

**TOWN OF GRAFTON, VERMONT**  
**SHORT-TERM RENTAL ORDINANCE**

**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 protect and preserve the character of the Town of Grafton, 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. "Owner" means the owner of record of real property as documented by deed or other document evidencing ownership recorded in the Grafton Town Clerk's office.
- B. "Host" means the owner or manager of a property that is rented out for a short period of time, usually less than six months.
- C. "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.
- D. "Dwelling Unit" means a furnished house, condominium, apartment, room or group of rooms, an accessory building, cabins, yurts, or tents used as living quarters.
- E. "Hotels" and "inns" means any business establishment that offers furnished lodging to the transient, traveling, or vacationing public with 10 or more distinct and individually rented units, including rooms and full houses.
  - a. 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.
- F. "Advertising" means any method used to promote the existence or availability of a short-term rental. Advertising includes but is not limited to the use of websites, short-term rental platforms, search engines, emails, signs, displays, media broadcasts, newspapers, periodical direct mail, other printed forms, and any electronic media.
- G. "STR Administrator" means a person or persons designated by the Selectboard of the Town of Grafton to administer and enforce this Ordinance. The STR Administrator may be removed at will by action of the Selectboard at any time, with or without cause.

#### SECTION 4: SHORT-TERM RENTAL REGISTRATION

- A. Every short-term rental shall be registered by its owner with the STR Administrator 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 as defined in this Ordinance. Thereafter, the owner shall register the short-term rental annually, no later than January 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 Selectboard.
- B. The fee for registration shall be \$100, provided that the fee may be increased from time to time by the Selectboard.
- C. Short-Term Rental Registrations shall expire on December 31 of each year and require annual renewal to continue use of a dwelling as a short-term rental.

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

##### A. MAXIMUM OCCUPANCY:

- a. 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.
- 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 and enforcement action.

##### B. OWNER OBLIGATIONS: An Operator of a short-term rental shall comply with the following obligations:

- a. **CARETAKERS:** An owner shall provide all occupants and the STR Administrator with contact information for a caretaker or host who resides in the Town of Grafton or a Property Management Company who is available 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. An owner shall provide updated caretaker/host/property managers' contact information to the STR Administrator upon any change in such information, prior to any subsequent occupancy of the STR. As required by 18 V.S.A. § 4467.
- b. **REQUIRED INFORMATION TO OCCUPANTS:** An owner shall prominently display one or more posters with the following information at the STR:

1. 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.
2. Phone numbers and directions to two or more of the nearest hospitals to the property.
3. State of Vermont Short-Term Rental Safety, Health and Financial Obligations form; provided by the VT Department of Taxes, Department of Health, and Division of Fire Safety.
4. 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.
5. The instructions required by the paragraph shall include a notice regarding noise in substantially the following form:
  - a. **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.**

**C. FIRE SAFETY:**

The fire safety and general health checklists on the Town of Grafton's Short-Term Rental Application. 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

**D. PARKING:**

Motor vehicles shall not stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the Town highway, as required by 23 V.S.A. § 1101.

**E. 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.

**F. SEPTIC MAINTENANCE:**

- a. 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, shall also:
  - i. 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 may order the tank pumped at the property owner's expense.

**SECTION 6: SHORT-TERM RENTAL ANNUAL REGISTRATION**

- A. Short-Term Rental Registration application is deemed complete once the STR Administrator receives the following:
  - a. A completed Short-term Rental Registration application form signed by all persons and entities that have an ownership interest in the property. This form must include the name, address, telephone number(s), mailing address, and email address of the person designated as the short-term rental operator.
  - b. The accurate Short-term Rental Registration fee according to the duly adopted Short-term Rental Fee Schedule.
  - c. Building floor plan, specifying the location of all proposed sleeping spaces and fire exits OR current photos of short-term rental unit(s) that match any advertisement of the property as a short-term rental.
  - d. Proof of registration of a Vermont Meals and Room Tax account.

- e. Proof of short-term rental insurance or homeowners' insurance with short-term rental endorsement.
- f. Statement of knowledge and compliance, signed by the short-term rental registrant attesting that the owner, short-term rental registrant and short-term rental operator agrees to manage the short-term rental in compliance with this Ordinance and acknowledge that non-compliance may result in civil penalties, revocation of an existing Short-term Rental Registration, or the disallowance to apply for a Short-term Rental Registration pursuant to Section 10 of this Ordinance.

## **SECTION 7: 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 \$100.00 per year (Jan 1 to December 31) short-term rentals regardless of date of registration.

The Selectboard may, from time to time, modify these fees and may establish or adopt other fees related to the administration and enforcement of this Ordinance including STR registrations and renewal fees, and may incorporate all such fees into a duly adopted fee schedule, which may be amended by the majority vote of the Selectboard.

## **SECTION 8: VIOLATION OF ORDINANCE**

- A. The use of a dwelling unit by a number of lessees, guests, or other persons in excess of the approved dwelling unit capacity *as* defined in Section 4, sub-section B above, shall constitute a violation of this ordinance.
- B. Failure to comply with the septic pumping regulations contained in Section 4, sub-section (D)(1), shall constitute a violation of this ordinance.
- C. Failure to keep the property taxes for the property on which the Short-Term Rental is located up to date, shall constitute a violation of this ordinance.
- D. Advertisement or operation of the STR without a valid Town-issued STR registration number included in the advertisement shall constitute a violation of this ordinance.
- E. Subletting or assignments of any or all portions of the STR by guests to another person during the guests' rental period shall constitute a violation of this ordinance.

## **SECTION 9: ENFORCEMENT**

A violation of this ordinance shall be a civil matter pursuant to 24 V.S.A. § 1974a enforced and subject to a civil penalty on the Operator of up to \$800 per day for each day the violation continues.

- A. The STR Administrator, the Health Officer, the Constable and the members of the Selectboard shall all be designated to act as issuing and enforcing Municipal Officials and authorized to pursue complaints and issue written warnings for a violation of a provision of this Ordinance.
- B. Municipal tickets issued pursuant to this Ordinance shall be enforceable to the Vermont Judicial Bureau under 24 V.S.A. § 1977
- C. In addition to any other remedy provided in this Ordinance or available at law or in equity, the Town may apply to the Judicial Bureau under 24 V.S.A. § 1974a(c) for an order that violation of the Ordinance cease.
- D. Multiple Owners or Occupant
  - 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 8 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 8 of this Ordinance.
  - c. The individual and separate liability imposed by paragraphs (a) and (b) above 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.

**SECTION 10: WAIVER FEES**

An Issuing Municipal Official is authorized to recover waiver fees, in lieu of the civil penalty of up to \$800 (section 8 above), in the following amount, for any person who declines to contest a written warning and pays the waiver fee:

1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense	4 <sup>th</sup> 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 January 1 and ending on December 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 11: 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 12: EFFECTIVE DATE**

This Ordinance shall become effective 60 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 Public Hearing: \_\_\_\_\_

Date of Publication: \_\_\_\_\_

Date Ordinance is in Effect: \_\_\_\_\_

Signatures of Selectboard Members:

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