fee found in Section 5 to be approved by the STR Administrator. A person shall not commence the use of a dwelling unit as a short-term rental unless and until the operator's application has been approved by the STR Administrator.
- B. Maximum Occupancy of a short-term rental. The dwelling unit capacity of a short-term rental shall be a maximum of 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 person + 2 persons=8) when used as a short-term rental.
- C. An operator of a short-term rental shall comply with the following obligations:
 1. The posting of contact information required by 18 V.S.A. §4467 within the short-term rental dwelling unit.
 2. Payment of the applicable registration fee found in Section 5.
 3. Property owners who do not reside within Windham County shall provide on their short-term rental application the name and contact information of a local contact who resides in Windham County and who shall be responsible for responding to emergency situations occurring at the short-term rental dwelling unit.
 4. The fire safety and general health checklists on the Town of Grafton's Short Term Rental Application.
- D. For Short-Term Rentals with dwelling units with a capacity of greater than 8 occupants and an on-site septic tank, as defined by the *Town of Grafton's Ordinance Regarding Septic Pumping*, due to the greater strain placed on the septic system, in addition to compliance with subsection A, B and C above, shall also:
 1. Have the on-site septic tank pumped by a licensed Septic Pumping Operator, as defined by the *Town of Grafton's Ordinance Regarding Septic Pumping*, not less than once within any 2-year period, instead of once every 4 years as mandated by the *Town of Grafton's Ordinance Regarding Septic Pumping*. The first septic tank pumping is to be completed within 12 months after the passage of this ordinance unless the septic tank owner can provide documentation of proof of pumping, as defined by the *Town of Grafton's Ordinance Regarding Septic Pumping*, within the last two years. If proof is provided, the first septic tank pumping shall not be more than two years from the prior date pumped. Proof of pumping must be submitted to the STR Administrator every two years or the Town of Grafton shall order the tank pumped at the property owner's expense.

- E. Short-Term Rental Registrations shall expire on April 30 of each year and require annual renewal to continue use of a dwelling as a short-term rental.
- F. The use of a dwelling unit by a number of lessees, guests, or other persons in excess of the approved dwelling unit capacity on defined in sub-section B above, shall constitute a violation of this ordinance.
- G. Failure to comply with the septic pumping regulations contained in sub-section (D)(1), shall constitute a violation of this ordinance.

SECTION 5: FEES

A fee shall be paid to the Town of Grafton with the submission of the Short-Term Rental Application or annual renewal. The fee shall be in the amount of \$150.00 per year (April 1 to March 31) for Hosted short-term rentals and \$300.00 per year (April 1 to March 31) for Unhosted short-term rentals regardless of date of registration. The Selectboard may, from time to time, modify this fee and may establish or adopt other fees related to the administration and enforcement of this Ordinance.

SECTION 6: ENFORCEMENT

A violation of this ordinance shall be a civil matter enforced and subject to a civil penalty of up to \$800 per day for each day the violation continues. The STR Administrator, the Health Officer, the Constable and the members of the Selectboard shall all be designated to act as Issuing Municipal Officials and authorized to pursue complaints and issue written warnings for a violation of a provision of this Ordinance.

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 written warning and pays the waiver fee:

1 st Offense	2 nd Offense	3 rd Offense	4 th Offense
\$25 per day	\$50 per day	\$100 per day	\$250 per day plus a 12 month revocation of the person's ability to operate any unit within the Town of Grafton as a short-term rental. The revocation can be appealed to the full Selectboard.

Offenses for purposes of calculating waiver fees shall be counted on a twelve month basis, beginning on April 1 and ending on March 31 of each year. An Issuing Municipal Official shall have the authority to issue a written warning, without recovering a waiver fee, for any First Offense violation, in such instance, the written warnings shall be counted as a First Offense for calculating annual offenses.

SECTION 8: 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 9: EFFECTIVE DATE

This Ordinance shall become effective 90 days after its adoption by the Selectboard. If a petition is filed under 24 VSA §1973, that statute shall govern the taking effect of this Ordinance.

Date of adoption by Selectboard: _____

Signatures of Selectboard Members:

