

Montgomery Planning Commission Agenda

Regular Meeting

Public Safety Building

December 10, 2024, 6:00pm

Present: Peter Locher, Alissa Hardy, Joe Sherman, Patrick Calecas, Kim Morrill, Narissa Furtado-Cordeiro

Guests: Emily Klofft (Northwest Regional Planning Committee)

Meeting called to order at: 6:04pm

1. Additions/deletions to agenda.

- None.

2. Approval of the November 12, 2024 meeting minutes.

- Patrick motion to approve as written, Joe second (4-0).

3. Review final edits to outreach materials and prep for community outreach event.

- Peter and Joe to attend town hall committee meeting to discuss date for community outreach given the grange/town hall schedule is full with other classes and events.
 - Tuesdays, Thursdays and Friday work best for Emily.
 - Preferred date is January 16th, second best is January 14th. Alissa won't be available to attend the 13th, Narissa won't be available to attend 14th.
- Emily to drop flyers off at town office ahead of Community Outreach date for distribution.
- Joe to connect with elementary school to distribute flyers to students (to hand to parents).
- Peter to hand out flyers at upcoming senior meal event.
- Review of slides for outreach event (Appendix A). Peter to start community outreach presentation and go through the main goals.

- Emily to start presenting on slide 5 (timeline) and present the rest of the deck.
- Slide 18 – Why expand village 2? Alissa to share reasoning and further context for village 2 selection.
- Emily to try and break audience into 3-4 groups depending on size. Planning commission members to break out in groups and take notes on what is discussed.
- First 20 minute session to answer key “what and why” questions. Second 20 minutes, attendees will mark up posters and use small blocks for designating specific areas and providing feedback. Third 20 minute session is for sharing what was discussed.
- Short-term rental discussion last on agenda. Sharing potential ordinance option and holding open comment period.

4. Review draft of short-term rental ordinance.

- See appendix B for draft of STR Ordinance.
- Section 2: Definitions
 - Section 2 – Change owner occupied to resident occupied under exemptions to keep consistency for room rentals (page 5).
 - Section 2 – Add “tenant shall have permission from the property owner to rent out rooms as a short-term rental”.
- Section 3: Registration Required
 - Section 1 – Deadline for STR registration – April 1st? Should be spring or summer date so it’s not during peak rental season
 - Section 3 – Designee for enforcement on section three highlighted, still unsure who will enforce.
 - Section 4 – do we need inspections? Change language to town reserves the right to perform an inspection.
 - Section 7 – managing agent? Radius of 25 miles for managing agent vs. using county.
- Section 4: Registration fees
 - Outline registration fee at \$250 if paid on time. \$300 if late.

- Recommendation that there is another step between failure to register and forfeiture to renew. “Failure to register within 45 days of April 1st results in forfeiture”. Include penalty fee period over the 45 days.
 - Section 5: Requirements of Short-Term Rentals
 - (l) included section on camping. No camping outside STR. Suggestion to add additional language around hip camps.
 - Section 7: Enforcement
 - Still need to determine enforcement.
 - Section 8: Civil Penalty; Waiver Fees
 - Remove long term rental language under fourth and subsequent offenses
 - © Remove subjective language – No warning, first offense fee applies so it’s the same across the board.
 - Section 11 – Effective Date:
 - Need to determine whether 60 days from ordinance approval by selectboard is enough time prior to enforcement. Thought is to include ordinance information in tax bills to inform general public.
 - Leave cap off until we understand size of STR population
 - Next steps: Temp check at community outreach event. Pass by DRB for thoughts before putting in front of selectboard.
5. **Update on Zoning Administrator annual review.**
- December 19th, meeting at noon with Ellen, Kim and Alissa. Kim and Alissa also finding time to speak with others in town offices for feedback.
6. **Public comment.**
- None.
7. **Other business.**
- Committee was curious about vacancies in Montgomery last meeting – Emily did further research

- Vacancy: census counts it as unit if it has a Roof, windows and doors. 6% current vacancy rate not including seasonals. 2% are considered “available for rent”.
- Vote to move next Planning Commission meeting to day of outreach and then have next normally scheduled meeting in February. All in favor (5-0).
- Patrick – Another flood resilience presentation on Thursday (12/12).

8. Future agenda items.

- Public outreach discussion
- Ordinance review
- Zoning admin review

Motion to adjourn at 8:07

Meeting Minutes submitted by Narissa Furtado-Cordeiro, Planning Commission Secretary

Appendix A

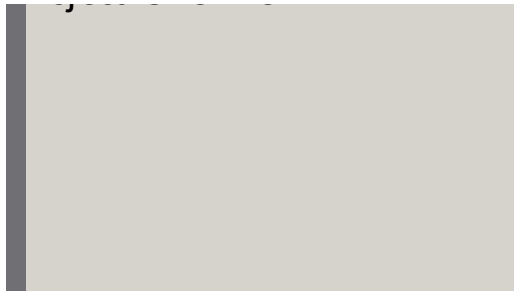
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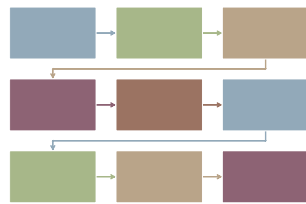
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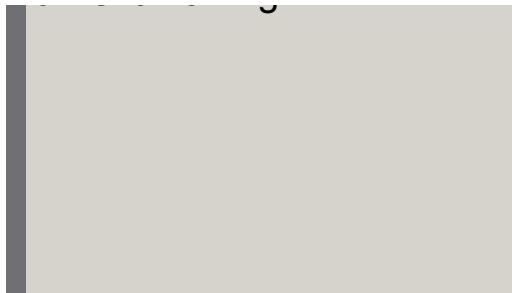
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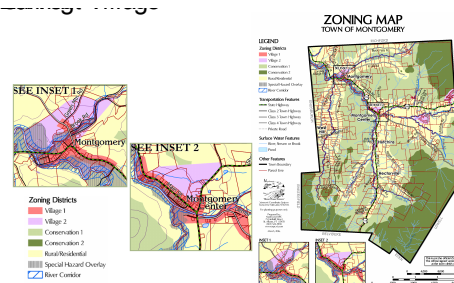
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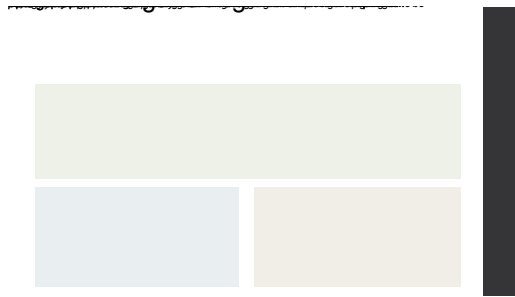
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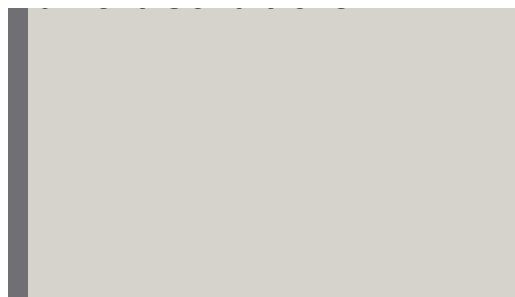
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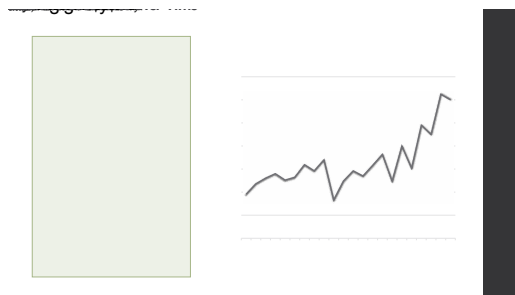
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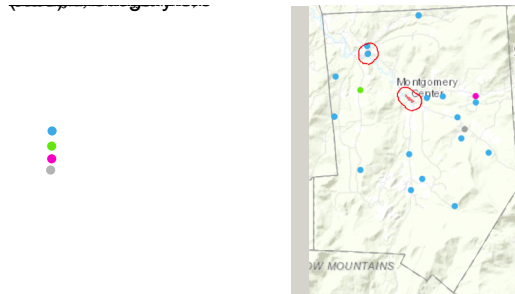
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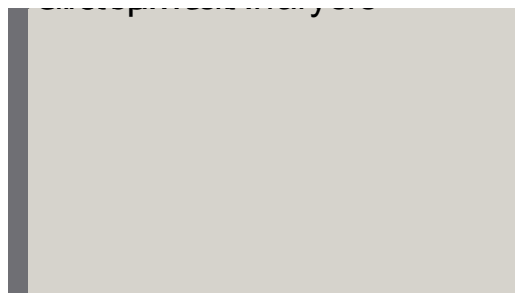
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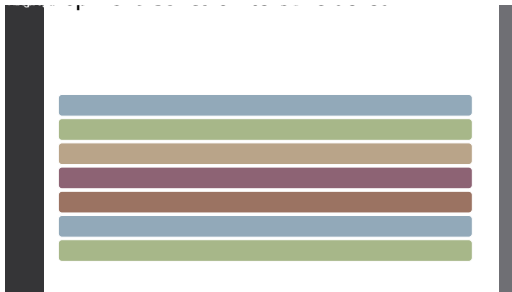
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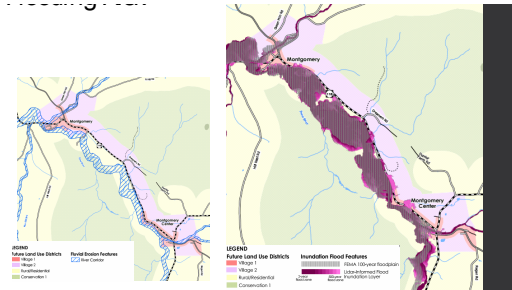
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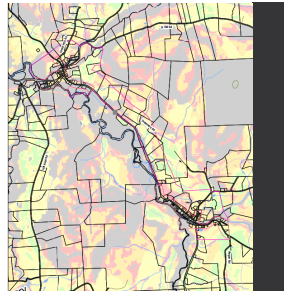


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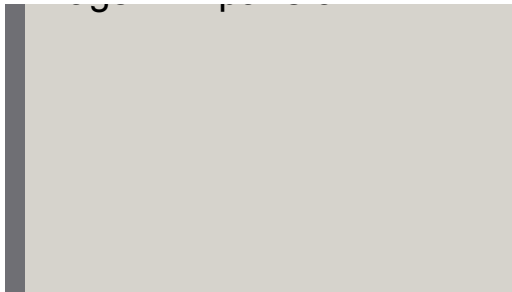


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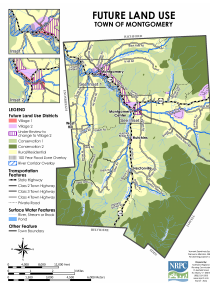
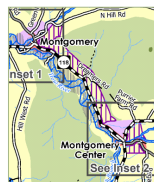
LEGEND
Constraints Analysis
No Constraints
Slight Constraints
Moderate Constraints
Severe Constraints
Absolute Constraints



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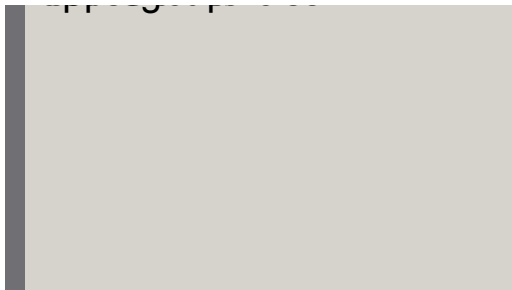


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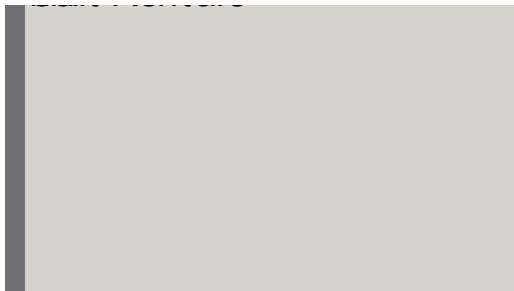
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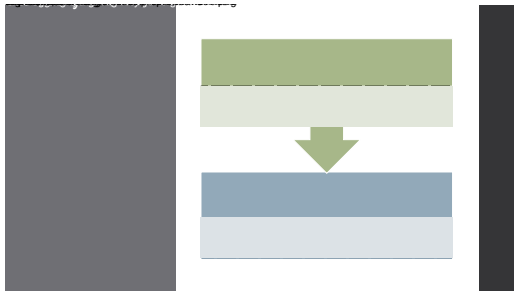
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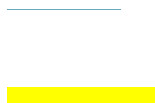
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Appendix B

TOWN OF MONTGOMERY, VERMONT
RESIDENTIAL RENTAL REGISTRY ORDINANCE
ADOPTED _____, ____ 2025

Residential Rental Registry Ordinance



Town of Montgomery

VERMONT

Adopted: _____, ____ 202__

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The Selectboard of the Town of Montgomery hereby Ordains:

1. Authority and Purpose

- I. Authority: This Ordinance is adopted pursuant to the authority set forth in Chapters 59 and 61 of Title 24 of the Vermont Statutes Annotated, including specifically 24 VSA § 2291(29). This Ordinance shall be designated as a civil ordinance under 24 V.S.A. § 1971(b).
- II. Purpose: The Town of Montgomery values its history and status as a vibrant, year round mountain resort town and recognizes the significant benefit to the local economy and community stemming from tourism. The purpose of this ordinance is to seek to balance the well-established practice of renting residential dwelling units to travelling transients and the visiting public, while preserving the character of residential neighborhoods and minimizing and potential negative impact of Short-Term Rentals, and continuing to promote public health, safety and welfare of visitors and residents, both fulltime and part-time. By establishing an orderly process for identifying Short Term Rental properties in the Town, and compiling a database of the Designated Responsible Persons and emergency contact information for each Short-Term Rental property, the Town intends to ensure an effective and expedient response to an emergency that may arise in connection with the Short-Term Rental property. Furthermore, through the establishment of a dynamic Registry of Short-Term Rental properties, the Town seeks to gather information regarding the practice of renting residential dwelling units on a short-term basis, so the Town may better evaluate and determine through data what regulation of such rental properties, if warranted, is appropriate and consistent with the best interests of the Town, its residents (full-time and part-time) and visitors.

2. Definitions.

The following words, terms and phrases, when used in this Ordinance, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

“Town” shall mean the Town of Montgomery, Vermont

~~“Existing Short Term Rental” shall mean a Short Term Rental Unit that is neither Owner Occupied nor Tenant Occupied and was established and utilized as a Short Term Rental, continuously maintained under the same ownership, prior to the effective date of this Ordinance and such use has not been discontinued for six or more consecutive months.~~

“Long Term Rental” shall mean the letting of a Rental Unit in whole or in part to the same tenant for thirty (30) or more consecutive days.

~~“Multi-Unit” shall mean a single, detached building in common ownership interest containing more than one (1) residential or commercial unit.~~

“Owner-Occupied” shall mean a unit owned and occupied by the registrant as his or her primary residence. An accessory dwelling unit as defined in the Towns Land Development Regulations, is considered a separate dwelling unit from an owner-occupied primary residence for purposes of short-term rental registration and regulation.

“Owner” shall mean each individual person or entity including, without limitation, all partners, officers, or trustees of any real estate trust; all members or managers of a limited liability company; and all officers and directors of a corporation; that is the record owner of a building or property.

“Primary Residence” shall mean the dwelling in which a person resides as their legal residence for more than one half of a year and registers as his or her address for tax and government identification purposes.

“Registrant” shall mean the owner of a Rental Unit, or a tenant, with permission from the owner, seeking to register a Rental Unit.

~~“Rental Unit” or “Residential Rental Unit” is any residential structure, furnished house, condominium, or other dwelling room or self-contained dwelling unit, or portion thereof, that is rented or available for rent to any individual or individuals for any length of time. Any portion of a dwelling unit or accessory dwelling unit that is rented or available to be rented to an individual or individuals who are not the owner or owners shall be considered a Rental Unit. The following are not to be considered Short term Rentals for the purpose of this Ordinance:~~

- ~~• As defined by the Town's Bylaws and Land Development Regulations: motels, hotels/inns, bed and breakfasts, group homes, dormitories, continuum of care facilities, skilled nursing facilities, extended stay hotels, schools, and hospitals;~~
- ~~• As defined by 24 V.S.A. §4412(11);~~
- ~~• As defined by 24 V.S.A. §4303(40);~~
- ~~• A home share or roommate situation in an owner-occupied Primary Residence rented to the same tenant or tenants each for thirty (30) or more consecutive days and consisting of no more than one or two rooms in the Primary Residence in which the tenant or tenants have access to the same shared living and kitchen space as the primary resident owner and other occupants of the unit; or~~
- ~~• Other facilities that, in the sole discretion of the Town, share similar characteristics with those listed in the three bullets above.~~

“Short-Term Rental” or “STR” or “Short-Term Rental Property” means a Rental 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.

"Short-Term Rental" or "STR" or "Short-Term Rental property" means any lease or rental of residential real property, including a furnished house, condominium, or other dwelling room or self-contained Dwelling Unit, or a portion thereof, 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 **excluding***

- 1. commercial lodging establishments **with three or more guest rooms or units or where food is prepared onsite, such as hotels, motels, inns and bed and breakfasts***
- 2. resident-occupied residential structures of 2 or fewer rental rooms. **An owner-occupied residential structure is a dwelling in which a person resides as their legal residence for more than one half of a year and registers as his or her address for tax and government identification purposes.***
- 3. ~~STR may be either: (a) Partial Unit, meaning a room(s), at least 70 sq. ft. in size, located within a host's primary residence that is used primarily for sleeping purposes by occupants, or (b) Whole Unit, meaning an entire dwelling unit.~~*

“Tenant-Occupied” shall mean a unit in which the registrant is not the record owner of the Rental Unit, but lawfully occupies the unit as his or her primary residence. A tenant shall have permission from the property owner to rent out rooms as a short-term rental.

3. Registration Required.

(a) Registration of Short-Term Rentals.

- 1) All Short-term Rentals must be registered in accordance with this Ordinance by **April 1st** of each year; Short-term Rentals entering the rental housing market must be registered and pay the appropriate fee prior to their listing as an available Short-Term Rental or prior to their first occupancy, whichever is earlier. Registration must be renewed annually, on or before April 1st, including updating all changes in previously submitted registration information.
- 2) Each owner, manager, and person/entity otherwise responsible for the Short-Term Rental, such as a property manager, shall be obligated under this Ordinance. Any new owner, manager, or responsible person/entity must apply to register within thirty (30) days of purchase of the Short-Term Rental or transfer of management or responsibility. New owners or tenants applying to register an existing Short Term Rental are considered new applicants and shall be subject to all limitations and regulations in effect at the time of the application.
- 3) A Short-term Rental shall not be considered registered unless and until the registrant has submitted a complete application together with all information and fees required by this Ordinance, to the satisfaction of the **Town's _____, or their designee.**
- 4) As a condition of registration, all owners and/or registrants must allow onsite inspections by the Town of their property including, without limitation, all Short-term Rentals. **Inspections will be performed in accordance with the Inspection Cycle adopted by Resolution of the Town Selectboard.** All units of a multi-unit building owned by the same property owner are subject to inspection, including an owner-occupied unit that is not a Rental Unit, if one or more units in

the building are Short-term Rentals. Likewise, all areas of an owner-occupied dwelling are subject to inspection if any portion of the owner-occupied dwelling is a Rental Unit. The purpose of this inspection is to ensure compliance with all building and fire safety codes, ordinances, and regulations adopted by the Town and safety of the Rental Unit.

- (b) Information/Documentation Required. Short-term Rental registration must be completed on forms supplied by the Town's _____ or their designee and must provide, at a minimum, the following information:
- 1) The physical address of the property
 - 2) The number of dwelling units at that address;
 - 3) The number of at that address;
 - 4) The number of sleeping rooms in each Rental Unit;
 - 5) The number of parking spaces that are dedicated for the Short-term Rental at the property;
 - 6) The name, address, phone number, and email address of the property owner, and if the owner is a corporation, the registered corporate agent and the president of the corporation and their name and address, and if the owner is a partnership, the registered partnership agent, and the names and addresses of the general partners;
 - 7) The name, address, phone number, and email address of:
 - a. Any local (within Franklin County) managing agent. All owners or Registrants who do not live within Franklin County are required to designate a managing agent located in Franklin County who is empowered to represent the owner or registrant in matters concerning compliance with this chapter;
 - b. An emergency contact for this property. All properties must have an emergency contact within Franklin County;
 - 8) Proof of liability insurance required. At the time of registration, the Registrant must provide a certificate of insurance that expressly acknowledges that the property may be used for Short Term Rental business activity and evidencing (a) property insurance and (b) general liability insurance appropriate to cover the rental use in the aggregate of not less than \$1 million or proof that the Registrant conducts rental transactions through a hosting platform that provides equal or greater coverage. Any such hosting platform-provided insurance carrier shall defend and indemnify the Registrant, as additional named insured, and any user in the building for any bodily injury and property damage arising from the rental. Once registered, the Registrant shall maintain the required insurances, or such greater amount as otherwise required by law, throughout the term of the registration.
 - 9) Proof of Vermont tax account for rooms & meals and/or sale tax purposes or proof that the Registrant conducts rental

transactions through a hosting platform that pays all applicable rooms & meals and/or sale taxes on behalf of the Registrant.

10) Copy of “Short term Rental Safety Health and Financial Obligations”.

a. For short-term rentals with an occupancy of more than 8 guests, an inspection report from the Division of Fire Safety shall be required.

(c) No registration under this Ordinance shall be transferrable or assignable.

4. Registration Fees.

(a) Annual Registration Fee. Upon initial registration and by April 1st of each year, registrants shall pay the Town a registration fee for each Rental Unit, in the amounts adopted by Resolution of the Town Council. A Rental Unit shall not be considered registered unless and until this fee is paid in full.

(b) Failure to renew a registration of a Rental Unit by April 1 shall result in the forfeiture of the right to renew the registration of that Rental Unit, and any subsequent application for the same Rental Unit shall be treated as a new application for registration.

5. Requirements of Short Term Short-term Rentals.

(a) Occupancy Limit. Overnight Short Term Rental guest occupancy in each Rental Unit will be limited to two (2) guests per bedroom or sleeping area plus no more than two (additional) guests.

1) The number of approved bedrooms is determined by a state Wastewater and Water Supply Permit or, if applicable a state Land Use (Act 250) permit. For septic systems built before 1975, the best evidence of the number of bedrooms on December 31, 2006 shall be used to determine the number of approved bedrooms.

(b) Parking. A minimum of 1 off-street parking space per bedroom is required. On-street parking is not permitted.

(c) Registrants shall comply with all applicable State laws and regulations regarding Short Term Rentals.

(f) Registrants shall provide guests written documentation with the following information:

- 1) The name, phone number, and email of the Registrant and, if not the Registrant individually, the emergency contact as identified by the registration who is available at all times during a guest's rental..
- 2) Written instructions on the location and use of fire extinguishers
- 3) Written instructions on emergency shut-off of heating systems and fuel burning appliances
- 4) A diagram identifying emergency egress routes

- (h) No pets are permitted in any Short Term Rental unless guests provide proof of valid rabies vaccine and hosts provide information on the Town's leash and pickup/disposal of pet waste requirements and the presence of ticks in Vermont.
- (i) Display of Short Term Rental Registration Number Required. Once registration is approved by the Town, each Short Term Rental shall be given a registration number, which must be displayed in plain sight in the Rental Unit and in any and all advertisements for the Rental Unit.
- (j) 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.
- (k) Parties, conferences, family reunions, weddings, fundraisers or similar gatherings that are reasonably foreseeable to involve an assemblage of vehicles or a greater number of persons than the maximum allowable number of short-term guests for the Rental Unit are prohibited to be conducted by Short-Term Rental guests during a Short-Term Rental.
- (l) No overnight camping outside of the Short-Term Rental unit is permitted unless otherwise permitted as a campground under the Montgomery zoning regulations.

6. Violations.

Violations of this article include, but are not limited to:

- (a) Any person, business entity, or other organization failing to timely register or renew the registration of a Rental Unit, including providing all required information and paying the required registration fee;
- (b) Any person, business entity, or other organization failing to timely file any required update to the registration;
- (c) Any person, business entity, or other organization failing to acquire and/or display the required Short Term Rental registration number;
- (d) Any person, business entity, or other organization providing false information with respect to registration.
- (e) Any person, business entity, or other organization renting any Rental Unit that is not registered under this article, advertising for rent such Rental Unit without registration, or permitting the occupancy of such premises without registration;
- (f) Failure of Short Term Rental Unit owners, tenants, and/or their representatives to adequately respond to inquiries by the Town pursuant to Section 3(c)(3) within 10 business days from the date of the inquiry.
- (g) Failure to maintain a Rental Unit in compliance with all building, health and fire safety codes and ordinances adopted by the Town of Montgomery.
- (h) ~~Failure to allow an inspection of a Rental Unit by the Town.~~
- (i) Failure to conspicuously display within each Short Term Rental Unit the current and valid name, address and phone number of the Short Term Rental operator (whether the owner, tenant, on-site manager, or property manager).

- (j) Any sublease or sublicense of a Short Term Rental by a guest to another person during the rental period.
- (k) Any signs or other outside indications, other than on-site parking, that a property is used or occupied as a Short Term Rental.
- ~~(l) Noise or unreasonably loud activities at a Short Term Rental, whether inside or outside, that violate the Towns Public Nuisance Ordinance.~~
- (m) Failure to abide by any other specific requirement of this Ordinance.

7. Enforcement.

Any person who violates a provision of this civil ordinance shall be subject to:

- (a) Suspension or revocation of the Short Term Rental Unit registration for the violating Rental Unit. A Short Term Rental Unit that has had its registration either suspended or revoked may also be prohibited from renewing or registering the Rental Unit for a period of up to 12 months following the current registration expiration date.

AND

- (b) 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 [REDACTED] 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.

8. Civil Penalty; Waiver Fees.

- (a) Civil Penalty. An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation:
 - (1) Operating a Rental Unit Without Authorization or Registration Number:
\$800
 - (2) All Other Violations:

First Offense:	\$400
Second Offense:	\$600
Third Offense:	\$800
Fourth and Subsequent Offenses:	\$800 plus automatic revocation for twelve (12) months before a Short Term Rental Registration Application may be submitted.

(b) Waiver Fee. 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:

(1) Operating a Rental Unit without authorization or registration number: \$500

(2) All Other Violations:

First Offense: \$100

Second Offense: \$250

Third Offense: \$500

Fourth and Subsequent Offenses: \$700 plus automatic revocation for twelve (12) months before a new Short Term Rental Registration Application may be submitted.

(c) Offenses shall be counted on a twelve (12) month basis beginning April 1 and ending March 31 of each year. ~~An Issuing Municipal Officer shall have authority to issue a written warning, without recovering a waiver fee, for any First Offense violation other than Operating a Rental Unit Without Authorization of Registration Number. In such instance, the written warning shall be counted as a First Offense for calculating annual offenses.~~

9. Other Relief.

In addition to the enforcement procedures available under Chapter 59 of Title 24, the Town 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 or registration number on behalf of the Town, or to pursue any other remedy authorized by law.

10. 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.

11. Effective Date.

In accordance with 24 V.S.A. § 1972 , this Ordinance shall take effect 60 days after its passage. However, in order to allow time for residents and property owners to become familiar with the requirements of this Ordinance, the

prohibitions on certain types of short-term rentals, and the penalties for violations of this Ordinance, compliance with the requirements of this Ordinance shall not be mandatory until [REDACTED].

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Adopted at Montgomery, Vermont this ____ day of _____, 20__

MONTGOMERY SELECTBOARD

Received and Recorded: _____ Clerk: _____

END OF DOCUMENT