

AN ORDINANCE IN AMENDMENT TO THE ZONING CODE OF THE TOWN OF TIVERTON – SHORT-TERM RENTALS

IT IS HEREBY ORDAINED by the Town Council of Tiverton, Rhode Island, that the Zoning Code of the Town of Tiverton, found in Appendix A of the Code of the Town of Tiverton, be amended in the following three Articles to read as follows:

Appendix A – ZONING

Article II – Definitions

(105) *Short-Term Rental*. The offering, occupancy, or use of all or portions of a dwelling unit, for a fee, by anyone other than the owner for a period of 30 consecutive calendar days or less, at least once per calendar year.

- (a) For purposes of this section only, “Dwelling unit” shall be defined as single or multi-family residence that has been inspected by the Town and meets all current health, safety, and building codes but excludes temporary structures such as tents, recreational vehicles (RVs) or campers, lean-to, or any other structure that does not include within said dwelling, heat, electricity, water, and sanitary toilet and showers which discharge into an municipal sewer system or permitted ISDS while excluding those dwellings serviced by a cesspool.

Article IV – District Use Regulations, Section 2 – Residential uses.

		R-30	R-40	R-60	R-80	VC	GC	HC	W	I	OS	TMS	PFD	NB
t.	<u>Short-Term Rentals</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>S</u>	<u>S</u>

Article XV – Zoning Board of Review

Section 4. – Special Use Permits for Short-Term Rentals.

- a. All proposed Short-Term Rentals shall apply for and receive a special use permit prior to offering the dwelling unit as a Short-Term Rental. The town council shall set the fee for the zoning application for Short-Term Rental special use permit.
- b. If a special use permit for a Short-Term Rental is granted, a dwelling unit may be used as a Short-Term Rental as defined in Article II of this Zoning Ordinance subject to the following additional requirements as set forth in Section 5:

Section 5: STR Additional Requirements

A special use permit shall not be issued by the zoning board unless the applicant meets the following additional requirements:

(a) Owner Occupancy of Dwelling Unit. The owner offering a dwelling unit as a Short-Term Rental shall occupy the same dwelling unit, or at least reside on the same lot for a minimum of 180 calendar days per year, or be a resident of Tiverton who resides within a three mile radius of the STR property and have owned the STR property for at least three years.

(b) Occupancy: Overnight occupancy shall be limited to 150% of the sleeping capacity of the STR as determined by the building official.

(c) State Registration: Show proof of registration of the STR with the Rhode Island Division of Business Regulation in compliance with R.I.G.L. § 42-63.1-14 or any amendments thereto;

(d) Parking: No STR special use permit shall be issued for a dwelling unit or premises which does not meet the parking requirements of Article X, section 1.

(e) Local Application and Registration Required: In considering an application for a special use permit for Short-Term Rentals, the zoning board and zoning official shall be provided with a completed short-term rental application, accessible on the Town's website, attested to and signed by the applicant-owner, in order for the Short-Term Rental to be registered with the Town of Tiverton in conjunction with special use permit application.

At the time of registration, the dwelling shall be subject to inspection as described in Section 9 of this Article. The Short-Term Rental application shall be filled out and submitted to the Zoning Officer on or before December 31 of each year once a special use permit is granted and as long as the property continues to be used as a short term rental. The local registration shall be valid for one year from January 1 to December 31 of the year following submission of the application.

- (1) There shall be an annual local registration fee of \$1000.00 per dwelling unit covered under the provisions of this section, exclusive of the initial special use permit application fee required by the zoning board.

Section 6: Designation of Responsible Person/Guest Information

- (a) The owner of the STR must designate an individual residing or a property management company operating within 25 miles of the Short-Term Rental on the STR application as a local representative. The local representative shall be authorized to receive any process, notice, local citation or demand required or permitted to be served upon the owner of the property. The local representative shall provide contact information that is monitored 24 hours a day, and shall respond immediately to Tiverton officials in cases of complaints regarding the STR but in no case shall a response take more than 12 hours. Further, the

local representative shall respond immediately in-person to the short term rental upon request of the Tiverton Police Department.

- (b) The owner or property manager of an approved Short-Term Rental special use permit shall supply the following items and/or information within the authorized STR dwelling unit:

- (1) Clearly marked visible fire extinguisher(s) sufficient for the size of the dwelling unit as determined by the Fire Marshall consistent with the state fire code;
- (2) A copy of all conditions placed by the Tiverton zoning board upon issuance of the special use permit;
- (3) Instructions for the proper disposal of rubbish and recyclables, consistent with the Town of Tiverton ordinances and regulations;
- (4) The non-emergency numbers for the Tiverton Police and Fire Department in addition to the 911 Emergency call center.

Section 7: Advertisement of Short-Term Rentals; Statement of Approval.

- (a) The owner or property manager of a STR dwelling shall include in any and all listings offering the STR for rent the following statement:

“This Short-Term Rental dwelling has been authorized by the Town of Tiverton as a result of a special use permit. Guests are required to comply with all requirements of the Town’s code of ordinances during their rental of the premises.”

Section 8: Nuisances; Full Compliance with Code of Ordinances.

- (a) A Short-Term Rental shall not be used in such a manner that is inconsistent with the abutting properties’ uses nor in such a manner that it creates a nuisance, particularly with regard to any patterns of improper use otherwise uncommon in residential districts (further defined in subsection (7)(D) of this section below and shall remain fully compliant at all times with all requirements of the Tiverton Code of Ordinances.

Section 9: Local Inspections.

The appropriate town official is authorized to conduct an inspection of the premises to be used as a Short-Term Rental.

The inspection shall consist of verifying the information provided by the owner-applicant in the application for the special use permit and determining any special conditions which must be placed on the permit if granted, including but not limited to the maximum occupancy and sufficiency of compliant smoke and CO2 detectors.

The results of such an inspection, in addition to the verified information supplied by the owner-applicant, shall be utilized in consideration of the application for a Short-Term Rental special use permit and in consideration of any conditions to be placed on that permit if granted. The building official shall indicate the maximum occupancy for the dwelling unit on the special use permit.

Section 10: Enforcement by Zoning Official/Fines and Penalties

The Zoning Official shall have the power to enforce compliance with this Ordinance, and shall have the power to take the following actions:

- (a) Non-Compliance with Conditions. For non-compliance with any condition of a Short-Term Rental special use permit, the Zoning Official shall issue a Notice of Non-Compliance and shall impose a fine of up to \$100.00 per day of non-compliance for each condition not complied with. Said fine(s) may be abated by the Zoning Official for the first instance of non-compliance.
- (b) Approval of Use; Advertisements. The Zoning Official shall impose a fine of up to \$500.00 per day for each date of advertisement in violation of this section, including advertisement of Short-Term Rentals without a Special Use Permit. Said fine(s) may be abated by the Zoning Official if the owner of the property acquires a Short-Term Rental special use permit.
- (c) Citations and Police Reports. Citations issued and/or reports generated by the Tiverton Police Department in responding to a property for disturbances, resulting in a finding of management or maintenance in a manner which is not comparable or complimentary to the abutting properties or an unreasonable nuisance, shall be sufficient cause for the Zoning Official to impose conditions on the short-term rental special use permit.
- (d) Pattern of Improper Use. After three (3) such citations or police reports or more for similar nuisance or other improper conduct or two (2) or more violations of conditions imposed on the special use permit, which shall constitute a pattern of improper use, the Zoning Official may revoke the special use permit related to the offending Short-Term Rental. In lieu of revocation, the Zoning Official shall impose a minimum fine of seven (7) days of maximum potential revenue for the listing per day of non-compliance.
- (e) Return to Clean Record. If a full year passes with no instance(s) of cause sufficient to impose conditions, any past instance of cause sufficient to impose conditions or violations of any such conditions shall be removed from the official zoning file. Any owner of a property with a clean record may petition the Zoning Official to remove any conditions on the special use permit.
- (g) Any and all violations of this Ordinance shall be adjudicated in a hearing before the Municipal Court for the Town of Tiverton.

Section 11: Effective Date

This zoning ordinance shall become effective on

Town of Tiverton

Application for Special Use Permit for Short-Term Rentals – Registration of Property as a Short-Term Rental

Items to include in this application:

Plat/Lot and physical address.

Number of units available thereupon.

Size of ISDS expressed as a max. number of bedrooms.

Square footage of dwelling unit(s).

Intended usual period of occupancy (nightly, weekly, weekends, etc.).

Number of off-street parking spaces.

Owner of record (to include name, address, phone number, and email address).

Local representative designation (to include name, address, phone number, and email address).

Application should also include, at the end, a statement to be signed by the applicant-owner attesting to the fact that they personally will occupy the dwelling unit to be used as a STR for **XXX** number of days per calendar year, that they or their local representative will be responsive to the Town as needed and will establish rules to prevent nuisance behavior by guests, and abide by all federal, state, and local laws and regulations.

Special use permit shall indicate the maximum occupancy, as determined by the STR inspection.