

TOWN OF WESTERLY

CHAPTER 2009

“AN ORDINANCE IN AMENDMENT OF CHAPTER 145 OF THE WESTERLY CODE OF ORDINANCES ENTITLED ‘HOUSING STANDARDS’”

The Town of Westerly hereby ordains:

Section 1. Chapter 145 of the Westerly Code of Ordinances entitled ‘Housing Standards’ is hereby amended by adding thereto the following:

§145-25. Residential Zone Short-term Rental Registration.

- A. Residential Zone Short-term Rental is defined as the offering of occupancy or use of all or portions of a premises, including but not limited to a dwelling unit or any portion thereof, within a residential zone by anyone other than the owner for a fee for a period of fewer than 28 consecutive calendar days. Said offering to be for strictly residential purposes only.
- B. A dwelling unit in an accessory building, single-family, two-family, three-family, semi-detached, or multi-family dwelling, or a portion of a premises or dwelling unit, may be rented to third parties as a Residential Zone Short-term Rental, subject to the following standards:
 - a. Management. The Residential Short-term Rental must be managed by:
 - i. Owner Occupant. An Owner Occupant where the Owner of the Property is residing in the property at all times that it is being rented out as a Residential Short-term Rental; or
 - ii. Property Management Company. A professional rental management company with a license in good standing as a State of Rhode Island Real Estate Broker or Brokerage.
 - iii. Town Resident. A Town Resident is the owner of the property and a full time resident of the Town of Westerly and shall reside within the Town of Westerly whenever the Residential Short-term Rental is in use.
 - b. Annual Registration. Property owners wishing to use their property as a Residential Zone Short-term Rental must annually register each property as a Residential Zone Short-term Rental with the Town of Westerly. The registration process shall be through a web portal of the Town of Westerly’s design and the registration shall include:
 - i. Fee.
 - 1. Annual registration fee of \$50 shall apply to All Residential Short-term Rentals.
 - ii. Contact Information. The name, address, email and phone number of the property owner.

- iii. Local Representative. The name, address, email and phone number of the Owner Occupant or Property Management Company authorized to receive any process, notice or demand required or permitted to be served upon the owner of the premises. Said local representative shall:
 - 1. Provide contact information that is monitored twenty-four (24)-hours a day.
 - 2. In the case of a complaint regarding use of the Residential Zone Short-term Rental, immediately respond to Town of Westerly Officials, including but not limited to the Police Department, but in no case shall such response take more than one (1) hours, unless otherwise excused for cause by the Westerly Police Department.
 - iv. Information Package. At the time of registration, the Town of Westerly shall supply the applicant with a copy of applicable Town of Westerly ordinances, including but not limited to information regarding noise, events, trash, or other such neighborhood nuisance issues.
 - v. Leasing of Registration Prohibited. At no time is any party allowed to lease their registration to a third-party. Only the registered property owner with their identified Owner Occupant or Property Management Company may engage in Residential Short-term Rental and such agreements must be with the end user of the Residential Short-term Rental. At no time shall a Residential Short-term Rental be subject to a leasing agreement, including but not limited to a sublease, that does not directly include the property owner.
- C. Enforcement. Enforcement of this Ordinance shall be by and through the Town Manager or their delegate. Upon finding a violation, the Town shall serve notice by posting notice to the subject property and/or electronic mail to the contact information on record for the Local Representative and/or personal service and/or by certified mail on the Local Representative, which notice shall specify the nature of the violation. If the violation is not cured within seven (7) days of notification of any violation of this Ordinance, the Town Solicitor is hereby authorized to initiate legal proceedings to prevent, enjoin, abate, or remove such violation. All other Town ordinances and regulations, including but not limited to occupancy and noise standards, are applicable.
- i. Failure to Register. Failure to register a residential zone short term rental shall be \$500 per diem fine for every day the property was listed on a Residential Zone Short-term Rental marketing website or agency and an additional \$500 per diem fine for each day the property was rented as a Residential Zone Short-term Rental.
 - 1. The Town of Westerly may waive or reduce such failure to register fines for cause if the property owner registers the Residential Zone Short-term Rental within seven (7) days of the Town of Westerly providing any written notice to the property owner, including but not limited to the Westerly Police Department posting a fine notice or ticket to the front door of the property. Lack of knowledge of the registration requirement shall not be considered cause for failure to register after December 1, 2021.

- ii. Unauthorized Residential Zone Short-term Rental. In the discretion of the Westerly Police Department, the Westerly Police may ask occupants of the property if that property is their principal residence and if they are renting for a period of time less than twenty-eight (28) days. If the persons occupying the premises are doing so in violation of this section, the Westerly Police Department may inform them they have twenty-four (24) hours to vacate the premises. Any person so removed from a property shall have a cause of action against the property owner for any and all costs incurred resulting from the requirement that they vacate the premises.
- iii. Penalties. The Town Manager or their delegate may, upon presentation of evidence of a violation of this ordinance, including but not limited to a police report in which a violation of this ordinance is described, take the following enforcement actions. All enforcement actions shall be given in writing, with a description of the cause for the enforcement action.
 - 1. Fines. Issue fines up to five-hundred dollars (\$500) per day per violation of this ordinance.
 - 2. Suspension or Revocation of Registration. Whenever the Town Manager or their delegate determines that suspension or revocation is reasonably necessary to abate violations of this ordinance, the Town Manager or their delegate may suspend or revoke the right of a property owner to engage in Residential Zone Short-term Rentals at the subject location.
 - 3. Conditions. The Town Manager or their delegate is hereby authorized to impose conditions on any Residential Zone Short-term Rental registration, but such conditions are limited to restraints that avoid nuisances and maintain the residential character of the neighborhood.
 - 4. Continued Violations. If, after seven (7) days after any notice of failure to register or revocation or suspension, any advertisement or use of the Residential Zone Short-term Rental is discovered by the Town, each day of such advertisement and/or each day of Residential Zone Short-term Rental use shall be considered a separate and distinct violation of the Ordinance and the Town may impose a \$500 fine for each violation.
 - 5. All fines are due and payable within seven (7) days of notice. If such fines are not paid within seven (7) days of notice, the Town Manager or their delegate may impose a five hundred dollar (\$500) per-day late fee imposed in addition to the fine. If such fines are not paid within sixty (60) days of notice, the Solicitor shall initiate the proceeding necessary to have the fines recorded as a lien against the subject premises.
- D. Appeals. The Municipal Court shall have original jurisdiction over all appeals arising from enforcement of this Ordinance.
- E. Bed-and-breakfasts that have acquired a special use permit in accordance with Article X, Overlay Zoning Districts are exempted from the requirements of the Residential Zone Short-term Rental Registration.

Section 2. This Ordinance shall take effect upon passage.

A true copy of an Ordinance passed October 18, 2021.

Per Order of the Town Council.

ATTEST: Donna L. Giordano, MMC
Council Clerk