

STR Draft – June 2, 2022 Planning Board Meeting

Add a new definition to Appendix A

SHORT TERM RENTAL—A non-owner occupied residential dwelling unit where transient lodging with sleeping accommodations for fewer than 16 occupants is provided for compensation for stays of any duration between one and thirty consecutive nights, and where the dwelling unit would normally be considered a single family house not associated with regulated commercial activities such as but not limited to a hotel, motel, or bed-and-breakfast.

Add a new section 5.13 **Short Term Rentals**

Short term rentals shall be permitted in all zoning districts without site plan review upon the issuance of a special exception by the Zoning Board of Adjustment. A special exception shall be granted only if the Zoning Board of Adjustment finds that the following criteria are met:

1. The operation and appearance of the Short Term Rental are compatible and not offensive, injurious, or a nuisance to its neighborhood and will not substantially impact the value of the abutting properties.
2. The Short Term Rental will not create traffic or other safety hazard.

All Short Term Rentals shall be subject to the following conditions and requirements:

1. The owner of the Short Term Rental shall provide the name, address, and telephone number of a contact person that resides within the state who is authorized to accept service of process for any legal proceeding brought against the owner of the property.
2. The owner of the Short Term Rental shall provide the name, address, telephone number, and e-mail address of two individuals or management companies that can be contacted in the event the owner cannot be contacted. Said individuals or management companies shall be authorized to act on behalf of the property owner.
3. All Short Term Rentals shall comply with the NFPA 101 Life Safety Code requirements for One and Two Family Dwellings and shall be inspected by the Town of Madison Fire Department prior to approval and every two years thereafter to ensure compliance. At a minimum, the following shall be required:
 - a. Smoke detectors shall be installed and properly functioning in all required locations, including but not limited to each bedroom.
 - b. Carbon monoxide detectors installed and properly functioning in all required locations.
 - c. Primary exits and a secondary means of escape shall be provided and maintained.
 - d. No basement or other below-grade space shall be used as a sleeping area unless compliant exits and a secondary means of escape are provided and maintained.
 - e. A properly sized and fully functional ABC fire extinguisher shall be installed in an obvious location on each level of the Short Term Rental.
 - f. The maximum number of people that the Short Term Rental may be advertised to accommodate shall be two people for each legal bedroom plus two additional people. The number of legal bedrooms shall be determined

- by the building permit or, if the dwelling unit was constructed prior to the requirement for a building permit, by the number of bedrooms on the approved State of New Hampshire subsurface (septic) approval.
- g. In the event a Short Term Rental is proposed for a property that does not have a State of New Hampshire subsurface (septic) approval, a subsurface system meeting current State of New Hampshire standards shall be designed and approved for construction by the NH Department of Environmental Services and submitted to the Zoning Board of Adjustment as part of the special exception application. Said approved design shall be maintained on file as part of the special exception approval, but shall not be required to be constructed unless the existing subsurface system fails, at which time, the approved subsurface system shall be constructed and all occupancy of the structure shall terminate until an Approval for Operation for the replacement system is issued by the State of New Hampshire and provided to the Town of Madison.
 - h. Parking for 1.5 vehicles per bedroom shall be provided in a designated parking area on the same property as the Short Term Rental, and all occupants shall be required to park in the designated area.
 - i. The owner of a Short Term Rental shall provide proof of a current NH Rooms and Meals Tax license number.
 - j. The owner of a Short Term Rental shall be responsible for:
 - i. Removal of trash and legal disposal of the same off premises.
 - ii. Ensuring that all parking by renters is limited to the property.
 - iii. Ensuring compliance with the specified occupancy limits.
 - iv. Any other site specific conditions imposed as conditions of the special exception.

SHORT-TERM RENTAL REGULATIONS - Discussed at June 1, 2022 Planning Board Meeting

Definition

For the purpose of these regulations, "Short-Term Rental" is defined as a residential unit offered for overnight occupancy in exchange for a fee and that is available for rent for a term of less than one

hundred eighty five (185) consecutive days pursuant to RSA 78-A.

Short-Term Rentals Regulations

Purpose

The purpose of these Short-Term Rentals Regulations is to:

- 1) Confirm residential homeowners' right to rent their homes to others for similar use as a single-family residential unit, in all Districts.
- 2) Establish reasonable regulations to safeguard the public health, safety, welfare and natural beauty of the environment by regulating the specific use and occupancy of Short-Term Rental properties within the town of Madison.

Short-Term Rentals

Short-Term Rentals shall be permitted in all zoning districts provided the homeowner meets all the following conditions:

1. The owner shall register the property as a Short-Term Rental with the Town Clerk, by providing the following information in writing:
 - The home address, mailing address, telephone number and email address of the owner of the property; and, if the property is owned by a trust, limited liability company, corporation or other entity, then the foregoing information for the person legally in charge of management of the property.
 - The name, address, telephone number, and email address of an individual or local management company ("the local emergency contact") who has 24-hour access to the property in an emergency situation and can be contacted in the event the owner cannot be contacted. Said individual(s) or management companies shall be authorized to act on behalf of the property owner.
 - Reasonable proof of a current New Hampshire Rooms and Meals Tax license number.
 - An Affidavit of Short-Term Rental Compliance, as set forth in Section 2, below.
2. All Short-Term rental owners shall sign and file with the Town Clerk an Affidavit of Compliance affirming that they have complied with the points below.
 - **Health & Safety**
 - Smoke detectors shall be installed and properly functioning on each level of the residential home.

- Carbon monoxide detectors shall be installed and properly functioning on each level of the residential home.
- All structures which contain bedrooms shall have at least two (2) means of unobstructed egress.
- No basement or other below-grade space shall be used as a bedroom unless said basement has at least two (2) means of unobstructed egress.
- The residential home shall have a properly sized and fully functional ABC fire extinguisher, the location of which is clearly published to all guests and renters.
- Emergency contact information (to include, at a minimum, contact information for the Owner or Manager, local law enforcement, and fire and rescue) must be posted in a visible location within the Short-Term Rental.
- The physical address shall be posted on the property in a location that is clearly visible and legible from the street. The property address posting must be kept clear of snow and obstructions at all times. Outdoor firepits, if any, shall be annually inspected by the Town of Madison Fire Warden.
- In all Districts except the Commercial District, the owner shall publish to their guests and renters that they are reminded to be respectful of the neighborhood, its occupants and wildlife, that the Town of Madison is a pristine, rural and quiet area, and that sound travels across water, especially at night.
- **Occupancy & Parking**
 - The maximum occupancy that the Short-Term Rental may accommodate shall be two (2) adults and two (2) children per each legal bedroom, plus two (2) additional adults or children. The number of legal bedrooms shall be determined by the current tax card from the Town of Madison. Any discrepancies in this number shall be rectified by contacting the Code Enforcement Officer prior to application.
 - Parking for a minimum of 1 vehicle per bedroom shall be provided in a designated parking area on the same property as the Short-Term Rental, and all occupants shall be required to park in the designated area.
 - Owners shall clearly publish to their guests and renters any local regulations pertaining to use of road salt in parking areas and, where not allowed, shall notify their guests and renters of the same.
- **Trash**
 - The Short-Term Rental shall have a plan in place for trash storage and disposal. The plan shall clearly identify trash and recycling storage areas with an adequate number of secure containers that are pest and animal resistant.
If guests/renters are required to dispose of trash at the Madison Transfer Station, the town recycling and \$5 fee requirements shall be clearly outlined.

3. The property owner or property manager shall post the following information in a prominent location within the residential home.

- Contact information for the owner and local emergency contact.
- Maximum occupancy permitted.

- Maximum number of parking spaces and location on the property where parking is permitted.
- Identification of the location of the garbage storage area or garbage disposal plan.
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Revocation of Registration: Fines and Penalties

The Code Enforcement Office shall investigate any complaints of violations of these Short-Term regulations and shall, at a minimum, notify the owner and inquire of the owner's knowledge about the alleged violation. After reasonably investigating the complaint(s), the Code Enforcement Officer shall make written findings as to the following:

1. Whether the complaint is warranted.
2. Whether the alleged violation constitutes a substantial violation of the Short-Term Rental Regulations.
3. Whether the substantial violation could reasonably harm the health, safety and/or welfare of the neighborhood, guests or occupants.

Where the Code Enforcement Officer finds all three criteria, the Code Enforcement Officer shall (a) file a notice of violation with the Town Clerk, (b) mail a copy of such notice to the owner at the owner's contact address on file with the Town, and (c) mail a copy of such notice to the property address of the Short-Term Rental. Such notice shall set forth the findings of the Code Enforcement Officer with reference to the specific regulation or regulations which have been violated, and how such violations came to the Code Enforcement Officer's attention.

Violations of the Short-Term Rental Regulations shall result in penalties to the particular homeowner which may include, but shall not exceed, the following:

- 1) The first notice of violation or violations to a particular homeowner may result in a written warning.
- 2) The second notice of violation or violations may result in a penalty of \$275
- 3) The third notice of violation or violations may result in a cease and desist order which prevents the particular homeowner from using the property as a Short-Term Rental.
- 4) If a cease and desist letter is issued, the owner must either appeal the cease and desist letter to the Zoning Board of Adjustment, or apply to said Board for a Special Exception to use the property as a Short-Term Rental.

5) The Zoning Board of Adjustment shall reinstate the Short-Term Rental Use for the homeowner if, after a public hearing and due notice to the abutters, the ZBA finds that all of the following conditions have been met:

(a) The owner shows an understanding of the violations and the purpose of the regulations which have been violated;

(b) The owner provides reasonable evidence of assurance that the violations will no longer occur and an explanation of how future violations will be avoided;

(c) The owner shows written proof of compliance with all Short-Term Rental Regulations set forth in the Ordinance; and

(d) The owner pays any and all outstanding fines for violations and a \$500 reinstatement fee upon the ZBA's approval of the Special Exception.

Using a residential home for Short-Term Rentals where a valid cease and desist letter has been issued will subject the property owner to fines and penalties outlined in RSA 676:17.
