

ORDINANCE NO. ____

AN ORDINANCE IN AMENDMENT TO
THE ORDINANCES OF THE TOWN OF MIDDLETOWN

TITLE IX GENERAL REGULATION
CHAPTER 98 SHORT-TERM RENTAL LEASES

NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:

FIRST: That Town Code Title IX General Regulations, Chapter 98, entitle Short-Term Rental Leases is hereby amended by amending Section 98.05 Registration Form, Section 98.07 Filing Requirement, Section 98.08 Fee, Section 98.09 Occupancy Limits and Parking Requirements, Section 98.10 Owner's Obligations, Section 98.11 Tenant's Obligations, and Section 98.12 Local Representative, is hereby amended to read as follows (language to be deleted is stricken in red ink and language to be added is underlined and presented in red ink):

§ 98.05 REGISTRATION FORM

The rental registration form shall indicate the Tax Assessor's plat and lot number of the property where the registered dwelling unit is located, along with the address of the specific rental dwelling unit being registered, the number of rental dwelling units therein, and the name and permanent mailing address of the record owner of the dwelling unit and of his or her local representative, if any, and the usual period of occupancy by tenants (monthly, weekly or other). If multiple dwelling units on a single property are to be registered for short-term rental purposes, then a separate registration form and a separate registration fee must be paid for each dwelling unit being registered.

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§ 98.07 FILING REQUIREMENT.

On or before December 1 of each year, the record owner of a dwelling unit subject to this chapter shall file a rental registration form with the registrar and pay the registration fee for the following year. If the registration form is not filed or the fee is not paid by December 1 of a given year, the record owner may file the form and pay the fee subsequent to December 1, provided, however, that no short-term rentals shall occur in said dwelling unit for that year until the complete form is submitted and approved and the fee paid pursuant to this chapter.

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§ 98.08 FEE.

The fee for registering under this chapter shall be ~~\$55~~ \$90.00 for each bedroom in the unit with a minimum fee of ~~\$55~~ \$90.00; the fee for ~~premises-registering a short-term rental located on the same lot~~ on which the owner maintains his or her principal residence and where the owner is residing in the principal residence during all such short-term rentals shall be ~~\$55~~\$90.00 per dwelling unit, regardless of the number of bedrooms. If the registrant pays the reduced fee, she or he shall submit with her or his application for registration a sworn affidavit stating she or he qualifies for such a reduction. If the registrant pays the reduced fee provided for under this provision for any given year, but it is subsequently discovered by the Town that the registrant did not qualify for such reduction in any given year, then the registrant shall be liable to pay the Town the cost of the full fee for each year that it wrongly paid the reduced fee, plus interest calculated at twelve percent (12%) per annum. This shall be in addition to any other fine or penalty provided by law for the registrant's wrongful payment of the lesser fee when not qualified to do so. If the registrant is required to leave the primary residence during the term of a short-term rental for more than four days, then the registrant shall contact the Town to make the proper adjustment to the fee, as necessary, and to notify the Town of who shall act as the local representative for the property in her or his absence.

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§ 98.09 OCCUPANCY LIMITS AND PARKING REQUIREMENTS.

(A) The maximum occupancy for the dwelling unit shall be two persons per bedroom. The maximum occupancy may be further limited by the requirements of division (B) below. For the purpose of establishing occupancy, a person is defined as an individual at least 12 years of age; provided however, that in no event shall the occupancy of a dwelling exceed the occupancy load as defined in the current version of the Rhode Island Building Code SBC-1, which requires a floor area of 200 gross square feet per occupant; fractions shall be rounded down to the next lower whole number; and provided further, that in no event shall the occupancy of a dwelling exceed the design load of the property's septic system, if applicable.

(B) One off-street parking space shall be provided on the same lot on which the short-term rental is located for each ~~two persons of dwelling occupancy, as determined by division (A) above~~ bedroom located in each of the dwelling units on the property. All parking spaces required hereunder shall not be located on any lawn area. On street parking by residents of short-term rentals is prohibited. Each bedroom in every dwelling unit must have a minimum parking area of nine feet by 18 feet.

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§ 98.10 OWNER'S OBLIGATIONS.

(A) Required lease terms. All short-term rental leases shall have as an attachment a copy of the applicable Short-Term Rental Permit for the premises, and contain the following provisions, either as worded below or in substantially similar language:

The following provisions are required by law to be a part of this lease. In these provisions, "you" and "your" mean each tenant under this lease.

(1) The legal occupancy of this dwelling unit is limited by town ordinance and may not exceed the number of persons aged at least 12 years of age set forth on the Short-Term Rental Permit attached hereto. Exceeding said occupancy limit is a violation of this chapter and is subject to a fine of up \$1,000 per day.

~~(2) If you sublet any portion of the premises, you become subject to the requirements of the Short Term Rental Leases ordinance, including the requirement to register the subleasing at the Town Hall. Allowing a person who is not a tenant to stay one or more nights on the premises in exchange for money or anything else of value constitutes a sublease.~~

(B) In addition to the foregoing mandatory provisions, the record owner may include in the lease a provision restricting or prohibiting any subleasing of the premises.

(C) Posting ordinances. The record owner shall post, in plain view and in a conspicuous place within the rental dwelling unit, a notice containing:

(1) The full text of ordinances pertaining to noise, keeping dogs on a leash, parking, trash maintenance and disposal, and dwelling occupancy limits, and any other ordinance which the Council may deem appropriate from time to time. Printed form notices shall be available at the office of the registrar;

(2) The maximum number of occupants permitted to stay in the dwelling, and notice that failure to conform to the occupancy limit is a violation of this Code and is subject to a fine of up \$1,000 per day;

(3) The name and telephone number where the record owner can be reached;

(4) Where applicable, the name of the record owner's local representative and a telephone number where the local representative may be reached;

(5) The number and location of onsite parking spaces; and

(6) The telephone number and website address for the Middletown Police Department.

(7) Trash pickup requirements, including the location of trash cans.

(D) Independent of the obligations listed above, the record owner shall be responsible for the following items and may be held liable for failing to meet the following conditions:

1) Failing to maintain the dwelling in compliance with the Building Code or failing to correct Code violations when issued a notice of violation;

- 2) Failing to maintain the premises in compliance with the Housing Maintenance and Occupancy Code or failing to correct Code violations when issued a notice of violation;
- 3) Failing to provide sufficient off-street parking spaces for short-term rental tenants;
- 4) Failing to provide sufficient trash receptacles and means of disposal for short-term rental tenants;
- 5) Failing to notify short-term renters of the terms and restrictions imposed upon them by the short-term rental ordinance;
- 6) Renting to more short-term renters than the capacity of the dwelling allows;
- 7) Failing to comply with any applicable provisions of the Zoning Ordinance regarding short-term rentals;
- 8) Failing to provide a local contact person as provided by ordinance; and
- 9) Failing to respond promptly to abate the violation if the local contact person is informed of a violation occurring on the premises.

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§ 98.11 TENANT'S OBLIGATIONS.

In addition to obeying the law generally, tenants under short-term rental leases are specifically required to adhere to the following requirements imposed by this chapter:

- (A) The occupancy limits and parking requirements imposed by § 98.09.
- (B) As the renter under a short-term rental lease, you may be held legally responsible for any violations of law committed by you or by your guests while at the premises, including violations of the ordinances pertaining to noise, keeping dogs on a leash, parking, trash maintenance and disposal, and dwelling occupancy limits. In addition, if you are charged with a violation pertaining to legal occupancy, excessive noise, or other disturbances of the peace, you may be subject to immediate eviction. Further, the tenant may be jointly liable with the owner for violations concerning the behavior of the tenant while on the premises or the condition of the property caused by the tenant, depending on whether or not the owner had sufficient notice of the violations to prevent or correct the same.

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§98.12 LOCAL REPRESENTATIVE.

- (A) The record owner shall designate on the Registration Form an individual who permanently resides in Newport County, or a property manager with a physically

staffed office within ~~ten vehicular miles of~~ Newport County, as the record owner's local representative, who shall be authorized to receive any process, notice or demand required or permitted to be served upon the owner of the premises. The record owner may be designated as the local representative, if he or she resides in Newport County.

- (B) The local representatives must be authorized by the record owner to respond to tenant and neighborhood questions or concerns. The local representative shall serve as the initial contact person if there are questions or complaints regarding the use of the dwelling for short term rentals. The local representative shall respond to those complaints within two hours to ensure that the use of the dwelling complies with the requirements of this chapter, as well as all other applicable town ordinances pertaining to parking, noise, disturbances, or nuisances, as well as state law pertaining to the consumption of alcohol and/or the use of illegal drugs.
- (C) The failure of the local representative to respond to Middletown Police Department inquiries in a timely manner more than twice during the term of the annual permit shall be considered a violation of this chapter.
- (D) The record owner may change the designation of the local representative from time to time by filing an amended permit application including the name, address and telephone number of the new local representative. Failure to notify the town of any change in the local representative shall constitute a violation of this chapter.

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This ordinance shall take place upon its passage.