

For reference purposes, statutory references are given below.

T. 24 V.S.A. § 1971. Authority to adopt

(a) A municipality may adopt, amend, repeal, and enforce ordinances or rules for any purposes authorized by law.

(b) An ordinance or rule adopted or amended by a municipality under this chapter or under its municipal charter authority shall be designated as either criminal or civil, but not both. (Added 1969, No. 170 (Adj. Sess.), § 8, eff. March 2, 1970; amended 1971, No. 14, § 10, eff. March 11, 1971; 1993, No. 237 (Adj. Sess.), § 2, eff. Nov. 1, 1994.)

§ 1972. Procedure

(a)(1) The legislative body of a municipality desiring to adopt an ordinance or rule may adopt it subject to the petition set forth in section 1973 of this title and shall cause it to be entered in the minutes of the municipality and posted in at least five conspicuous places within the municipality. The legislative body shall arrange for one formal publication of the ordinance or rule or a concise summary thereof in a newspaper circulating in the municipality on a day not more than 14 days following the date when the proposed provision is so adopted. Information included in the publication shall be the name of the municipality; the name of the municipality's website, if the municipality actively updates its website on a regular basis; the title or subject of the ordinance or rule; the name, telephone number, and mailing address of a municipal official designated to answer questions and receive comments on the proposal; and where the full text may be examined. The same notice shall explain citizens' rights to petition for a vote on the ordinance or rule at an annual or special meeting as provided in section 1973 of this title.

(2) Unless a petition is filed in accordance with section 1973 of this title, the ordinance or rule shall become effective 60 days after the date of its adoption, or at such time following the expiration of 60 days from the date of its adoption as is determined by the legislative body. If a petition is filed in accordance with section 1973 of this title, the taking effect of the ordinance or rule shall be governed by subsection 1973(e) of this title.

(b) All ordinances and rules adopted by a municipality shall be recorded in the records of the municipality.

(c) The procedure herein provided shall apply to the adoption of any ordinance or rule by a municipality unless another procedure is provided by charter, special law, or particular statute. (Added 1969, No. 170 (Adj. Sess.), § 8, eff. March 2, 1970; amended 1971, No. 14, § 11, eff. March 11, 1971; 1979, No. 180 (Adj. Sess.), § 1, eff. May 5, 1980; 2011, No. 155 (Adj. Sess.), § 7.)

§ 1974a. Enforcement of civil ordinance violations

(a) A civil penalty of not more than \$800.00 may be imposed for a violation of a civil ordinance. Each day the violation continues shall constitute a separate violation.

(b) All civil ordinance violations, except municipal parking violations, and all continuing civil ordinance violations, where the penalty is \$800.00 or less, shall be brought before the Judicial Bureau pursuant to Title 4 and this chapter. If the penalty for all continuing civil ordinance violations is greater than \$800.00, or injunctive relief, other than as provided in subsection (c) of this section, is sought, the action shall be brought in the Criminal Division of the Superior Court, unless the matter relates to enforcement under chapter 117 of this title, in which instance the action shall be brought in the Environmental Division of the Superior Court.

(c) The Judicial Bureau, on application of a municipality, may order that a civil ordinance violation cease.

(d) Civil enforcement of municipal zoning violations may be brought as a civil ordinance violation pursuant to this section or in an enforcement action pursuant to the requirements of chapter 117 of this title.

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Title 24: Municipal and County Government
Chapter 061: Regulatory Provisions; Police Power Of Municipalities
Subchapter 011: Miscellaneous Regulatory Powers
(Cite as: 24 V.S.A. § 2291)

§ 2291. Enumeration of powers

For the purpose of promoting the public health, safety, welfare, and convenience, a town, city, or incorporated village shall have the following powers:

(14) To define what constitutes a public nuisance, and to provide procedures and take action for its abatement or removal as the public health, safety, or welfare may require.

(15) To provide for penalties for violation of any ordinance or rule adopted under the authority of this section.

(29) To regulate by means of an ordinance or bylaw the operation of short-term rentals within the municipality, provided that the ordinance or bylaw does not adversely impact the availability of long-term rental housing. As used in this subdivision, "short-term rental" means 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. 2019, No. 179 (Adj. Sess.), § 3, eff. Oct. 12, 2020.)

DRAFT ORDINANCE

Town of Montgomery, Vermont Short Term Rental Ordinance

The Selectboard finds that the increasing growth of Short Term Rental (STR) properties within the Town, especially within the Village 1 & 2 Districts may impact affordable residential housing, as well as to the health and safety of the community, where visitors with no ties to the community rent an entire structure without the supervision of the owner or person designated by the owner. Additionally, the conversion of full time residences to STRs, may occur without adherence to State fire safety codes or septic limitations.

Therefore, the Selectboard hereby adopts the following ordinance to be titled “Short Term Rental Ordinance. Authority for this ordinance is contained in T. 24 V.S.A. §2291 (14) and (29). The Ordinance is designated as Civil.

1. Definition: “Short Term Rental” or “STR” means 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. A separate STR Registration application with permit fee is required for each STR unit. STR Registrations run from July 1 to June 30 and need to be renewed each year by July 15th. There is no prorated fee for periods of less than one year.
3. The fee structure shall initially be 100.00 for a partial home listing and 250.00 for an entire home listing.
4. Dwelling Unit Capacity for a Short-Term Rental is two occupants per approved bedroom plus 2 additional occupants. For example, a 3-bedroom dwelling can be rented to 8 guests (3 bedrooms X 2 occupants plus 2 additional occupants = 8). The number of approved bedrooms is determined by a state Wastewater and Water Supply Permit, a Town Zoning Permit or, where no permits are required, the number of bedrooms shown on the Listers Card.
5. An inspection report with occupancy approved from the state Division of Fire Safety is required for STRs with an occupancy of greater than 8 guests. For STRs with an occupancy of 8 or fewer, the owner must complete the “Short Term Rental Safety, Health and Financial Obligations” form found on the Vermont Division of Fire Safety website and certify under penalty of perjury that the facts stated are true.
6. The “Short Term Rental Safety, Health and Financial Obligations” form found on the Vermont Division of Fire Safety website must be completed and posted within all STR units. See: “Short

Term Rental Checklist” under <https://firesafety.vermont.gov/buildingcode/codesheets>

7. A declaration of insurance coverage specific to the renting of short-term vacation rentals is required.
8. A STR must have a local emergency contact person available. The Emergency contact person must be in the local vicinity of a 25 miles radius. The emergency contact person’s name and phone number must be posted in the STR. The constable, the town clerk, and the fire department will have a copy of all emergency contacts.
9. STRS are only permitted as a conditional use in Village 1, Village 2, and Rural/Residential and are prohibited in Con 1 and Con 2.
10. Enforcement:
 - a) failure to secure an STR Registration by [date] for existing units, or prior to advertising of rentals for new STRs or;
 - b) advertising a Short-Term Rental for more than the approved maximum number of occupants (guests); or
 - c) violating any of the conditions imposed by the Permit hereunder authorized are violations of the Town of Montgomery Short Term Rental Ordinance.
 - d) The Selectboard is authorized to set up a civil fine schedule, not to exceed \$800 per violation. Each day of an ongoing violation, where the unit is either advertised or actually rented shall constitute a separate violation.
 - e) The Selectboard shall appoint and define the duties of a Short Term Rental Compliance Officer, who may hold any other position in Town, except for Selectboard members.
 - f) Upon recommendation to the Selectboard by the Compliance Officer, that an STR is in multiple violation of this Ordinance and cannot reasonably be brought into compliance, the Selectboard, upon a due process hearing, may revoke the Short Term Rental Permit of any Unit.

Note:

1. The registration fee should be adequate to cover costs of administration and a compliance officer and is to be established by the selectboard annually.
2. The Selectboard will determine a fee schedule for violations.