

DRAFT**BATH COUNTY SHORT-TERM RENTAL ORDINANCE**

The provisions of this section shall apply to all residential dwelling units operating as short-term rental properties. The owner of the subject property shall be responsible for compliance with the provisions of this section and the failure of an owner, agency, managing agency, local contact person, or short-term renter to comply with the provisions of this section shall be deemed noncompliance by the owner.

This section shall not apply to a campground, hotel/motel, bed and breakfast, boarding house, or group home, as defined in the Bath County Land Use Regulations and restated herein.

This section is not intended to, and does not, excuse any landowner from compliance with any other provision in the zoning ordinance.

1. Requirements.

A. Permit Required. No owner of any property in Bath County shall operate a Short-Term Rental within the County without first obtaining a Short-Term Rental Permit from the Zoning Administrator. Operation of a Short-Term Rental without such Short-Term Rental Permit is a violation of this section. If a property permitted for Short Term Rental transfers ownership, the new owner shall apply for a new Short-Term Rental Permit and pay the associated permit fee.

B. Permit Application Information. Short-Term Rental Permit applications shall contain all of the following information, and any other information as determined by the Zoning Administrator:

- i.** The name, address, telephone number, and email address of the owner. The owner must provide a 24-hour telephone number unless the owner is not the Person in Charge. If the owner is not the Person in Charge, then the application must also contain the name, address, 24-hour telephone number, and email address of the Person in Charge. If different from the owner, the Person in Charge shall provide proof of written authorization to accept service for the owner. If the owner resides at a location over fifteen (15) miles from the Short-Term Rental property, an agent or local contact person must be selected to act as Person in Charge for the property. There may be up to two (2) Persons in Charge listed per Short-Term Rental property.
- ii.** Proof of authority to obtain a short-term rental permit for the subject property.
- iii.** If applicable, a parking plan pursuant to subsection 1(D)(xi) of this section.

- iv. Certification that there are no outstanding local lodging taxes pursuant to Section 15-32 *et seq.* of the Bath County Code.
- v. Signatures of both the owner and, if applicable, the Person(s) in Charge, certifying that they have read and will comply with the terms of this section.

C. Changes to Short-Term Rental, Renewal, and Fees.

- i. A Short-Term Rental permit is effective for a period of one (1) year. For any property permitted for Short-Term Rental, if any of the information submitted in the permit application changes within the one-year period, the owner must inform the Zoning Administrator, in writing, of the change(s). The Zoning Administrator shall determine whether the property still meets the requirements for a Short-Term Rental permit in light of the changes. If the Zoning Administrator determines the property is no longer eligible for a Short-Term Rental permit, the Zoning Administrator shall inform the owner of her determination and the basis for it. Upon notification that a previously permitted property is no longer eligible for a Short-Term Rental permit, the owner must cease all Short-Term Rental activity within 30 days. The owner may re-apply for a Short-Term Rental permit, after remedying the issue(s), at any time.
- ii. A Short-Term Rental permit must be renewed every year or whenever there is a change in ownership of the Short-Term Rental property, whichever is earlier.
- iii. A Short-Term Rental permit fee of \$40 is payable to the Bath County Treasurer upon the filing of a Short-Term Rental permit application. The owner shall not incur a separate permit fee for amending the Short-Term Rental permit application within the one-year permit period. The \$40 permit fee is separate from the business license fee required by Chapter 14 of the Bath County Code.

D. Requirements applicable to all Short-Term Rentals. All Short-Term Rentals are subject to the following requirements:

- i. Either the homeowner or the designated Person(s) in Charge must be locally available 24 hours per day to respond to complaints in person, at any time during the rental. Such person must respond to said complaints within two (2) hours.
- ii. At least one member of the Short-Term Rental party must be age eighteen (18) or older.
- iii. Overnight occupancy of a Short-Term Rental shall be limited to no more than two (2) persons per bedroom. There shall be no more than ten (10)

additional guests during the hours of 7:00 AM to 11:00 PM, subject to available parking per the approved parking plan.

- iv.** The Short-Term Rental property must be a Dwelling Unit as defined herein.
- v.** A Dwelling Unit used for Short Term Rental cannot be sublet or used as any other commercial business or for any other commercial use, such as parties, banquets, weddings, receptions, meetings, filming, or advertising activities.
- vi.** The Short-Term Rental property must conform to the requirements in the Virginia Uniform Statewide Building Code and Bath County Code.
- vii.** The Short-Term Rental Property must contain the following information posted conspicuously inside the property:
 - a) Address of the Short-Term Rental property;
 - b) Contact information for the owner or the Person(s) in Charge if different than the owner;
 - c) Maximum number of occupants permitted to stay in the Short-Term Rental property;
 - d) Parking requirements, including maximum number of vehicles on the property and parking location;
 - e) Detailed instructions for emergency shut-off of gas, electricity, and water;
 - f) Trash and recycling schedules and collection sites; and
 - g) The Bath County noise ordinance.
- viii.** Lodging tax shall be paid in accordance with the Transient Occupancy Tax provided in Section 15-32 *et seq.* of the Bath County Code.
- ix.** The number of bedrooms permitted for a Short-Term Rental must either be served by public sewer or shall not exceed the number of bedrooms approved for the Dwelling Unit on the septic permit issued for the structure(s) in which the Dwelling Unit is located.
- x.** Any property utilized as a Short-Term Rental shall provide adequate parking for Short-Term Renters. A minimum of one off-street parking space per bedroom is required, unless other parking arrangements are submitted to the Zoning Administrator in a parking plan and the parking plan is approved by the Zoning Administrator.
- xi.** Recreational vehicles (“RV”), camper trailers, and tents shall not be offered as Short-Term Rentals. Nothing herein shall prevent these units from being used by short-term renters on the property of an otherwise valid Short-Term Rental, if permitted by the owner or Person in Charge.

xii. The owner or, if applicable, the Person(s) in Charge shall use best efforts to assure that the Short-Term Renters comply with the requirements of this section and do not violate the Bath County Code or state law, including but not limited to laws pertaining to noise or disorderly conduct. Upon notification that Short-Term Renters have violated local or state law, the owner shall use best efforts to prevent a recurrence of such conduct. The Zoning Administrator has discretion to revoke a Short-Term Rental Permit for repeated violations of local or state law by Short-Term Rental occupants.

xiii. A separate Short-Term Rental Permit is required for each Dwelling Unit that an owner intends to use as a Short-Term Rental Property.

2. Enforcement Officer. The Zoning Administrator, Sheriff, or the Sheriff’s deputies are authorized and empowered on behalf of and in the name of Bath County to administer and enforce the provisions set forth herein. The provisions herein shall be supplemental to those provisions in Bath County Code § 15-81 *et seq.*, which govern the Short-Term Rental Registry and are administered by the Commissioner of the Revenue.

3. Violation and Civil Penalty. It shall be a violation of this section for an owner to operate a Short-Term Rental without a Short-Term Rental Permit, or without registering as a Short-Term Rental with the Commissioner of the Revenue, as required by this Chapter. In addition, failure to comply with any provision of this section shall be deemed a violation by the owner of the Short-Term Rental. Violation of this section shall be punishable by a civil penalty as prescribed herein.

A. Penalty Amount and Frequency. Any person found to be in violation of any provision of this section shall be assessed a civil penalty of \$200 for the initial summons and, if the specific violation persists, \$500 for each additional summons. Each day during which the violation is found to exist shall constitute a separate offense; however, specified violations arising from the same set of facts shall not be charged more frequently than once in a 10-day period. A series of specified violations arising from the same set of facts shall not result in civil penalties in excess of \$5,000.

B. Civil penalty in lieu of criminal prosecution. The civil penalty prescribed herein shall preclude the prosecution of a violation as a criminal misdemeanor, except for any violation resulting in injury to persons; however, when civil penalties for specific violations arising from the same facts total \$5,000 or more, a violation may also be prosecuted as a criminal misdemeanor.

C. Notification of violation. The Zoning Administrator shall notify by summons a person in violation of this section. The summons shall contain the following information:

- i. The name and address of the person charged.
- ii. The nature of the infraction and the provision violated.
- iii. The location, date, and time that the infraction occurred, or was observed.

- iv. The amount of the civil penalty assessed for the infraction.
- v. The manner, location, and time that the civil penalty may be paid to the County prior to trial.
- vi. The right of the recipient of the summons to elect to contest the violation and stand trial, and the date of such trial.
- vii. The summons shall provide that any person summoned for a violation may make an appearance in person or in writing by mail to the Bath County Treasurer's Office prior to the trial date in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense(s) charged.

D. Court proceedings. If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided by law.

E. Right to appeal decision by Zoning Administrator. A person issued a summons for a violation of this section shall retain the right to appeal the Zoning Administrator's decision to the County Board of Zoning Appeals. An appeal to the Board of Zoning Appeals shall stay civil penalty proceedings instituted under this section. The provisions for appeal are as set out in Bath County Code § 18-10 *et seq.* and the Bath County Land Use Regulations.

F. Complaints regarding violations. Whenever a violation of this section occurs or is alleged to have occurred, any person may file a written complaint with the Zoning Administrator. The Zoning Administrator shall investigate each complaint and take any necessary action as provided in this section.

4. Definitions. As used in this section, the following definitions apply:

A. Bedroom: A room or space designed to be used for sleeping purposes with two means of egress (one of which may be a window acceptable under the Virginia Uniform Statewide Building Code) and in close proximity to a bathroom. Space used for eating, cooking, bathrooms, toilet rooms, closets, halls, storage or utility rooms and similar uses are not considered bedrooms. Space used or intended for general everyday use, and not sleeping, such as a living room, den, sitting room, or similar space shall not be considered a bedroom.

B. Bed and Breakfast: Any establishment providing overnight accommodations plus breakfast in a private home, which provides guest rooms to the public, transitory lodging or sleeping accommodations and at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided.

C. Boarding house: A building or part thereof, other than a hotel, motel, or restaurant, where meals and/or lodging are provided for compensation for three (3) to ten (10) unrelated

persons where no cooking or dining facilities are provided in individual rooms and in which the length of stay usually exceeds one (1) week in duration.

D. Campground: Campgrounds shall mean and include, but not be limited to tourist camps, travel trailer camps, recreation camps, family campgrounds, camping resorts, camping communities or any other area, place, parcel or tract of land, by whatever name called, on which three (3) or more campsites are occupied or intended for occupancy, or facilities are established or maintained, wholly or in part, for the accommodation of campsites and/or facilities is granted gratuitously or for a rental fee, by lease, by conditional sale or by covenants, restrictions and easement. This definition is not intended to include summer camps and migrant labor camps as defined in Sections 35-43 and 32-415, Code of Virginia, 1950, as amended, construction camps, permanent manufacturing home parks, or storage areas for unoccupied camping units, or property upon which the individual owner may choose to camp and not be prohibited or encumbered by covenants, restrictions and conditions from providing his sanitary facilities within his property lines.

E. Dwelling Unit: One (1) or more rooms in a dwelling designed for living or sleeping purposes and having at least one (1) kitchen.

F. Family: One (1) or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from persons occupying a boarding house, lodging house, or hotel as herein defined. Private household workers employed and housed on the premises may be considered as included in the family occupying said premises.

G. Group Home: any facility providing full-time care, maintenance, protection, and guidance to eight or fewer persons. Such facility shall be licensed by the Commonwealth of Virginia Department of Behavioral Health and Developmental Services.

H. Hotel/Motel: A building in which lodging, or board and lodging are provided and offered to the public for compensation and in which cooking facilities may be provided, or in which lodging facilities are provided primarily for travelers and in which the length of stay is primarily less than one (1) week in duration. The term “hotel” includes the term “motel.”

I. Person in Charge: A person or agent with actual authority to represent the owner for purposes of contact and communication regarding the owner’s Short-Term Rental. A Person in Charge must reside or have an office within fifteen (15) miles of the Short-Term Rental Property and be able to act as legal agent for the owner. The County must be notified, in writing, within five (5) business days if there is a change in the identity of the Person in Charge.

J. Resident: Any person who lives in a dwelling unit or portion thereof on a long-term basis, as distinguished from a guest or short-term renter.

K. Short-Term Rental: The provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy. The homeowner may or may not be present in the dwelling.

L. Short-Term Renter: Any party permitted to occupy a short-term rental for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.