

ORDINANCE TO REGULATE THE OPERATION OF SHORT-TERM RENTALS

TOWN OF WOODSTOCK, VERMONT
VILLAGE OF WOODSTOCK, VERMONT
31 The Green
Woodstock, VT 05091

TO THE TOWN OF WOODSTOCK SELECTBOARD AND WOODSTOCK BOARD OF
VILLAGE TRUSTEES:

The Woodstock Planning Commission and Planning & Zoning Department respectfully
reports that it has considered the regulation of short-term rentals in the Town and Village of
Woodstock and recommend that the following Ordinance be adopted as presented:

* * * Short-term Rentals * * *

Sec. 1. AUTHORITY

Under the authority granted in 24 V.S.A. § 2291(29) and §§1971 *et seq.*, the Selectboard of
the Town of Woodstock and the Board of Village Trustees for the Village of Woodstock hereby
collectively adopt the following civil ordinance requiring the annual registration and regulation
of all short-term rentals advertising or operating within the Town and Village of Woodstock,
Vermont.

Sec. 2. PURPOSE

(A) The purpose of this ordinance is to enact simple, appropriate, and enforceable mechanisms
that:

- (1) Promote and protect the public health, safety, welfare, and convenience of Woodstock's
residents and visitors;
- (2) Preserve Woodstock's sense of place;

(3) Allow a limited number of short-term rentals to contribute to the local tourism economy in a way that does not adversely impact the availability of long-term rental housing;

(4) Balance the needs and rights of property owners and neighbors; and

(5) Incentivizes the conversion of short-term housing to long-term housing.

Sec. 3. SHORT TITLE

This ordinance shall be known and may be cited as the “Short-Term Rental Ordinance.”

Sec. 4. DEFINITIONS

As used in this ordinance:

(A) “Accessory dwelling unit” means a building that is clearly subordinate to a residential building and has facilities for independent living, including sleeping, food preparation, and sanitation.

(B) “Advertising” means any method used to promote the existence or availability of a short-term rental. Advertising includes but is not limited to the use of websites, short-term rental platforms, search engines, emails, signs, displays, radio and television broadcasts, newspapers, periodicals, direct mail, other printed forms, and any electronic media.

(C) “Bed and breakfast” means a building that offers lodging for transient occupancy with at least three (3) but no more than nine (9) distinct and individually rentable units, not to exceed a total of sixteen (16) sleeping spaces within the building. Bed and breakfasts must:

(1) Be licensed by the Vermont Department of Health to operate a food and/or lodging facility;

(2) Provide breakfast for guests in a common dining area;

(3) Not provide individualized cooking facilities for guests; and

(4) Have a caretaker who resides on-site.

(D) “Building” means a building or structure whose use or occupancy requires the construction or modification of a potable water supply or wastewater system.

(E) “Department” means the Woodstock Planning & Zoning Department.

(F) “Dwelling unit” means a building or the part of a building that is used as a home, residence, or sleeping space by one or more persons and has facilities for independent living, including sleeping, food preparation, and sanitation. This definition does not include hotels, inns, motels, or bed and breakfasts.

(G) “Existing permit holders” means any short-term rental operator who applied for and received a zoning permit prior to September 1, 2023, as determined by the Short-term Rental Officer.

(H) “Existing registration holders” means any short-term rental operator who has an active and in good standing Short-term Rental Registration at the time of renewal for the upcoming short-term rental year.

(I) “Hotels,” “Inns,” and “Motels” means any business establishments that offer furnished lodging to the transient, traveling, or vacationing public with ten (10) or more distinct and individually rentable units.

(J) “Initial short-term rental year” means the initial period under this ordinance which runs from January 1, 2025, to December 31, 2025.”

(K) “Issuing Municipal Official” means the Short-term Rental Officer, Municipal Manager, Village of Woodstock Police Officers, or the Town of Woodstock Fire Chief.

(L) “Maximum occupancy” means the maximum number of short-term rental guests allowed per unit as determined by the certificate of occupancy, issued by the State of Vermont Fire Marshal.

(M) “Natural person” means a living human being as distinguished from a person created by operation of law.

(N) “Multi-household parcel” means a parcel that has five or more distinct and individually rentable dwelling units on the same parcel and no unit is an accessory dwelling unit.

(O) “Non-owner-occupied” means any property that is not considered a Vermont “homestead,” as determined by the Vermont Department of Taxes in accordance with 32 V.S.A. §5410.

(P) “Owner” means the person who is the owner of record of real property as documented by deed or other document evidencing ownership recorded in the Woodstock Land Records.

(Q) “Owner-occupied” means a property owner whose home meets the definition of a Vermont “homestead” as determined by the Vermont Department of Taxes in accordance with 32 V.S.A. §5410.

(R) “Person” means a natural person, partnership, association, company, corporation, limited liability company, organization, or a member, manager, agent, owner, director, officer, or employee thereof.

(S) “Preexisting multiple unit operator” means any existing permit holder who is in good standing and has continuously owned and operated more than one short-term rental prior to September 1, 2023.

For guidance on how to qualify as a preexisting multiple unit operator, please see Attachment B.

(T) “Preexisting rural operator” means any short-term rental owner whose property is in the Forest Reserve or Residential Five Acre Zoning District who has never applied for or received a zoning permit because under the previous zoning regulations, the short-term rental was considered a legal preexisting nonconforming use.

For guidance on how to qualify as a preexisting rural operator, please see Attachment A.

(U) “Short-term rental” or “STR” means a furnished house, condominium, other dwelling unit, or sleeping space within a dwelling unit that is 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.

The short-term rental of a dwelling unit in a building qualifies the building as a “public building” subject to the jurisdiction of the State of Vermont Division of Fire Safety, pursuant to 30 V.S.A. §2730(a)(1)(D).

(V) “Short-term rental guest” means any person who rents, licenses, occupies or has the right to occupy a dwelling unit, in whole or in part, for less than 30 consecutive days, such definition is to be interpreted broadly to prohibit subleases, occupancies or assignments designed to circumvent the purposes of this Ordinance.

(W) “Short-term rental operator” means the person designated to manage the short-term rental property and communications.

This person could be the property owner, short-term rental registrant, employee of a management company, or independent contractor.

(X) “Short-term rental registrant” means a natural person who is authorized by law to receive service of process and can attest that the property owner does not operate more than one (1) short-term rental in the Town or Village of Woodstock under the pains and penalties of perjury.

(Y) “Short-term rental year” means a calendar year (January 1 to December 31) in which a registered short-term rental is permitted to operate in accordance with this Ordinance.

For example, the 2025 Short-term rental year is January 1, 2025, to December 31, 2025. The 2026 Short-term rental year is January 1, 2026, to December 31, 2026.

(Z) “Sleeping space” means a space that is designed or designated to sleep one person.

For example, a single or twin bed equals one sleeping space, and a double bed equals two sleeping spaces.

Sec. 5. ADMINISTRATION.

(A) The Short-term Rental Officer is the administrator of the Short-Term Rental Ordinance in the Town of Woodstock and the Village of Woodstock.

(B) Appointment. Unless otherwise jointly appointed by the Town of Woodstock Selectboard and Woodstock Board of Village Trustees, the Town and Village Administrative Officer serves as the Short-term Rental Officer.

(C) Removal. The Short-term Rental Officer may be removed for cause at any time by a joint vote of the Town of Woodstock Selectboard and Woodstock Board of Village Trustees.

(D) In the administration of and in accordance with this Ordinance, the Short-term Rental Officer is expressly authorized to:

(1) Issue, revoke, or suspend Short-term Rental Registrations;

(2) Establish rules and forms; and

(3) Conduct or delegate inspection and enforcement authority to Department staff or other Municipal Issuing Officials.

Section 6. SHORT-TERM RENTAL ANNUAL REGISTRATION.

(A) Short-Term Rental Registry. There is hereby established a short-term rental registry.

Effective January 1, 2025, the advertisement or operation of a short-term rental requires a Short-Term Rental Registration. No person may advertise or operate a short-term rental in the Town or Village of Woodstock without a Short-term Rental Registration, issued by the Short-term Rental Officer.

(1) A Short-Term Rental Registration:

(a) Is valid for one short-term rental year and must be renewed annually in accordance with subsection (6)(D) of this Ordinance; and

(b) Attaches to an individual owner and cannot be assigned upon the transfer of the property.

(2) Only one (1) Short-Term Rental Registration is allowed per short-term rental registrant unless the registrant qualified as a “preexisting multiple unit operator” prior to September 1, 2023.

(3) Only one (1) Short-Term Rental Registration is allowed per property unless:

(a) The registrant qualified as a “preexisting multiple unit operator” prior to September 1, 2023; or

(b) The parcel has more than five (5) distinct and individually rentable dwelling units. No more than 15% of the total number of units on any multi-household parcel may be registered as short-term rentals.

(4) The Short-term Rental Officer is only authorized to issue:

(a) Fifty-five (55) Owner-occupied Short-Term Rental Registrations per short-term rental year;

(b) Fifty-five (55) Non-owner-occupied Short-Term Rental Registrations per short-term rental year.

(5) The Short-term Rental Officer is authorized to issue Short-Term Rental Registrations that do not count toward the limitations as established by Section (6)(A)(4) if the short-term rental registrant qualified as a “preexisting multiple unit operator” prior to September 1, 2023, or qualifies as “preexisting rural operator” prior to July 31, 2024.

(B) Application.

A Short-term Rental Registration application is deemed complete once the Short-term Rental Officer receives the following:

- (1) A completed Short-term Rental Registration application form, signed by all persons and entities that have an ownership interest in the property. This form must include the name, address, telephone number, mailing address, and email address of the person or company designated as the short-term rental operator;
- (2) The accurate Short-term Rental Registration fee according to Section 9 of this Ordinance;
- (3) Building floor plan, specifying the location of all proposed sleeping spaces and fire exits, including egress windows;
- (4) Current photographs of short-term rental unit that matches or will match any advertisement of the property as a short-term rental;
- (5) A site plan showing the proposed guest parking areas, specifying the number of available on-site parking spaces;
- (6) Self-certification of compliance affidavit, signed by the short-term rental registrant, attesting that the property owner does not own or operate more than one (1) short-term rental in the Town or Village of Woodstock, Vermont, under the pains and penalties of perjury;
- (7) A valid change of use permit and certificate of occupancy, issued by the State of Vermont Fire Marshal;
For existing permit holders, a change of use permit and certificate of occupancy is considered valid if issued after May 1, 2023.
- (8) Proof of registration of a Vermont Meals and Rooms Tax account;
If the operator uses an internet platform which has an agreement with the Vermont Department of Taxes to collect and remit tax on behalf of its operators (i.e. Airbnb), then the short-term rental registrant must provide the proof of registration as provided by the platform.

(9) Proof of short-term rental insurance or homeowners' insurance with short-term rental endorsement; and

(10) A statement of knowledge and compliance, signed by the short-term rental registrant, attesting that the owner, short-term rental registrant, and short-term rental operator agree to manage the short-term rental in compliance with this Ordinance and acknowledge that non-compliance may result in civil penalties or the revocation of the Short-term Rental Registration, pursuant to Section 10 of this Ordinance.

(C) Procedure Upon Filing a Complete Application.

(1) Within sixty (60) days of receiving a completed Short-term Rental Registration application, the Short-term Rental Officer must provide written notification of decision to the applicant of record.

(2) In reviewing the application for compliance with this Ordinance, the Short-term Rental Officer may:

(a) Inspect the property and short-term rental unit, after obtaining the express consent of the owner, short-term rental registrant, or short-term rental operator;

(b) Attach reasonable conditions as deemed necessary to fulfill the intent of this Ordinance;

(c) Deny a Short-term Rental Registration application for any of the following reasons:

(1) The application is deemed incomplete because information required by subsection (6)(B) of this Ordinance was not included with the application;

(2) The applicant failed to pay the full permit fee, in an acceptable form of payment, within 15 days of the request for payment as required by Section 9 of this Ordinance;

(3) Within the previous twelve (12) months, the Short-term Rental Officer has revoked a Short-term Rental Registration from any of the owners associated with the application for cause; or

(4) The owner denies the Short-term Rental Officer, the Fire Marshal, or their designee access to the property for the purposes of an inspection.

(D) Short-Term Rental Registration Application Windows.

(1) Initial Short-term Rental Year Application Windows.

(a) Application Window One (1). This application window opens on August 1, 2024, and closes September 15, 2024. This application window includes the following short-term rental pool of applicants:

(1) “Existing permit holders;”

(2) “Preexisting rural operators;” and

(3) “Preexisting multiple unit operators.”

(b) Application Window Two (2). This application window opens on November 1, 2024, and closes on June 30, 2025, or until the authorized number of registrations has been issued. This application window includes any short-term rental applicant that did not receive a determination of qualified status as an “existing permit holder,” “preexisting rural operator,” or “preexisting multiple operator” prior to August 1, 2024.

(2) Ongoing and Renewal Short-term Rental Application Windows. Following the initial short-term rental year, the application windows will be as follows:

(a) Application Window One (1). This application window is for all “existing registration holders” that are in good standing and applying to renew their Short-term Rental

Registration. After the initial short-term rental year, this application window opens annually on August 1 and closes on August 31.

(b) Application Window Two (2). This application window opens annually on November 1 and closes on June 30, or until the authorized number of registrations has been issued. This application window includes any short-term rental operator that does not qualify as an “existing registration holder” prior to June 30 of the previous short-term rental year.

Sec. 7. OPERATING STANDARDS AND RULES.

The operation or advertisement of a short-term rental is only allowed if it complies with the following operating standards and rules:

(A) Maximum Occupancy. The advertised or actual operating occupancy must not exceed the maximum occupancy;

(B) Tax Remittance. The owner, short-term rental registrant, or their registered platform must collect and remit all applicable state and municipal taxes, including, but not limited to the State of Vermont 9% Meals and Rooms Tax and the 1% local options tax on every short-term rental reservation;

(C) Fire and Life Safety. Every registered short-term rental unit must:

(1) Display a valid certificate of occupancy, issued by the State of Vermont Fire Marshal, in a conspicuous place inside the dwelling unit; and

(2) Complete a fire & life safety inspection at least every five (5) years.

Any change of ownership, occupancy, or construction requires a new fire & life safety inspection from the Vermont Fire Marshall.

(D) Parking. The Property must provide at least one (1) on-site parking space for every four (4) permitted short-term rental guests, as determined by the maximum occupancy.

For example, if the maximum occupancy for a short-term rental unit is eight (8), the Property must be able to provide at least two (2) 9' X 18' on-site parking spaces.

(E) All registered short-term rentals must designate a short-term rental operator. Short-term rental operators must be able to respond to incidents and provide interior and exterior access to the short-term rental within thirty (30) minutes.

(F) Good Neighbor Policy. Display a completed copy of the “Good Neighbor Policy,” signed by the short-term rental registrant.

Sec. 8. PROHIBITED ACTIVITIES.

The following activities are prohibited under this Ordinance:

(A) The advertisement or operation of a short-term rental without a valid Town-issued Short-term Rental Registration Number included in the advertisement;

(B) Signage identifying, advertising, providing way of finding, or otherwise related to use of the dwelling unit as a short-term rental, either on- or off-site;

(C) The sublease, sublicense or assignments of any or all portions of the short-term rental by the short-term rental guests to another person during the rental period;

(D) Use of the short-term rental to host parties, conferences, family reunions, weddings, fundraisers, or similar gatherings of vehicles parked off site exceeds or is reasonably anticipated to exceed the maximum allowable number of short-term guests; and

(E) The preparation or service of food to any short-term rental guests by the short-term rental operator that would require a license to operate as a food service establishment, according to the Vermont Department of Health.

Sec. 9. FEES.

A non-refundable administrative processing fee of \$250 must be paid to the Town of Woodstock with the submission of any Short-term Rental Registration application or annual

- 1 renewal. Upon approval of the Short-term Rental Registration application or renewal, the
- 2 applicant must pay any outstanding fee in accordance with Tables 9-1 and 9-2. The failure to pay
- 3 the entire fee within 15 days of the request for payment will result in a denial of the application.
- 4 A Short-term Rental Registration cannot be issued by the Short-term Rental Officer until the
- 5 correct fee amount is paid in full. See Tables 9-1 and 9-2 for a schedule of Short-term Rental
- 6 Registration fees.

SHORT-TERM RENTAL ANNUAL REGISTRATION FEES

Table 9-1

Short-term rental type	Base Annual registration fee		Per allowable occupant fee
Owner-occupied	\$750	PLUS	\$250/per occupants allowed
Non-owner-occupied	\$3,000		\$250/per occupants allowed

Table 9-2

“Owner-occupied/preexisting rural operator” fee waiver request.	Any short-term rental unit that qualifies as both an “owner-occupied” and “preexisting rural operator” may submit a request for a Short-term Rental Registration fee waiver up to \$2,000, less the \$250 administrative processing fee.
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Sec. 10. VIOLATION AND ENFORCEMENT.

Any person who violates any provision of this Ordinance is subject to a civil penalty of not more than \$800 per day for each day that such violation continues. Each day the violation continues is a separate offense.

(A) Issuing Municipal Officials. The Short-term Rental Officer, Municipal Manager, Village of Woodstock Police Officers, and the Town of Woodstock Fire Chief are designated and authorized to act as Issuing Municipal Officials to issue and pursue civil penalties before the Vermont Judicial Bureau, or other court having jurisdiction over a municipal complaint.

(B) Civil Penalties

An Issuing Municipal Official is authorized to issue citations to recover civil penalties up to the following amounts for each violation:

(1) The advertisement or operation of a short-term rental without a valid Short-term Rental Registration number – \$800 per offense.

(2) All other violations:

(a) First offense – \$500

(b) Second offense – \$500, plus the Short-term Rental Officer must provide a written warning that the existing registration and the future eligibility to apply or operate a short-term rental under this Ordinance may be revoked.

(c) Third offense – \$800, plus the Short-term Rental Officer may revoke any existing Short-term Rental Registration and institute up to a twelve (12) month ban on the eligibility to apply for a Short-term Rental Registration under this Ordinance.

(d) Fourth and subsequent offenses – \$800, plus the Short-term Rental Officer may
revoke any existing Short-term Rental Registration and institute up to a twenty-
four (24) month ban on the eligibility to apply for a Short-term Rental
Registration under this Ordinance.

Sec. 11. 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.

Sec. 12. EFFECTIVE DATE.

Unless a petition is filed in accordance with 24 V.S.A. §1973, this Ordinance 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.

ADOPTED at Woodstock, Vermont, this ____ day of _____, 2024 by the
Town of Woodstock Selectboard:

ADOPTED at Woodstock, Vermont, this ____ day of _____, 2024 by the
Woodstock Village Board of Trustees:
