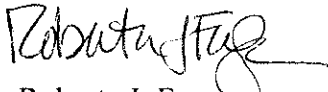


As adopted by the
Jamestown Town Council on
August 7, 2023

Attest:


Roberta J. Fagan
Town Clerk

**AN ORDINANCE AMENDING
THE CODE OF ORDINANCES OF THE
TOWN OF JAMESTOWN
CHAPTER 14 – BUILDINGS AND BUILDING REGULATIONS,
ARTICLE V. - SHORT-TERM RENTALS**

Sec. 14-80. - Findings.

- a) Short-term residential rentals, which is defined as residential rental tenancies of less than 30 days duration, occurs in many residential areas of the Town. Jamestown recognizes the growing trend by the homeownership public to provide accommodations in their homes to travelers. The provision of such type of housing accommodations can be beneficial under certain circumstances and, if properly regulated, provide a means of assisting property owners to keep their properties in good order and repair which, in turn, assists in stabilizing home ownership, maintaining property values, and strengthening the economy of Jamestown. This trend to engage in short-term rentals has also been expanded to include absentee owner-investors.
- b) Simultaneously, Jamestown is mindful of the potential negative impacts short-term rental activity may have on well-established residential neighborhoods. The seasonal (primarily summer) rental market has been transformed into short-term rentals, often with tenancies of less than one week in duration, 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 hotel-like activity without the benefit of community review or appropriate regulation. This trend has also fostered commercial investment to purchase previously single family occupied homes and transformed them into hotel-like rentals in many residential neighborhoods. Unregulated short-term rental activity obliterates the distinctions between residential and commercial uses and zoning districts. It also undermines the Town's Comprehensive Plan, Zoning Ordinance, life and safety codes and the safeguards therein that enable homeowners and residents to know and to predict what land uses are allowed in their neighborhoods and in the dwelling next door.
- c) The impact of short-term rentals on long-term rentals and affordable rentals has been negative and significant by replacing such long term and affordable rentals with more lucrative short-term rental opportunities. Lack of availability of long-term and affordable rentals has forced out the younger generation of Town residents to other communities,

reducing economic diversity and community volunteers. This resident displacement will continue and may increase if not regulated.

- d) Without appropriate controls on the manner, method, location, and operation of short-term rentals, residential neighborhoods stand to be harmed by undue commercialization and disruption. The primary and overarching purpose of a residential 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. Regulation of this activity will serve to help maintain the residential character of neighborhoods.
- e) The regulations set forth hereinafter strike an appropriate balance 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 and located in such a manner as to curb the potential of residential neighborhoods becoming predominantly places for commercial hotel-like rentals and the associated negative externalities.
- f) The Constitution of the State of Rhode Island, Article XIII, Section 2, in relevant part, grants to the Town of Jamestown the authority to enact and amend local laws relating to its property, affairs, and government if such local laws are consistent with the Constitution and laws enacted by the General Assembly. This delegation of power includes the police power to enact reasonable legislation to regulate to protect the public health, safety, and welfare.
- g) The Town of Jamestown finds that, by application of the regulatory framework contained herein, the short-term rental of dwelling units can have a positive effect on the health, safety, and welfare of the community by providing a flexible housing stock that allows travelers safe accommodations while contributing to the local economy and providing homeowners an opportunity to hold property in difficult economic circumstances or as an investment while balancing these regulations to also protect the integrity of the residential neighborhood from commercialization.

Sec. 14-81. Applicability.

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

Sec. 14-82. Definitions. For this chapter, the following definitions shall apply:

- a) **Bedroom or Sleeping Accommodation:** Any room in a residential structure which is greater than 70 square feet in area, which is susceptible to present or future use as a private sleeping area, which has at least one window and one interior method of entry and egress but excluding closets, shared spaces open to the house, and bathrooms.

- b) Dwelling Unit: A structure or portion thereof providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, and containing a separate means of ingress and egress.
- c) Licensing Authority: The Town Council of the Town of Jamestown.
- d) Local Representative: A person designated on a registration form filed under this chapter as the person authorized to receive any process, notice or demand required or permitted to be served upon the owner of the premises and required to respond to questions/complaints from tenants, neighbors, and Town staff on a 24/7 basis. A local representative may, but need not, also serve as property manager.
- e) Registrar: The Town Clerk.
- f) Resident: The record owner of a parcel of real estate who (1) physically resides in the Town for no less than 183 days per year; and (2) has designated a property in the Town as their legal residence for a driver's license, voter registration, State identification card or other suitable form as proof of domicile.
- g) Short-term Rental: The rental, lease, or other contractual arrangement for the occupation of a dwelling unit, or any portion thereof, by a tenant or occupant for residential and/or dwelling purposes, for any period of less than thirty (30) consecutive days. Short-term Rental shall not include duly licensed and permitted hotel, motel, bed and breakfast homes, and community residences.

Sec. 14-83. Registration, inspection, and license required.

- a) Every Short-term Rental unit shall obtain a compliance certificate issued by the Building Official, shall be registered by the record property owner thereof with the Registrar, and shall apply for and be issued a license from the Licensing Authority before any use of the Short-term Rental Unit occurs.
- b) Prior to registration and licensing of a Short-term Rental unit, the Short-term Rental unit shall be inspected for a fee by the Building Official or his/her designee and the Jamestown Fire Marshal. Thereafter, the dwelling unit shall be inspected by the Building Official each two (2) years thereafter, and by the Fire Marshall each two (2) years thereafter, to be completed no later than the application period filing of the requisite year. The purpose of the inspection is to determine the occupancy limit of the unit pursuant to Sec 14-87 of this chapter and compliance with the relevant State Building Codes, Fire Codes and Town Ordinances, including, but not limited to smoke and C.O. detectors are installed and compliance with the State Fire Code for dwelling units and Short-term Rental units and to determine the number of off-street and on-street parking spaces available on site. The Building Official or his/her designee shall issue a Short-term Rental compliance certificate stating that the unit has passed the required inspections and shall state the maximum occupancy for the Short-term Rental and dwelling unit. The Building Official and/or Fire

Marshall may conduct an inspection of any Short-term Rental unit upon complaint or for any other proper reason pursuant to the General Laws, applicable regulations and/or Town Ordinances. Failure of the record owner of the Short-term Rental unit to allow inspections shall constitute a violation of this chapter.

- c) Any deficiencies found by the Building Official or Fire Marshall must be satisfactorily addressed by the record owner prior to issuance of a compliance certificate or the use or re-use of the Short-term Rental unit; engaging or continuing the Short-term Rental while deficiencies are outstanding shall be a violation of this chapter.
- d) A Short-term Rental unit compliance certificate shall expire on December 31st of the second year after issuance of the compliance certificate and must be renewed by the holder, unless revoked, rescinded and/or returned. The first two-year inspection period will be for the license year beginning 2024 and all inspections thereafter shall follow that inspection period. Any mid-term inspection-license due to transfer of property per Section 14-85 shall hereafter follow the compliance schedule as stated in this ordinance.

Sec. 14-84. Compliance certificate, registration and license forms.

- a) The Short-term Rental unit compliance certificate form shall be prepared and issued by the Building Official, who is hereby authorized to require such relevant and appropriate information as deemed necessary to constitute compliance with the relevant provisions of this ordinance for the issuance of such certificate.
- b) The rental registration form shall be developed by the Registrar's office and, at a minimum, shall indicate the Tax Assessor's plat and lot number, address of the rental dwelling and Short-term Rental unit, the number of Short-term Rental units therein, the maximum occupancy, the name, permanent mailing address, email address, and telephone number of the record owner and of his or her registered local representative, if different than the owner. Copies of the registration form, with 24 hours, 7 days a week contact information for the record owner and, if applicable, the local representative, will be held on file by the Registrar.
- c) The Short-term Rental unit license form shall be prepared and issued by the Registrar's office, who is hereby authorized to require such relevant and appropriate information as deemed necessary to constitute compliance with the relevant provisions of this ordinance for the issuance of a license by the Licensing Authority.

Sec. 14-85. Filing date; term.

- a) On or before October 1 of each year, the record owner of the rental dwelling unit shall file the completed rental registration form with the Registrar along with the compliance certificate issued by the Building Official, which registration, if issued, shall be valid for a one-year period from January 1 to December 31 of the following year, subject to the issuance of a license for the same by the Licensing Authority. If the property is registered and issued a compliance certificate during the calendar year due to property transfer only,

the registration shall be valid until December 31 of that same year and the compliance certificate shall be valid for the remaining inspection period as set forth in Section 14-83, subject to the issuance of a license for the same by the Licensing Authority. Failure of the record owner to obtain a compliance certificate, register and be issued a license for the Short-term Rental unit shall constitute a violation of this chapter.

- b) Once a completed registration and licensing application is submitted to the Registrar's office on or before October 1st of each year, the Registrar shall place all completed applications on a Licensing Authority agenda for consideration, discussion, and potential action. The Registrar shall cause an advertisement to be made no less than two (2) weeks prior to the date selected for the License Authority meeting containing the list of applications filed and forwarded to the Licensing Authority. A public hearing shall be available to any person so requesting to make comment or contest any Short-term Rental unit application pending before the License Authority. Absent any objections being filed either before or at the Licensing Authority meeting on a Short-term Rental application, the Licensing Authority may approve an application on their consent agenda, without a public hearing or deliberation. The Licensing Authority may conditionally approve and/or deny a Short-term Rental license to an applicant only for just cause. Just cause may include, but not be limited to, complaints, regulatory contacts, misleading or inaccurate filing information, or ordinance violations to name a few.

Sec. 14-86. Registration and license fee.

- a) There shall be an annual registration and license fee for Short-term Rentals as follows:

An application Fee of \$125 per year in addition to the following fee:

- Short Term Rentals within the CD Zoning District = \$0
- Owner Occupied Units (must be a legal residence of owner) = \$50 per bedroom rented
- Non-Owner-Occupied Properties owned by Jamestown Resident = \$100 per bedroom
- Non-Owner-Occupied Properties owned by non-Jamestown Resident = \$200 per bedroom

The fee for the number of bedrooms shall be capped at 4.

- b) Registration and license fees are required to be paid upon application and are non-refundable.

Sec. 14-87. Occupancy location, limits, and other requirements.

- a) A Short-term Rental is only permitted in a dwelling unit, or a portion thereof, by a tenant or occupant for residential purposes, Short-term Rentals are prohibited in accessory structures and structures that do not constitute a dwelling unit or portion thereof.

- b) The maximum occupancy for the dwelling and Short-term Rental unit shall be two persons per bedroom, excluding children under 12 years of age, and in cases where dwelling units use an On-site Wastewater Treatment System (“OWTS”) maximum occupancy shall not exceed the number of bedrooms supported by the design load of the property's OWTS. The record owner shall provide records and/or information that the Building Official or his/her designee deems reasonably sufficient to determine the number of bedrooms for which the OWTS is rated. If OWTS information is unavailable for the dwelling unit, it shall be deemed a two-bedroom dwelling unit. The owner has the ability to submit valid System Suitability Determination (“SSD”) to determine the bedroom count. Dwelling units serviced by cesspools are not eligible for Short-term Rental. The maximum occupancy may be further limited by the requirements of Subsection b, herein.
- c) No tents, storage units, boats, recreational vehicles, and the like shall be used and/or occupied while on the Short-term Rental property.
- d) The record owner shall be jointly and severally liable for compliance with the Short-term Rental Ordinance provisions, including but not limited to, rental term limits, occupancy limits and other requirements. Non-compliance with any of the provisions of this ordinance or any other Code of Ordinance provisions of the Town of Jamestown by users of the Short-term Rental unit shall constitute a violation of this chapter.

Sec. 14-88. Owner's obligations.

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

Sec. 14-89. Posting of notice by owner.

- a) The record owner shall be responsible and is required to state in all short-term rental advertising the maximum number of bedrooms, maximum number of persons, and number of designated on-site parking spaces. The record owner shall be responsible to maintain, in a conspicuous place within the rental dwelling unit, a compilation to be provided by Town staff and available at the office of the Registrar, containing general information regarding certain Town ordinances with which tenants must comply, dwelling occupancy limits, and any other pertinent ordinance, or law information which the Town may deem appropriate from time to time. This shall be made available by the Town and also to renters digitally. In addition, notice of water conservation, trash pickup, and recycling shall also be posted. The record owner of the Short-term Rental dwelling unit subject to the provisions of this chapter shall cause the registration form and license required by this chapter to be kept in a conspicuous place in said Short-term Rental dwelling unit so as to allow the lease and license to be readily available for inspection by police, zoning, building, or minimum housing officials of the Town of Jamestown. Non-compliance of posting requirements shall be a violation of this chapter.

Sec. 14-90. Local representative.

- a) The record owner shall designate on the registration form, if different from themselves, an individual who permanently resides in Rhode Island, or a property manager with a physically staffed office within Rhode Island, 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, only if he or she resides in Rhode Island.
- b) The local representative must be authorized by the record owner to respond to tenant and neighborhood questions or concerns on a 24/7 basis. The local representative shall serve as the initial contact person if there are questions or complaints regarding the use of the dwelling unit for short-term rentals. The local representative promptly shall respond in person or via telephone to those complaints to ensure that the use of the dwelling unit 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 record owner or local representative promptly to respond in person or via telephone to the Jamestown Police Department or other Town Official inquiries and address and resolve any situation, complaint, or violation within four (4) hours 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 registration 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.

Sec. 14-91. Enforcement; penalty for violation; revocation of license.

- a) For the purposes of enforcement of the provisions of this chapter, the Town Council of the Town of Jamestown hereby designates and authorizes the Zoning Enforcement Officer for the Town to implement, investigate, enforce, and prosecute the provisions of this chapter.
- b) Violations of this chapter shall be enforceable through issuance of a Violation Citation and Summons by the Zoning Enforcement Officer or his or her designee, of the Town and citations shall be heard and adjudicated by the District Court or other court of appropriate jurisdiction.
- c) Except as provided herein, violations shall be punished in accordance with, and the Town shall have all the powers and remedies provided by, Sec. 1-15 of the Jamestown Code of Ordinances, which include and provide for a first offense penalty of \$250 and a second and subsequent offense penalty of \$500 where each day counts as a distinct and separate violation.
- d) The Zoning Enforcement Officer may provide in the Violation Citation that upon admittance of the violation the fine may be paid in person, by mail or electronic payment, or other disposition imposed, prior to the first appearance before the District Court.
- e) Notwithstanding any other remedies available to the Town, the Zoning Enforcement Officer may refer a Short-term Rental license issued under this ordinance to the Licensing Authority for a show-cause hearing to be held by the Licensing Authority. The Licensing Authority shall have the authority to revoke, suspend, and take such other equitable action as deemed appropriate and necessary based on the facts and circumstances of the situation determined at the show-cause hearing concerning the licensee.

Sec. 14-92. Implementation.

- a) This chapter shall take effect upon passage, provided, however, that enforcement of violations shall be stayed until January 1, 2024.
- b) No Short-term Rental may occur after adoption of this ordinance without compliance with this chapter. Non-compliance shall constitute a violation of this chapter.

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

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

Sec. 14- 94 - 100. – Reserved.

This Ordinance shall take effect upon passage and all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.