

Montgomery Planning Commission Meeting Minutes

Special Meeting

Public Safety Building

April 15, 2025 - 6:00pm

Present: Alissa Hardy, Joe Sherman, Patrick Calecas, Diane Sherman

Guests: Emily Klofft (Northwest Regional Planning Committee), Ellen Fox (Zoning Administrator)

Meeting called to order at: 6:10

1. Additions/deletions to agenda.
 - a. None.
2. Approval of the March 11, 2025 meeting minutes.
 - a. Diane motion to approve, Alyssa second the motion. All in favor (3-0)
3. Review and discuss short term rental ordinance draft.
 - a. See Appendix A, discussion of edits made by Diane:
 - b. Section 2. Purpose
 - i. 2.2: Addresses public health and safety. Suggested changes:
wording of second paragraph – strike after “furthermore” and
replace with concerns being addressed related to public health.
Strike reference to “emergency”.
 - c. Section 3. Definitions:
 - i. Changes to STR definition: Commission members in favor of
changing to “recommended text” below current draft.
 - d. Section 4.1 Registration of STR

i. 4.1.2 - Discussion of how much time to give individuals who have operated STR's in the past 12 months to register from date of ordinance – balancing the need to give individuals enough time to meet requirements outlined in section 5.

1. Suggestion to give those 60 days with opportunity for extension if individuals need time to meet STR compliance. Add language “not to exceed an additional 30 days”. Good cause gives a lot of room for discretion

ii. 4.1.2 - Update language to reflect “effective date to register” to submit application as registration will happen in the event an application is approved.

iii. 4.1.3 - Registration based on unit vs. single rooms. Would review based on total occupancy. Suggestion from Ellen to provide example to make this clear.

iv. 4.1.4 - Changing renewal dates to align closer to end of ski season. Move date back by a month (May 1-31) for registration timeline.

v. 4.1.6.1 - If application is denied for reasons outlined in ordinance, 30 days to cease occupation of listing.

vi. 4.1.6.2 - add language “as counted as day 1” to end of Paragraph to provide clarity when 30 days begins.

vii. 4.1.8 - Update to reflect 15 days (to replace 14 days).

e. Section 4.2 Application

- i. 4.2.1.6 - Strike “other occupants of the dwelling unit” Avoid defining how many people will be permanently dwelling in unit.
- ii. Should we add additional questions to determine more information to learn about the STR’s and how they are being used to collect data? Could instead add “catch all” in section 4.2 so additional questions can be asked about how or when the STR is being used for example.
- iii. 4.2.3 - Update font
- iv. 4.2.3 - Section on initial registration (was omitted accidentally, will add back to final version).

f. Section 5. Additional Requirements of Short-Term Rentals

- i. Adjust title to “Additional requirements of short-term rental registration application” to make sure there is clarity that requirements must be met to remain compliant.
- ii. 5.2 - Is 25 miles the right distance? Discussing further. Add “within the United States” to exclude residents in Canada.
- iii. 5.7 - Emily to look for “stacked parking” definition that could be included.
- iv. 5.13 - May need to add a provision in zoning for camp site. “on the premises of the short-term rental” or “same property” vs. “outside”.

g. Section 7. Violation (removed from ordinance)

- i. No need to list violations twice – Diane left two items that are not listed elsewhere to discuss. Commission members decided to strike both J and F.

- h. Section 6. Enforcement

- i. 6.1 - update “shall” to “may be subject to”:
 - ii. 6.3 - need to identify enforcement official. Decision to be referred to selectboard (hiring/budgeting decision)

- i. Section 7. Civil Penalty; Waiver Fees

- i. Switch 7.1 and 7.2 to address waiver option in lieu of civil penalty first.
 - ii. Emily to look at state (VLCT) guidance for enforcement of fees related to violations.

- j. Add statement that approval of this application does not determine whether someone is violating state code regarding health and safety.

- k. How is registry being recorded? Technically an STR is a business so registry can be considered public information. Emily to reach out to other towns to determine how they are keeping records of registration.

- l. Will continue to regulate camping through Zoning, separate from STR's. Could add additional language related to “Camp sites” in ordinance to cover this gap.

- m. Planning Commission to share final version of ordinance with DBR once discussed changes have been made.

4. Draft zoning recommendations for selectboard based on public outreach feedback.
 - a. To be discussed at next meeting (May, 2025)
5. Public comment.
 - a. None.
6. Other business.
 - a. FEMA has provided updated digitized flood maps.
7. Future agenda items.
 - a. Draft zoning recommendations for selectboard based on public outreach.

Motion to adjourn at 8:55

Notes submitted by Narissa Furtado-Cordeiro, Planning Commission Secretary

Short-Term Rental Registry Ordinance



Town of Montgomery VERMONT

Adopted: _____, ____ 202__

Table of Contents

1.	Authority and Purpose	Page 3
2.	Definitions	Page 3
3.	Registration Required	Page 5
4.	Registration Fees	Page 7
5.	Requirements of Short-Term Rentals	Page 7
6.	Violations	Page 8
7.	Enforcement	Page 9
8.	Civil Penalty; Waiver Fees	Page 9
9.	Other Relief	Page 10
10.	Severability	Page 10
11.	Effective Date	Page 10

Section 1. Authority

The Town of Montgomery Selectboard adopts this Ordinance pursuant to the authority set forth in Chapters 59 and 61 of Title 24 of the Vermont Statutes Annotated, including but not limited to 24 VSA § 1971 and 2291(15) and (29). This Ordinance shall be designated as a civil ordinance under 24 V.S.A. § 1971(b).

Section 2. Purpose

- 2.1 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 Town also recognizes the need for the availability of long-term housing. The purpose of this Ordinance is to seek to balance the well-established practice of renting dwelling units to the traveling, transient, and visiting public with the needs of ensuring an adequate supply of long-term housing, preserving the character of residential neighborhoods, and protecting the public health, safety, welfare, and convenience of visitors and residents.
- 2.2 By establishing an orderly process for identifying Short-Term Rentals in the Town, and compiling a database of the owner and designated local agent contact information for each Short-Term Rental, the Town intends to ensure an effective and expedient response to an emergency that may arise in connection with Short-Term Rentals. Furthermore, through the establishment of a dynamic registry of Short-Term Rentals, the Town seeks to gather information and data regarding the extent and practice of renting dwelling units on a short-term basis within the Town, to inform an evaluation of whether any changes to this regulation are warranted to protect the public health, safety, and welfare of the community.

Section 3. 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:

“Dwelling Unit” has the same meaning as in the Montgomery Zoning Regulations, as amended from time to time.

“Existing” or “in existence” in reference to a Short-Term Rental means its availability as a Short-Term Rental is listed, advertised, or otherwise marketed or it is occupied as a Short-Term Rental.

“Town” means the Town of Montgomery, Vermont.

“Resident-Occupied Dwelling Unit” means a dwelling unit occupied by an individual as his or her primary residence.

“Owner” means each individual 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 constitute the record owner or owners of a building or property.

“Primary Residence” means 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” means the person seeking to register a Short-Term Rental under this Ordinance or who holds a registration for a Short-Term Rental duly registered pursuant to this Ordinance.

“Designated Local Agent” shall mean an individual designated by a registrant pursuant to Subsection 5.2 of this Ordinance.

“Short-Term Rental” means

Current draft:

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 resident-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. Resident-occupied residential structures include owner-occupied and tenant-occupied structures.

Recommended text:

a furnished house, condominium, or other dwelling room or self-contained dwelling unit, or a portion thereof, 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, but excluding the following:

a lodging establishment, as the term is defined in 18 V.S.A. § 4301, which holds a current license to operate a food and lodging establishment with the Vermont Department of Health; and

two or fewer individual bedrooms or other portions of dwelling units rented to the transient, traveling, or vacationing public in a resident-occupied dwelling unit.

Section 4. Registration

4.1 Registration of Short-Term Rentals Required

- 4.1.1 Except as provided in Subsection 4.1.2, a Short-Term Rental shall be registered with the Town by the owner of the Short-Term Rental prior to its availability as a Short-Term Rental being listed, advertised, or otherwise marketed or prior to its first occupancy as a Short-Term Rental, whichever is earlier.
- 4.1.2 For Short-Term Rentals in existence on the effective date of this Ordinance, or at any time in the 12 months preceding the effective date of this Ordinance, any owner of a Short-Term Rental wishing to continue the Short-Term Rental after the effective date of this Ordinance shall have days after such effective date to register the Short-term Rental with the Town, although the Town may grant an extension of this date for good cause demonstrated on a case-by-case basis.
- 4.1.3 For Short-Term Rentals that are bedrooms or portions of dwelling units, only one registration per dwelling unit which contains a Short-Term Rental shall be required.
- 4.1.4 Except where this Ordinance otherwise provides, registrations shall be valid until March 31 of the calendar year following the year they were applied for, after which date they shall automatically expire unless renewed.
 - 4.1.4.1 Registrations shall be renewed annually on or before April 1 of each calendar year through the submission of a renewal application and payment of applicable fee by the deadline of April 1.
 - 4.1.4.2 Renewal applications submitted between April 1 and April 30 shall be accepted but treated as late renewal applications.
 - 4.1.4.3 The failure to submit a renewal application and pay the applicable fee by April 30 shall result in the forfeiture of the right to renew the registration.
 - 4.1.4.3.1 Any listing, advertising, or other marketing of the availability of, or occupancy as, a Short-Term Rental, after April 30 by registrants who failed to submit a renewal application and pay the applicable fee for the Short-Term Rental by April 30 shall constitute a violation of this Ordinance.

- 4.1.4.3.2 Any subsequent application for registration shall require submission of a new initial registration application and initial application fee.
- 4.1.5 A Short-Term Rental shall not be considered registered unless and until all of the following have occurred:
 - 4.1.5.1 The owner of the Short-Term Rental has submitted a complete, signed application together with any additional information required by the Town and payment of the applicable fee.
 - 4.1.5.2 For an initial registration application, the Town has reviewed the application, determined the information in the application and in the Town records indicates the Short-Term Rental can be operated in compliance with this Ordinance, and provides a registration number to the registrant; or
 - 4.1.5.3 For a renewal application, the Town does not deny the application within 15 days of its receipt.
- 4.1.6 Applications for registrations shall be denied if the Town determines the Short-Term Rental cannot be operated in compliance with this Ordinance.
 - 4.1.6.1 If an application for a registration of an existing Short-Term Rental is denied by the Town, no later than [REDACTED] days after notification of the denial by the Town the registrant shall ensure its availability as the Short-Term rental has ceased being listed, advertised, or otherwise marketed and it has ceased being occupied as a Short-Term Rental.
 - 4.1.6.2 Notification of denials shall be provided by certified mail and shall be deemed made, for the purposes of calculating the deadline in Subsection 4.1.6.1 of this Ordinance, as of the date the mail is delivered to the carrier or placed in an official United States post office mailbox.
- 4.1.7 In the context of reviewing an initial application registration, the Town may perform an inspection of a Short-Term Rental in order to determine whether the Short-Term Rental can be operated in compliance with this Ordinance, including but not limited to ability to comply with all building, health, and fire safety codes, ordinances, policies, and regulations adopted by the Town.
- 4.1.8 Except as provided in Subsection 4.1.8.1 of this Ordinance, Registrants shall provide an update to the Town of any changes to the information provided in an application within 14 calendar days of the change.
 - 4.1.8.1 Registrants wishing to make a material change to the manner in which the Short-Term Rental is operated shall

submit a new initial registration application and shall not alter the operation of the Short-Term Rental unless and until an updated registration is provided by the Town.

4.1.8.2 For the purposes of this Subsection a “material change” means any change to the information submitted in an application that is required pursuant to Subsections 4.2.1.4-4.2.1.7 of this Ordinance.

4.1.9 Registrations shall only be valid for the owner named on the application. Registrations shall not run with the land and shall not be transferrable or assignable.

4.1.9.1 Upon sale of a dwelling unit associated with a Short-Term Rental registration, the registration shall terminate.

4.1.9.2 Should the new owner desire to have a Short-Term Rental the new owner shall be subject to all of the requirements of this Ordinance, including the initial registration application and payment of the initial application fee.

4.2 Application

4.2.1 Initial registration applications shall be submitted on a form supplied by the Town which shall require, at a minimum, the following information:

4.2.1.1 The physical (E-911) address of the property on which the Short-Term Rental is located.

4.2.1.2 The number of dwelling units on the property.

4.2.1.3 The number of dwelling units on the property that will be or include a Short-Term Rental.

4.2.1.4 The total number of bedrooms in the dwelling unit for which the registration is sought.

4.2.1.5 A description of whether the dwelling unit will be rented as a whole-house rental or separately per bedroom or other portion of the dwelling unit, and, if the latter, the number of bedrooms or portions of the dwelling unit that will be separately rented.

4.2.1.6 The maximum number of overnight guests the dwelling unit will be rented to and the number of other overnight occupants of the dwelling unit.

4.2.1.7 The number and location of parking spaces that are dedicated for the Short-Term Rental.

4.2.1.8 The name, physical address, mailing address, phone number, and email address of the owner of the Short-Term Rental.

4.2.1.8.1 If the owner is a corporation, this information shall be supplied for both the registered corporate agent and the president, CEO, or managing officer of the corporation.

- 4.2.1.8.2 If the owner is a partnership, this information shall be supplied for the registered partnership agent, and each of the general partners.
 - 4.2.1.9 The name, physical address, mailing address, phone number, and email address of any designated local agent or agents.
 - 4.2.1.10 A certificate of insurance that expressly acknowledges that the registrant has insurance that meets the requirement of Subsection 5.1 of this Ordinance or proof that the registrant will conduct all of its rental transactions through a hosting platform that provides equal or greater coverage and that the hosting platform-provided insurance carrier is obligated to defend and indemnify the registrant, as an additional named insured, and any user in the building for any bodily injury and property damage arising from the rental.
 - 4.2.1.11 Proof of Vermont tax account for rooms & meals and/or sale tax purposes or proof that the registrant will conduct rental transactions through a hosting platform that pays all applicable rooms & meals and/or sale taxes on behalf of the registrant.
 - 4.2.1.12 A completed "Short Term Rental Safety, Health and Financial Obligations." form required by the State for the Short-Term Rental, or, if the form is discontinued and replaced by the State, the replacement form or documentation required by the State.
 - 4.2.1.13 For Short-Term Rentals with an occupancy of 9 or more guests, an inspection report from the Division of Fire Safety.
 - 4.2.2 Renewal applications shall be submitted on a form supplied by the Town which shall require, at a minimum, the following information:
 - 4.2.2.1 All updates and changes to the information provided in the initial registration application or most recent renewal application.
 - 4.2.2.2 If applicable, an updated certificate of insurance that expressly acknowledges that the registrant has insurance that meets the requirements of Subsection 5.1 of this Ordinance.
 - 4.2.3 Providing false or materially misleading information on an application shall be considered a violation of this Ordinance.
 - 4.2.4 Renewal applications submitted by the April 1 deadline shall include payment to the Town of a renewal fee of \$250 per dwelling unit.
 - 4.2.5 Late renewal applications shall include payment to the Town of a late renewal fee of \$300 per dwelling unit.

Section 5. Additional Requirements of Short-Term Rentals

- 5.1 Registrants shall maintain insurance that expressly acknowledges that the property may be used for Short-Term Rental business activity and includes property insurance and general liability insurance appropriate to cover the rental use in the aggregate of not less than \$1 million or a greater amount as otherwise required by law.
- 5.2 Registrants who do not live within 25 miles driving distance of the registered Short-Term Rental shall designate an individual living within a 25-mile driving distance of the Short-Term Rental who can represent the registrant, respond to the Town in matters concerning compliance with this Ordinance, and act as an emergency contact for guests of the Short-Term Rental.
 - 5.2.1 This individual is the designated local agent for the Short-Term Rental.
 - 5.2.2 Registrants who live within 25 miles driving distance shall have the option to identify an individual to act as a designated local agent when the registrant is unavailable.
 - 5.2.3 Registrants shall have the option to identify one alternate individual to act as a designated local agent when the primary designated local agent is unavailable.
- 5.3 The Short-Term Rental registration number assigned by the Town shall be prominently displayed in each Short-Term Rental and included in any and all listings, advertisements, and other marketing information for the Short-Term Rental.
- 5.4 The current and valid name, address, phone number, and email of the registrant and the designated local agent or agents, if any, shall be prominently displayed in the Short-Term Rental along with all additional information required by the State to be displayed.
- 5.5 Registrants shall provide guests with written documentation that contains the following information:
 - 5.5.1 The current and valid name, phone number, address, and email of the registrant and the designated local agent .
 - 5.5.2 Written instructions on the location and use of fire extinguishers.
 - 5.5.3 Written instructions on emergency shut-off of heating systems and fuel burning appliances.
 - 5.5.4 A diagram identifying all emergency egress routes.
- 5.6 Overnight Short-Term Rental guest occupancy, plus other overnight occupants of the dwelling unit, shall be limited to two (2) guests per bedroom plus no more than two (2) additional guests per dwelling unit.
 - 5.6.1 For the purposes of this subdivision, the number of bedrooms is determined by using the number of bedrooms for the dwelling unit stated in the Vermont Wastewater and Potable Water Supply Permit associated with the dwelling unit or, if no such permit exists, the number of bedrooms that meets the definition of

“bedroom” as defined in Section 1-806(a) of the Vermont Wastewater System and Potable Water Supply Rules.

- 5.7 Registrants shall provide a minimum of 1 off-street parking space per bedroom for use by Short-Term Rental guests.
- 5.8 Registrants shall not permit Short-Term Rental guests to park in the travel lane of streets or roads or other locations not specifically designated for parking.
- 5.9 Registrants shall comply with all applicable building, health, and fire safety codes, ordinances, policies, regulations and laws adopted by the Town and the State including but not limited to the Vermont Department of Public Safety’s Residential Rental Housing Health & Safety Code.
- 5.10 Registrants shall not permit guests to have pets in the Short-Term Rental unless the guests provide proof of valid rabies vaccination.
- 5.11 Registrants shall prohibit guests from subleasing, sublicensing, or assigning all or any portion of the Short-Term Rental to another person.
- 5.12 Registrants shall not allow guests to host parties, conferences, family reunions, weddings, fundraisers, or similar gatherings at the Short-Term Rental that results in or are reasonably foreseeable to result in an assemblage of vehicles or a greater number of persons than the maximum allowable number of overnight short-term guests for the dwelling unit.
- 5.13 Registrants shall not allow overnight camping outside of the Short-Term Rental unless the property on which the camping takes place has a Town zoning permit that authorizes use of the property as a campground.

Section 7. 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 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).~~
 - (i) ~~Any sublease or sublicense of a Short-Term Rental by a guest to another person during the rental period.~~
 - (j) Any signs or other outside indications, other than on-site parking, that a property is used or occupied as a Short-Term Rental.
 - (m) ~~Failure to abide by any other specific requirement of this Ordinance.~~

Section 6. Enforcement

- 6.1 Any person who violates a provision of this civil ordinance shall be subject to:
 - 6.1.1 suspension or revocation of the registration for the Short-Term Rental to which the violation applies; and
 - 6.1.2 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.
- 6.2 When the public health, safety, or welfare of the community warrants, the owner of a Short-Term Rental whose registration was either suspended or revoked, may also be prohibited from submitting a new initial registration application for the Short-Term Rental for a period of up to twelve (12) months following the expiration date that would have applied if not for the suspension or revocation.
- 6.3 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.
- 6.4 As a condition of registration, the Town may perform an inspection of a Short-Term Rental in order to ensure compliance with this Ordinance, including but not limited to compliance by the Short-Term Rental with all building, health, and fire safety codes, ordinances, policies, and regulations adopted by the Town.

Section 7. Civil Penalty; Waiver Fees

- 7.1 An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation:
- 7.1.1 Operating a Short-Term Rental without registration: \$800
 - 7.1.2 All Other Violations:
 - First Offense: \$400
 - Second Offense: \$600
 - Third Offense: \$800
 - Fourth and Subsequent Offenses: \$800 plus automatic revocation of registration and prohibition for twelve (12) months following the registration expiration date that would have applied if not for the revocation before a new initial registration application may be submitted.
- 7.2. 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:
- 7.2.1. Operating a Short-Term Rental without registration: \$500
 - 7.2.2. All Other Violations:
 - First Offense: \$100
 - Second Offense: \$250
 - Third Offense: \$500
 - Fourth and Subsequent Offenses: \$700 plus automatic revocation of registration and prohibition for twelve (12) months following the registration expiration date that would have applied if not for the revocation before a new initial registration application may be submitted
- 7.3 Offenses shall be counted on a twelve (12) month basis beginning April 1 and ending March 31 of each year.

Section 8. 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 suspension or revocation of any Short-Term Rental registration on behalf of the Town, or to pursue any other remedy authorized by law.

Section 9. 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 this Ordinance and the remaining provisions that can be given effect without the severed provision shall continue in effect.

Section 10. Effective Date

In accordance with 24 V.S.A. § 1972, this Ordinance shall take effect 60 days after its passage.

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

MONTGOMERY SELECTBOARD

Received and Recorded: _____ Clerk:
