

**TOWN OF IRVINGTON, VIRGINIA
ORDINANCE AMENDMENT #2024-12.uc**

An Ordinance Repealing Chapter 120, Eliminating the Business License Permit Requirement, and Amending Chapter 34 and 154 to Remove Short Term Registry Exemptions, and Clarifying the Town’s Authority for Short-Term Rental Regulations

WHEREAS, the previously enacted Chapter 120 of the Town Code, as amended, established a business license permit requirement; and

WHEREAS, the Town Council has determined that the business license permit requirement is no longer necessary, and the entire Chapter 120 should be repealed; and

WHEREAS, the Town Council desires to amend and reenact the provisions of the Town Code governing short-term rentals, including the ‘Short Term Rental Registry’ provisions of Chapter 34 of the Town Code Chapter 34 and the ‘Short Term Rentals’ provisions of Chapter 154 of the Town Code to clarify its authority to act under the Town’s Charter authority; and

WHEREAS, pursuant to that Town Charter authority, the Town Council desires to confirm its elimination of short-term rental registry exemptions unless mandated under that authority to ensure a complete list of Short Term Rentals in the Town; and

WHEREAS, the amendments and reenactments within are for the purpose of furthering the health, safety, protection, general welfare, good zoning practices, good order, government, trade and commerce of the Town and its inhabitants.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Irvington, Virginia does hereby amend and reenact the Town Code as follows:

- 1. The ‘Short Term Rental Registry’ provisions of Chapter 34 (Town Finances) of the Town Code is hereby amended, as follows:**

TITLE III – ADMINISTRATION

CHAPTER 34 – TOWN FINANCES

§ 34.40 Definitions.

For the purposes of this section, the following definitions apply:

Operator. The proprietor of any dwelling, lodging or sleeping accommodation offered as a short term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity.

Short term rental. The provision of a room or space that is suitable for, or is intended for, occupancy for dwelling, lodging, or sleeping purposes, for a period of fewer than 30 consecutive days, in exchange for the charge for the occupancy.

(Ord. No. 2021-08, § 2(Exh.), 8-12-2021)

§ 34.41 Duty to register.

There is hereby established a short term rental registry for property offered or used as short term rental within the town. Prior to offering a short term rental, the operator shall register with the town and disclose all such properties offered in the town. The registration shall include the complete name of the operator, and the owner if different, their contact information, and the address of each property in the town offered for short term rental by the operator. The town may charge a reasonable fee for registration which may be set from time-to-time by the council. After the initial registration, registration shall be renewed by January 15 of each year.

(Ord. No. 2021-08, § 2(Exh.), 8-12-2021)

§ 34.42 Exemptions.

Reserved.(Ord. No. 2021-08, § 2(Exh.), 8-12-2021)

§ 34.43 Penalties.

(A) *Failure to register.* The penalty for failure to register shall not exceed \$500.00 per violation. A penalty may be imposed when an operator who is required to register offers for short term rental a property that is not registered with the town. A separate violation shall be deemed committed each day during or on which a property is offered or used as a short term rental without registration and after written notice of such violation. Unless and until an operator pays the penalty (if one is assessed) and registers such property, the operator may not continue to offer such property for short term rental. Upon repeated violations of this ordinance as it relates to a specific property, an operator may be prohibited from registering and offering that property for short term rental for a period of one year. Such prohibition, for good cause may be appealed to the Mayor.

(B) *Violations of laws relating to short term rentals.* The operator may be prohibited from offering a specific property for short term rental in the town, if the operator has multiple violations on more than three occasions of applicable state and local laws, ordinances, and regulations, as they relate to short term rental or transient occupancy taxes.

(C) *Not exclusive.* The penalties provided by this section are not exclusive, but are in addition to any other penalties related to failure to register a short term rental with the Town as may be provided by law.

(Ord. No. 2021-08, § 2(Exh.), 8-12-2

§ 34.44 Enforcement.

It shall be the responsibility of the town clerk to administer, interpret and enforce the provisions of this section, including determining the penalty amount, and whether to assess a penalty. The town shall send a written notice of violation to the operator, and property owner, if different, by mail to the mailing address listed in the registration, or, in the absence of a registration, then to the mailing address on the real estate record. The town clerk may seek assistance of the town attorney with respect to enforcement of this section, as needed. The enforcement procedures in this section are not exclusive and are in addition to any other enforcement procedures related to registration of short term rentals with the Town as may be provided by law.

(Ord. No. 2021-08, § 2(Exh.), 8-12-2021)

2. Chapter 120 (Business License) of the Town Code is hereby repealed in its entirety, and is reserved.

3. Sections 154.180, 54.181 and 54.184 of the ‘Short Term Rental’ provisions of Chapter 154 (Zoning) of the Town Code are hereby amended, as follows:

TITLE XV – LAND USAGE

§ 154.180 Purpose and intent.

- (A) Short term rentals are common in America today, including in the town. However, given that they are commercial uses which must co-exist with residential uses and often in neighborhoods, limits and regulations are needed. This ordinance is intended to be the "specific enabling action" envisioned in § 154.050 (statement of intent for R-1 and R-2 zones) to allow these certain limited commercial uses in town residential zoning districts.
- (B) The regulations for short term rentals are designed to accommodate an STR operator's limited commercial use in a way that is safe for the guests, meets town requirements, does not change the character of the town, and fits in with the neighborhoods in which the STRs operate.
- (C) To this end, a cap is placed on the number of short term rentals that more or less equals ten percent of the parcels in the town, health and safety regulations are imposed, and nuisances and disturbances are prohibited.
- (D) This ordinance is intended to work in tandem with the town's short term rental registration requirements as a measure for the town to keep track of the number of STRs and enforce the cap and other regulations.

(Ord. No. 2022-10, § 1, 9-13-2022)

§ 154.181 Short term rental special regulations.

The regulations of §§ 154.180 through 154.185 shall apply to every short term rental in the town.

(Ord. No. 2022-10, § 1, 9-13-2022)

§ 154.184 Safety and insurance requirements for short term rentals.

- (A) One working smoke detector shall be installed for each bedroom as provided in conformance with the provisions of the Uniform Statewide Building Code. Such smoke detectors shall be maintained in accordance with the Statewide Fire Prevention Code (Code of Virginia, § 27-94 et seq.) and Code of Virginia, § 36-105(C)(6), Part III of the Uniform Statewide Building Code. Smoke detectors shall be inspected and tested at least quarterly to ensure they are in good working order.
- (B) In short term rentals with propane, a working carbon monoxide (CO) detector shall be installed and maintained per the manufacturer's recommendations on each floor or level equipped for guests to sleep overnight.
- (C) At least one working fire extinguisher shall be provided and maintained per the manufacturer recommendations in the short term rental. A fire extinguisher shall be located in or near the kitchen or any other area equipped for heating of food, and any other area which has any flame (including any wood-burning fireplace). At least quarterly, the STR operator, his or her employee, or an authorized independent contractor shall inspect all fire extinguishers to ensure their charge or pressure gauge needle points to the green "charged" zone and the extinguisher is otherwise in good working order.
- (D) STR operators shall maintain a commercial general liability insurance policy, specifically endorsed for short term rentals, for a minimum limit of \$500,000.00, from a firm licensed to provide insurance in Virginia. A certificate of insurance shall be provided with the STR registration.
- (E) The STR operator, his or her employee, or an authorized independent contractor shall be able to respond to a guest, law enforcement or local official in order to address any issues within 60 minutes.
- (F) The STR operator shall post or display in a prominent place in the STR the foregoing regulations of this § 154.184 in a minimum of 12-point font, and certify thereon that all regulations therein have been met.

(Ord. No. 2022-10, § 1, 9-13-2022)

BE IT FURTHER ORDAINED AND ENACTED, that this ordinance shall take effect immediately.

ADOPTED: This _____ day of _____ 202__.

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

Mayor, Irvington, Virginia