

**PUBLIC HEARING NOTICE
TOWN OF JAMESTOWN**

Notice is hereby given that the Town Council of the Town of Jamestown will conduct a public hearing on the ___ day of _____, 2021 at the Jamestown Town Hall, 93 Narragansett Avenue on the following proposed amendment to the Code of Ordinances regarding **Chapter 14 – Buildings and Buildings Regulation**. Opportunity shall be given to all persons interested to be heard upon the matter at the public hearing. The following proposed ordinance amendment is under consideration and may be adopted and/or altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the public hearing. The proposed amendment is available for review at the Town Clerk’s Office between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Holidays and at www.Jamestownri.gov.

Section 1. The Town Council of the Town of Jamestown does hereby resolve that the Jamestown Code Of Ordinances, **Chapter 14 – Buildings and Buildings Regulation**, as the same may have been heretofore amended, is hereby amended by changing the text of the Chapter, as follows:

NOTE: words set as ~~strike through~~ are to be deleted from the ordinance; words underlined are to be added to the ordinance.

See Exhibit A, attached hereto and incorporated herein by reference. NOTE: amendments to the terms and conditions set forth at Exhibit A may be made based on comments received during the public hearing.

Section 2. The Town Clerk is hereby authorized to cause said changes to be made to Chapter 70 of the Town of Jamestown’s Code of Ordinances.

Section 3. This Ordinance shall take effect upon its passage.

Ad Date(s): _____
Publication Source: Jamestown Press
Hearing Date: _____
Action: _____
Certified: _____

1 Exhibit A

2
3 Chapter 14 – BUILDINGS AND BUILDING REGULATIONS

4
5 ARTICLE V. – SHORT TERM RENTALS

6
7 Sec. 14-80. - Findings.

- 8
9 a) Jamestown recognizes the growing trend by the homeownership public to provide accommodations in their homes to travelers. The provision of such type of accommodations can be beneficial under certain circumstances and, if properly regulated as short-term rentals, provide a means of assisting property owners to keep properties in good order and repair which, in turn, assists in stabilizing home ownership, maintaining property values, providing affordable housing, and strengthening the economy of Jamestown.
- 10
11
12
13
14
15
16
17 b) Simultaneously, Jamestown is mindful of the hazards of this short-term rental activity to well-established residential neighborhoods. The seasonal (primarily summer) rental market has been transformed into short-term rentals, often less than one week, conducted via increasingly anonymous means through the internet. This transformation is profound in its potential to convert every home on the island into a commercial activity without the benefit of community review or precaution. This type of short-term rental activity obliterates the distinctions between residential and commercial uses and districts. It undermines the Town’s Comprehensive Plan, Zoning Ordinance and the safeguards therein that enable homeowners to know and to predict what is allowed in their neighborhoods and in the dwelling next door.
- 18
19
20
21
22
23
24
25
26
27
28 c) Without appropriate controls on the manner, method and appropriate operation of short-term rentals, neighborhoods stand to be harmed by undue commercialization and disruption. The primary and overarching purpose of a neighborhood is first and foremost a residential community, where people live, not a place of transient occupancy or commercial activity. The regulation of short-term rentals, the introduction of requirements, safeguards, and community review, will improve and moderate this land use transformation. Grounded in the accountability of homeowners who are also neighbors, regulation will serve to help maintain the residential character of neighborhoods.
- 29
30
31
32
33
34
35
36
37 d) The regulations hereafter set forth hereinafter strike an appropriate balance by recognizing the different characteristics and built environment of Jamestown, by encouraging and strengthening opportunities for home ownership by providing a means of assisting owners of homes in the upkeep of their property, and significantly, by maintaining the residential character of neighborhoods by requiring that short-term rentals, as defined by this ordinance, be operated from owner-occupied homes, thus curbing the potential of residential neighborhoods becoming predominantly places for commercial hotel-like rentals and the associated negative externalities.
- 38
39
40
41
42
43
44
45
46

- 1
2 e) The Constitution of the State of Rhode Island, Article XIII, Section 2, in relevant part,
3 grants to the Town of Jamestown the authority to enact and amend local laws relating to
4 its property, affairs, and government if such local laws are consistent with the Constitution
5 and laws enacted by the General Assembly. This delegation of power includes the police
6 power to enact reasonable legislation to regulate to protect the public health, safety, and
7 welfare.
8
9 f) The Town of Jamestown finds that, by application of the regulatory framework contained
10 herein, the short-term rental of dwelling units can have a positive effect on the health,
11 safety, and welfare of the community by providing a flexible housing stock that allows
12 travelers safe accommodations while contributing to the local economy and providing
13 homeowners an opportunity to hold property in difficult economic circumstances or as an
14 investment while balancing these regulations to also protect the integrity of the residential
15 neighborhood.

16
17 **Sec. 14-81. Applicability.**
18

- 19 a) The provisions of this chapter shall apply to all short-term rentals of dwelling
20 units, as defined subsequently, herein, within the Town of Jamestown.
21

22 **Sec. 14-82. Definitions.** For the purpose of this chapter, the following definitions shall apply:
23

- 24 a) Bedroom or Sleeping Accommodation: Any room in a residential structure which is greater
25 than 70 square feet in area, which is susceptible to present or future use as a private sleeping
26 area, which has at least one window and one interior method of entry and egress but
27 excluding closets and bathrooms.
28
29 b) Dwelling Unit: A structure or portion thereof providing complete, independent living
30 facilities for one or more persons, including permanent provisions for living, sleeping,
31 eating, cooking, and sanitation, and containing a separate means of ingress and egress.
32
33 c) Local Representative: A person designated on a registration form filed under this chapter
34 as the person authorized to receive any process, notice or demand required or permitted to
35 be served upon the owner of the premises and required to respond to questions/complaints
36 from tenants, neighbors, and Town staff on a 24/7 basis. A local representative may, but
37 need not, also serve as property manager.
38
39 d) Registrar: The Town Clerk.
40
41 e) Resident: The record owner of a parcel of real estate who (1) physically resides in the
42 subject property for no less than 183 days per year; and (2) has designated the subject
43 property as their legal residence for a driver's license, voter registration, State identification
44 card or other suitable form as proof of domicile. A business entity and/or trust is not defined
45 as a resident for the purposes of this ordinance.
46

- 1 f) Short-term Rental: The rental, lease, or other contractual arrangement for the occupation
2 of a dwelling unit, or any portion thereof, by a tenant or occupant for residential and/or
3 dwelling purposes, for any period of less than thirty (30) consecutive days. Short-term
4 Rental shall not include duly licensed and permitted hotel, motel, bed and breakfast homes,
5 and community residences.
6

7 **Sec. 14-83. Registration, inspection, and license required.**
8

- 9 a) All Short-term Rental units shall be registered by the record property owner thereof with
10 the Registrar, and a permit and license issued before any use of the Short-term Rental Unit
11 occurs.
12
- 13 b) At the time of registration, the dwelling unit and Short-term Rental unit shall be inspected
14 for a fee by the Building Official or his/her designee and the Jamestown Fire Marshal.
15 Thereafter, the dwelling unit shall be inspected by the Building Official each two (2) years
16 thereafter, and by the Fire Marshall each two (2) years thereafter, to be completed no later
17 than the application period filing of the requisite year. The purpose of the inspection is to
18 determine the occupancy limit of the unit pursuant to Sec 14-87 of this chapter and
19 compliance with the relevant State Building Codes, Fire Codes and Town Ordinances,
20 including, but not limited to smoke and CO detectors are installed and compliance with the
21 State Fire Code for dwelling units and Short-term Rental units and to determine the number
22 of off-street and on-street parking spaces required and available. The Building Official or
23 his/her designee shall issue a Short-term Rental permit stating the maximum occupancy for
24 the dwelling unit. The Building Official and/or Fire Marshall may conduct an inspection
25 of any Short-term Rental unit upon complaint or for any other proper reason pursuant to
26 the General Laws, applicable regulations and/or Town Ordinances. Failure of the record
27 owner of the Short-term Rental unit to allow inspections shall constitute a violation of this
28 chapter.
29
- 30 c) Any deficiencies found by the Building Official or Fire Marshall must be satisfactorily
31 addressed by the record owner prior to the use or re-use of the Short-term Rental unit;
32 engaging or continuing the Short-term Rental while deficiencies are outstanding shall be a
33 violation of this chapter.
34
- 35 d) Upon issuance of a Short-term Rental Unit permit, the record owner or their agent may
36 apply for a license to use the Short-term Rental Unit from the Town Council. Application
37 forms for the issuance of a Short-term Rental Unit license shall be prepared and issued by
38 the Town Clerk's office. Once a Short-term Rental Unit license application is duly
39 complete, the Town Clerk shall forward such application to the Town Council for review
40 and action. A Short-term Rental Unit license shall expire on December 31st of each year
41 and must be renewed by the holder, unless revoked, rescinded and/or returned. Any Short-
42 term Rental license issued prior to December 31st of any year shall thereafter expire and
43 require renewal annually prior to December 31st of the year issued.
44
45

1 **Sec. 14-84. Registration and license form.**
2

- 3 a) The rental registration form shall be developed by the Town Planner and Town Clerk and,
4 at a minimum, shall indicate the Tax Assessor's plat and lot number, address of the rental
5 dwelling and Short-term Rental unit, the number of Short-term Rental units therein, the
6 maximum occupancy, the name, permanent mailing address, email address, and telephone
7 number of the record owner and of his or her registered local representative, if different
8 than the owner. Copies of the registration form, with 24 hours, 7 days a week contact
9 information for the record owner and, if applicable, the local representative, and which will
10 be held on file by the Town Clerk, and available to the Jamestown Police and Fire
11 Departments.
- 12
- 13 b) The Short-term Rental Unit license form shall be prepared and issued by the Town Clerk,
14 who is hereby authorized to require such relevant and appropriate information as deemed
15 necessary to constitute a complete application for submission to the Town Council for
16 review and action.

17
18 **Sec. 14-85. Filing date; term.**
19

- 20 a) On or before December 31 of each year, the record owner of the rental dwelling unit shall
21 file the completed rental registration form with the Registrar and license application with
22 the licensing authority, which registration and license, if issued, shall be valid for a one-
23 year period from January 1 to December 31 of the following year if approved for renewal
24 by the Town Council. If the property is registered and licensed during the calendar year,
25 the registration and license shall be valid until December 31 of that same year. Failure of
26 the record owner to properly register and/or license the Short-term Rental dwelling unit
27 shall constitute a violation of this chapter.

28 **Sec. 14-86. Registration fee.**
29

- 30 a) There shall be a registration fee for Resident Short-term Rental units of three hundred and
31 fifty (\$350.00) dollars and for all other Short-term Rental units of seven hundred dollars
32 (\$700.00) for each dwelling unit covered under the provisions of this chapter. A separate
33 fee may be charged for inspections by each the Building Official and Fire Marshall.

34
35 **Sec. 14-87. Occupancy terms, limits, and parking requirements.**
36

- 37 a) No Short-term Rental unit term shall be less than seven (7) days in duration.
38
- 39 b) A Short-term rental is only permitted in a dwelling unit, or any portion thereof, by a tenant
40 or occupant for residential purposes, Short-term Rentals are prohibited in accessory
41 structures and structures that do not constitute a dwelling unit or portion thereof.
- 42
- 43 c) The maximum occupancy for the dwelling and Short-term Rental unit shall be two persons
44 per bedroom and in cases where dwelling units use an On-site Wastewater Treatment
45 System (“OWTS”) shall not exceed the number of bedrooms supported by the design load

1 of the property's OWTS. The record owner shall provide records and/or information that
2 the Building Official or his/her designee deems reasonably sufficient to determine the
3 number of bedrooms for which the OWTS is rated. The maximum occupancy may be
4 further limited by the requirements of Subsection b, herein.
5

- 6 d) One off-street parking space shall be provided on the same lot on which the Short-term
7 Rental is located for each bedroom, plus one additional parking space, as determined by
8 the Building Official. Off-street parking spaces shall be located within an identified
9 driveway and/or parking area and not on lawn areas. All required parking spaces must be
10 dedicated and available for use as required by this ordinance. The total number of parking
11 spaces required shall be one greater than the number of bedrooms utilized for occupancy.
12 Each required parking space shall be not less than 10 feet in width and 22 feet in length
13 exclusive of drives and maneuvering space. Where the total number of parking spaces
14 required by this section cannot be met, the permitted occupancy of the dwelling shall be
15 reduced to conform to the available amount of off-street and on-street parking spaces.
16
- 17 e) No tents, storage units, boats, recreational vehicles, and the like shall be used and/or
18 occupied while on the Short-term Rental property.
19
- 20 f) The record owner shall be jointly and severally liable for compliance with the Short-term
21 Rental Ordinance provisions, including but not limited to, rental term limits, occupancy
22 limits and parking requirements. Non-compliance with any of the provisions of this
23 ordinance or any other Code of Ordinance provisions of the Town of Jamestown by users
24 of the Short-term Rental unit shall constitute a violation of this chapter.
25

26 **Sec. 14-88. Owner's obligations.**
27

- 28 a) All Short-term rental unit advertisements shall contain an accurate and detailed description
29 of the Short-term Rental unit and the limitations and requirements contained in this
30 ordinance for use of the Short-term Rental unit.
31
- 32 b) All Short-term Rental unit agreements shall attach a copy of the applicable short-term
33 rental registration and permit for the premises. The Short-term Rental unit agreement shall
34 state that the renter may be held legally responsible and liable for any violations of law
35 committed by the renter or by other occupants or guests while at the Short-term Rental unit
36 premises, including violations of the laws and ordinances pertaining to noise, disorderly
37 conduct, disturbance of the peace, keeping dogs on a leash, parking, trash maintenance and
38 disposal, and dwelling occupancy limits.
39
- 40 c) The owner and/or local representative shall obtain accurate and up-to-date information,
41 including the names, home addresses and phone numbers of the renters, the date of the
42 rental period and a copy of a state issued driver's license or identification card or passport
43 from the renter and any tenants or guests. The owner and/or local representative shall
44 maintain this information throughout the term of the Short-term Rental agreement and for
45 90 (ninety) days thereafter; and shall make this information available to Town officials
46 who are lawfully investigating or prosecuting any offense reasonably believed to involve

1
2
3
4

one or more of the renters. Failure of the record owner and/or local representative to gather, maintain or provide this required information shall constitute a violation of this chapter.

DRAFT

1 **Sec. 14-89. Posting of notice by owner.**
2

- 3 a) The record owner shall be responsible and is required to state all short-term rental
4 advertising the maximum number of bedrooms, maximum number of persons, and number
5 of designated on-site parking spaces. The record owner shall be responsible to post and
6 affix in plain view, in a conspicuous place within the rental dwelling unit, a compilation to
7 be provided by Town staff and available at the office of the Registrar, containing general
8 information regarding certain Town ordinances with which tenants must comply, dwelling
9 occupancy limits, and any other pertinent ordinance, or law information which the Town
10 may deem appropriate from time to time. In addition, notice of water conservation, trash
11 pickup, and recycling shall also be posted. The record owner of the Short-term Rental
12 dwelling unit subject to the provisions of this chapter shall cause the registration form and
13 permit required by this chapter to be posted or affixed to the inside of the primary access
14 door to said Short-term Rental dwelling unit so as to allow the lease and registration form
15 to be readily available for inspection by police, zoning, building, or minimum housing
16 officials of the Town of Jamestown. Non-compliance of posting requirements shall be a
17 violation of this chapter.
18

19 **Sec. 14-90. Local representative.**
20

- 21 a) The record owner shall designate on the registration form, if different from themselves, an
22 individual who permanently resides in Rhode Island, or a property manager with a
23 physically staffed office within Rhode Island, as the record owner's local representative,
24 who shall be authorized to receive any process, notice or demand required or permitted to
25 be served upon the owner of the premises. The record owner may be designated as the local
26 representative, only if he or she resides in Rhode Island.
27
28 b) The local representative must be authorized by the record owner to respond to tenant and
29 neighborhood questions or concerns on a 24/7 basis. The local representative shall serve as
30 the initial contact person if there are questions or complaints regarding the use of the
31 dwelling unit for short-term rentals. The local representative promptly shall respond in
32 person or via telephone to those complaints to ensure that the use of the dwelling unit
33 complies with the requirements of this chapter, as well as all other applicable Town
34 ordinances pertaining to parking, noise, disturbances, or nuisances, as well as state law
35 pertaining to the consumption of alcohol and/or the use of illegal drugs.
36
37 c) The failure of the record owner or local representative promptly to respond in person or
38 via telephone to the Jamestown Police Department or other Town Official inquiries and
39 address and resolve any situation, complaint, or violation within two (2) hours shall be
40 considered a violation of this chapter.
41
42 d) The record owner may change the designation of the local representative from time to time
43 by filing an amended registration application including the name, address, and telephone
44 number of the new local representative. Failure to notify the Town of any change in the
45 local representative shall constitute a violation of this chapter.
46

1 **Sec. 14-91. Enforcement; penalty for violation; revocation of permit.**
2

- 3 a) For the purposes of enforcement of the provisions of this chapter, the Town Council of the
4 Town of Jamestown hereby designates and authorizes the Zoning Enforcement Officer for
5 the Town to implement, investigate, enforce, and prosecute the provisions of this chapter.
6
- 7 b) Violations of this chapter shall be enforceable through issuance of a Violation Citation and
8 Summons by the Zoning Enforcement Officer or his or her designee, of the Town and
9 citations shall be heard and adjudicated by the District Court or other court of appropriate
10 jurisdiction.
11
- 12 c) Except as provided herein, violations shall be punished in accordance with, and the Town
13 shall have all the powers and remedies provided by, Sec. 1-15 of the Jamestown Code of
14 Ordinances, which include and provide for a first offense penalty of \$250 and a second and
15 subsequent offense penalty of \$500 where each day counts as a distinct and separate
16 violation.
17
- 18 d) The Zoning Enforcement Officer may provide in the Violation Citation that upon
19 admittance of the violation the fine may be paid in person, by mail or electronic payment,
20 or other disposition imposed, prior to the first appearance before the District Court.
21
- 22 e) Notwithstanding any other remedies available to the Town, the Zoning Enforcement
23 Officer may revoke a Short-term Rental permit and license issued under this chapter if
24 three or more notice of violation(s) of this chapter are issued by the Zoning Enforcement
25 Officer for the same property within a twelve-month period. No new license for a Short-
26 term Rental Unit shall be issued to the property owner for the same property for a period
27 of twelve months following the revocation.
28

29 **Sec. 14-92. Implementation.**
30

- 31 a) This chapter shall take effect upon passage, provided, however, that enforcement of
32 violations shall be stayed until January 1, 2022.
33

34 **Sec. 14-93. Limits on total Short-term Rental Units licensed.**
35

- 36 a.) The Town Council reserves the right to set limits on the total number of Short-term Rental
37 units permitted in the Town and/or by certain geographic areas, such as blocks,
38 neighborhoods and/or areas.
39
- 40 b.) The Town Council may act to set the limits at their discretion upon a showing of need
41 based on finding disruption to the quiet enjoyment of a residential area, negative impact on
42 the seasonal and/or affordable housing rental markets, or impairment to the integrity of the
43 residential character of particular areas.
44

45 **Sec. 14- 94 - 100. – Reserved.**