

TOWN OF WINHALL SHORT-TERM RENTAL ORDINANCE
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ARTICLE I: ENACTMENT & PURPOSE

SECTION 100: Authority

This ordinance is adopted by the Town of Winhall under authority of 24 V.S.A. § 2291(15) and (29), and 24 V.S.A. Chapter 59.

SECTION 101: Purpose

1) The purpose of this Ordinance is to promote the public health, safety, and welfare of all Winhall property owners, residents and transient visitors, and to effectively mitigate secondary impacts from Short Term Rental (STR) operations. To those ends, these regulations:

- a) Require disclosure and licensing to support the responsible operation of STRs;
- b) Carry out the Winhall Town Plan's policies in a manner that balances both the shared and individual rights of Winhall property owners, residents, and transient visitors;
- c) Protect property values while preserving the residential character and livability of the community;
- d) Protect potable water resources and the function of wastewater disposal systems; and
- e) Manage STRs in furtherance of these purposes.

ARTICLE II: DEFINITIONS

For purposes of this ordinance, the following words and phrases shall apply:

Advertising: Means any form of communication to inform, encourage, persuade, or manipulate an audience into contracting for goods and/or services as may be viewed through various media or in person.

Bedroom: Means a room within the STR that is entered from a common area by means of a door for privacy, has at least one window, and meets Vermont Department Of Public Safety Fire and Safety code and Vermont Access Rules (ADA), as applicable.

Dwelling Unit: Means a habitable space, house, building, condominium or part of a building or room or group of rooms therein that is used as living-quarters or sleeping places by one or more persons.

Good Neighbor Policy: Means a document for the benefit of the neighborhood and guests using the STR that details the rules of conduct (this will be provided to you by the STR Administrator along with your approval).

Licensee: Means the property owner to whom the License is issued.

Person: Means a living, individual human being, distinct from a “legal person” for the purpose of assigning certain legal rights.

Owner: Means a person or entity who has the legal title to real property, either in whole or in part, of a building, structure or land or a part thereof where the STR is located. If title is in the name of a corporation, partnership, association or company, the name and contact information of any person holding a majority or controlling interest in the entity shall be provided.

Owner’s Agent: Means a person who is legally designated in writing by the Licensee to be responsible for the operation of the STR and maintain compliance with this Ordinance.

Owner-Occupied: Means a residential dwelling unit that serves as the primary residence of the property owner who will be present and residing in the property during the rental period.

Primary Residence: Means a person’s domicile.

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.

STR Administrator: Means a person or persons designated by the Winhall Selectboard to administer and enforce compliance with this Ordinance and to represent the Town of Winhall in any associated proceedings, legal or otherwise.

ARTICLE III: GENERAL REQUIREMENTS

SECTION 300: Licensing & Approvals

- 1) Only one STR is allowed on a property. This does not apply to Condominiums or Planned Unit Developments where the land is owned in common if the COA or HOA, as applicable, allows STRs.
- 2) All STR owners must obtain a license prior to beginning operations.
- 3) An STR license must be renewed annually, or it shall expire on the 366th day if not renewed.
- 4) An STR license is NOT transferable.
- 5) No STR license shall be approved unless the applicant has submitted all required documents to the STR Administrator.
- 6) Once a license is approved, the STR shall be made available by the owner to an inspection by the STR Administrator within 72 hours of a request to inspect. The inspection shall consist of the exterior property and the interior of any STR structure and may be requested by the STR Administrator any time or times during the duration or renewal of any license.

SECTION 301: Occupancy Limits

- 1) A licensed STR shall not exceed its occupancy limit.
- 2) Total occupancy for an STR shall be determined by the maximum capacity of the property's wastewater disposal system based on the number of bedrooms using one of the following as evidence:
 - a) A recorded State of Vermont Wastewater & Water Supply Permit (WW Permit) for STRs constructed or occupied after July 1, 2007 indicating the maximum number of bedrooms (in which case the maximum number of occupants shall be the lesser of two (2) for each permitted bedroom up to a maximum of three (3) bedrooms with each additional permitted bedroom adding one (1) occupant to the capacity) or the number of occupants specified in the WW Permit for the subject premises; or
 - b) A recorded Town of Winhall Health Permit for STRs constructed before July 1, 2007 indicating the number of bedrooms permitted. The maximum number of occupants shall be two (2) for each permitted bedroom up to a maximum of three (3) bedrooms. Each additional permitted bedroom will add one (1) occupant to the capacity; or
 - c) A Gallonage Allocation Certificate from the Winhall-Stratton Fire District #1 indicating the total gallonage allocated to the property. Each occupant requires (70) gallons or a statement from the Winhall-Stratton Fire District #1 indicating the allocated bedrooms; or
 - d) In the absence of a, b, or c above, (homes, built prior to 1970 will not have a Town septic permit) the unit shall default to a maximum of two person per bedroom up to a three (3) bedroom house with a maximum of six (6) occupants or the number of bedrooms indicated in a Clean Slate Affidavit of record confirming the number of bedrooms in use prior to 01/01/2007. Each additional permitted bedroom will add one (1) occupant to the capacity.

SECTION 302: Required Postings

To ensure compliance with this Ordinance each STR shall post in a visible location to guests:

- 1) The "Good Neighbor Policy;"
- 2) A copy of the STR License.
- 4) A copy of the owner's completed "Short-Term Rental Safety, Health, and Financial Obligation Form."
- 5) Location of required fire extinguishers.
- 6) Information about trash and how to dispose of it.

SECTION 303: Owner's Agent:

STR Licensees must designate an Owner's Agent if they cannot meet the following requirements:

- 1) Ensure compliance with this Ordinance;
- 2) Provide in-person service;
- 3) Be available for emergency response within two (2) hours;

If an Owner's Agent is required, they shall be available (24) hours a day while the STR is in use for overnight occupancy to respond to guests and the STR Administrator. It is the Owner's Agent's responsibility to notify the owner when a violation occurs.

ARTICLE IV: APPLICATION REQUIREMENTS

SECTION 400: Complete Application Required:

A complete application, as determined by the STR Administrator, must be submitted before it is processed. If the STR Administrator determines an application is incomplete, they will inform the applicant of the required contents (see below) that are missing. **It is the responsibility of the Licensee to hire lawyers, engineers, surveyors or title searchers as necessary to obtain and provide the required application information. Considering the volume of Applications anticipated, the Licensee shall not unreasonably consume the time of the Winhall Town Clerk, STR Administrator, Winhall Town Administrator, Winhall Zoning Administrator nor any other Town employee to assist in providing the required application information or documentation as this is outside the scope of their employment and responsibilities. Notwithstanding this, the STR Administrator will be available to answer general questions of any Licensee and to assist in guiding a Licensee to the correct professional or agency required for the Licensee to complete the application.)**

SECTION 401: New Applications:

An application for an STR License shall include the following to be deemed complete and processed:

- a) Name of the Owner is required on all applications. If the Owner is a corporation, partnership, association or company, the name of the majority or controlling member is required on all applications.
- b) Payment of the applicable fees.
- c) Evidence described in Section 301 to establish occupancy capacity.
- d) A copy of the Posting Contact Information required by 18 V.S.A. §4467.

- e) A copy of the Vermont Business Tax Account number for Rooms & Meals Tax.
- f) A copy of the “Short-Term Rental Safety, Health, and Financial Obligation Form.”
- g) A copy of a current Vermont Fire and Safety Report confirming occupancy and compliance with the 2015 Fire & Building Code, and Vermont Access Rules (ADA) compliance, as applicable, and as amended to date.
- h) A copy of a Certificate of Insurance showing commercial liability coverage.
- i) A Site Plan drawn to scale showing proposed parking established by Section 602.
- j) A copy of the signed contract, with a specified term, between the Licensee and Owner’s Agent who will act as the point of contact for the STR, if necessary.
- k) If the property is subject to a COA or HOA, evidence that the COA or HOA allows the unit to be used as a STR.

SECTION 402: Renewal Applications:

Renewal applications for any of type of Licenses shall include the following:

- 1) Payment of the applicable fees.
- 2) Previous violations must be noted with evidence they have been remedied.
- 3) Any revisions to previous application materials that are necessary.

The renewal of a license which has been suspended or revoked shall require the Winhall selectboard’s approval.

ARTICLE V: SHORT-TERM RENTAL LICENSES
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SECTION 500: License Processing, Notice, Effective Date:

License processing shall begin immediately after the effective date of this Ordinance (60 days after passage by the Selectboard if not appealed). Application shall be processed on a first come first served basis and any STR that is not licensed by August 31, 2025 (the date enforcement shall begin) shall be in violation and subject to fines, penalties and enforcement as noted herein.

The STR Administrator shall either approve or deny a license application in a timely manner which license shall be effective on the date it is approved by the STR Administrator. Any denial will be in writing and provide the reasoning and any section of the ordinance involved as the basis of the denial along with any requirements to rectify the denial if available.

SECTION 501: License & Fees:

The following types of STR licenses are available, with some exemptions:

1) **Lodging Exemptions:** Hotels, motels, lodges, bed & breakfasts, and group homes as defined in the Winhall Zoning Regulations are exempt from an STR license requirement. This exemption does not apply to individual owners of a PUD, Condominium or Timeshare Unit, which must obtain a license.

2) **License Fees & Caps:**

a) A License is available to owners of a property with an approved Dwelling Unit and/or Accessory Dwelling unit who occupies one and rents the other or to owners of property with only a single approved Dwelling unit. In all cases, only one unit may be used and licensed as an STR. The Licensee will specify the Unit to be rented as a STR in the application which will be noted on the License.

b) The fee for a License is \$500.00 per bedroom (as confirmed by documentation required and provided under Section 301) with a minimum fee of \$1,000.00 and a maximum fee of \$4,000.00 annually.

SECTION 502: License Expiration:

1) STR Licenses are issued for a term of one (1) year and must be renewed annually.

2) Failure to renew a license within fourteen (14) days of its expiration shall result in “abandonment” and require a new application. If the Licensee wishes to terminate their STR License, they must notify the STR Administrator in writing and include a date on which they will cease STR operations.

<p>ARTICLE VI: GENERAL STANDARDS</p>

SECTION 600: Trash:

All STRs must recycle and sort their trash before disposal. Trash, while on the premises, shall be stored in a secure place from animals and not in the public view.

SECTION 601: Noise:

Noise that is audible at the property lines from the hours of 10:00 PM to 8:00 AM is prohibited. Excessive or unusually loud noise is a public nuisance, a violation of this ordinance and may be a criminal violation per [13 V.S.A. § 1022](#). No use of property shall emit loud noise which is in violation of the Town of Winhall “Noise Ordinance” which can be found on the Town Website.

SECTION 602: Parking:

One off-street parking space must be provided for every two guests of an STR. All vehicles of STR guests must be parked on the STR property. A parking plan must be submitted with a license application and approved as part of the license. There shall be NO PARKING whatsoever on any roadway or contiguous shoulder of any Town Highway or Development Road.

SECTION 603: Lighting:

The use of lights shall not create or result in glare that constitutes a nuisance. Exterior lights shall be fully shielded, downcast, and produce no glare.

<p>ARTICLE VII: VIOLATIONS & PENALTIES</p>

SECTION 700: Violations:

A violation of this ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the Bennington County Superior Court, at the election of the Selectboard or STR Administrator issuing the Notice of Violation.

Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq. For purposes of enforcement in the Judicial Bureau. An STR Administrator shall have authority to issue tickets and represent the Town at any hearing.

Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Town may pursue all appropriate injunctive relief.

The STR Administrator is authorized to recover a waiver fee in lieu of a civil penalty, in the stated amount, for any person who declines to contest a municipal complaint and pays the waiver fee.

Determining the sequences of offenses for violations of this Ordinance shall be as follows: a subsequent violation that is identical to, and that occurs within 3 months of a previous violation shall be considered a higher offense (i.e., second, third, or subsequent offense). Any subsequent identical violation that occurs after 3 months of a previous identical violation shall be considered a new first offense.

A Licensee found to be violating any provisions of this Ordinance shall be served with a written Notice of Violation stating the nature of the violation(s), the corrective action required, the amount of the fine and how it accrues and the waiver fee in lieu of civil penalty.

The following list may not include all the possible violations.

- 1) **No STR License:** Operating a STR within the Town of Winhall without a STR License is a violation.
- 2) **Advertising:** Occupancy greater than the occupancy capacity as determined by the License is a violation against the Licensee. Each person advertised over the established limit shall constitute a separate fine until the violation is cured.
- 3) **Noise:** Unreasonable noise shall constitute a violation against the licensee. When the Winhall Police issue a citation for noise to one or more occupants of the STR, it shall become a violation against the Licensee.
- 4) **Outdoor/Nighttime Activity:** The rental and subsequent use of a STR Dwelling Unit, either indoors or outdoors but not limited to catered events, weddings, reunions, retreats or business functions shall constitute a violation and fine against the Licensee for each day the function takes place.
- 5) **Lighting:** Not in compliance with Section 603 standards which constitutes a nuisance to neighboring properties shall be a violation and result in a fine against the Licensee.
- 6) **Trash:** Improper management of trash shall be a violation and result in a fine against the Licensee. Each day of the violation that remains uncured will result in a separate fine.
- 7) **Parking:** Parking incidental to the use of a STR Dwelling Unit not in compliance with the approved site plan, will be a violation against the Licensee..
- 8) **Exceeding Capacity:** Exceeding capacity of a STR Dwelling Unit by the Licensee, guests, or other persons in excess of the STR Dwelling Unit's occupancy capacity for overnight stays established on the License shall constitute a violation. Each occupant over the limit will result in a separate fine.
- 9) **Falsehoods:** Providing false or misleading information on a STR application is a violation and shall carry a fine which may result in the denial, suspension, or revocation of a STR license.
- 10) **Change of Owners Agent:** Failure by the Licensee to notify of any changes in the Owners Agent's contract and provide the STR Administrator a copy of the updated contract within ten (10) days shall be a violation of this Ordinance.
- 11) **Failure to Respond:** Failure by the Licensee or Owners Agent to respond within (24) hours to a call from a guest or the Town of Winhall shall be a violation against the Licensee and will result in a fine for every (24) hour period thereafter until contract is made.
- 12) **Compliance with other Town of Winhall Ordinances:** Failure by the Licensee or Licensee's guests to comply with all Town of Winhall ordinances, including but not limited to the Town's Dog & Alarm ordinances.

SECTION 701: Fines & Enforcement

- 1) **Fines:** The minimum fine imposed for any violation shall be \$500.

- a) Each day a violation exists after the date set for remedy in a notice of violation sent to the Licensee shall be subject to a separate fine until the violation is cured.
- b) Repeated violations of the same provision(s) of this Ordinance shall not be given time to remedy the violation before additional daily fines accrue.
- c) For purposes of suspension or revocation of a license, the per day fine shall not constitute a separate violation.

2) **Enforcement:** The Town of Winhall will enforce this STR Ordinance through, but not limited to fines, notification, complaints, audits, liens and legal action.

- a) **Notification:** The STR Administrator shall issue a “notice of violation” to the Licensee for any violations that occur and record the “notice of violation” in the land records.
- b) **Inspections:** May be carried out for accuracy of bedroom counts, ensuring posting requirements are met, and investigating complaints.
- c) **Complaints:** Shall first be investigated, and if it is determined a violation has occurred the STR Administrator shall issue a “Notice of Violation” to the Licensee.
- d) **Audits:** May be done periodically to determine compliance.
- e) **Liens:** Any fines levied in a recorded “Notice of Violation” that are not paid shall constitute a lien against the property on which the violation has been found to exist.
- f) **Legal Action:** The STR Administrator or the Selectboard can engage a Town Attorney who may institute any and all actions, legal or equitable, to cure a violation of this Ordinance. The Town of Winhall may seek injunctive relief in addition to all costs of enforcement including attorney fees.

SECTION 702: Suspension or Revocation of License:

- 1) In addition to the penalties available for enforcement of a violation(s), the license may also be subject to suspension, revocation, or non-renewal per the terms of this ordinance. Determination of these additional penalties will initially be made, in writing to the licensee, by the STR Administrator. The licensee can appeal this determination to the selectboard who will hold a hearing on the appeal.
- 2) If a licensee commits three (3) violations within 9 months, their license will be revoked.
- 3) A Licensee who has had their License revoked may not re-apply for a period of one (1) year from the time their revoked License was due to expire.

- 4) Licenses are not transferrable. The legal transfer of an STR property shall automatically revoke the STR License.

ARTICLE VIII: ADMINISTRATION & PROCEDURES

SECTION 800: STR Administrator:

A STR Administrator shall be appointed by the Winhall Selectboard and report to them on a regular basis. Provisions of this Ordinance shall be interpreted literally, administered, and enforced by the STR Administrator. The STR Administrator, in the event of a violation, shall be considered the issuing Municipal Official and is authorized to issue fines and recover civil penalties. The STR Administrator may inspect premises, shall maintain records, and perform all tasks to carry out the provisions of this Ordinance.

SECTION 801: Initial Application:

License applications will be processed and issued on a rolling basis, first in first out, to stagger expiration dates.

SECTION 802: Amendment:

The Winhall Selectboard may amend this Ordinance in accordance with Vermont law.

ARTICLE IX: OTHER LAWS

SECTION 900. Other Laws: This ordinance is in addition to all other ordinances of the Town of Winhall and all applicable laws of the State of Vermont. All ordinances or parts of ordinances, resolutions, regulations, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

ARTICLE X: SEVERABILITY

SECTION 1000. 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.

ARTICLE XI: NON-DISCRIMINATION

SECTION 1100. Non-Discrimination: In accordance with federal civil rights law and civil rights regulations and policies, The Town of Winhall does not discriminate on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

ARTICLE XII: EFFECTIVE DATE

SECTION 1200. Effective Date: This ordinance shall become effective 60 days after its adoption by the Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Adopted this 4th day of December, 2024.

SIGNATURES:






