



ORDINANCE 2021-08

ADOPT SHORT TERM RENTAL REGISTRY

WHEREAS, the Irvington Town Council (“Council”) proposes to adopt a Short Term Rental Registry requirement in the Town; and

WHEREAS, a notice of a public hearing about this Ordinance was advertised in the Rappahannock Record on June 24 and July 1, 2021; and

WHEREAS, the public had an opportunity to comment on this Ordinance at a public hearing held July 8, 2021; and

WHEREAS, this Ordinance was read twice before approval, at the June 10 and July 8, 2021 Council meetings.

BE IT ENACTED AND ORDAINED BY THE TOWN OF IRVINGTON, VIRGINIA, AS FOLLOWS:

1. Council hereby adopts the attached legislation as Town Code §34.40 *et seq*, incorporated herein by this reference, to establish a Short Term Rental Registry in the Town of Irvington.
2. This Ordinance is effective upon passage.

BE IT FURTHER ORDAINED BY THE TOWN OF IRVINGTON, VIRGINIA that the Town of Irvington shall place Ordinance 2021-08 in the Minutes of its July 8, 2021 meeting.

Attachment – Town Code §34.40 *et seq*

Certification

I, _____, Mayor, do hereby certify that Ordinance 2021-08 was adopted at the July 8, 2021 meeting at which a quorum was present and voting. The Vote was:

IN FAVOR

OPPOSED

Jackie Brown
R. Wayne Nunnally
Anthony Marchetti
Dudley M. Patteson
Bonnie Schaschek
Frances Westbrook

_____, Mayor

ATTEST:

_____, Town Clerk

SHORT TERM RENTAL REGISTRY

§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 thirty (30) consecutive days, in exchange for the charge for the occupancy.

§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.

§34.42 EXEMPTIONS.

An operator is not required to register with the Town if such person is (i) licensed by the Real Estate Board or is a property owner who is represented by a real estate licensee; (ii) registered pursuant to the Virginia Real Estate Time Share Act (§55.1-2200 *et seq*); (iii) licensed or registered with the Department of Health, related to the provision of room or space for lodging; or (iv) licensed or registered with the locality, related to the rental or management of real property, including licensed real estate professionals, hotels, motels, campgrounds, and bed and breakfast establishments. If an exemption ceases to apply, and there is no other exemption, then the person shall promptly register for the Town's Short Term Rental Registry before continuing to offer such property for short term rental.

§34.43 PENALTIES.

A. Failure to Register. The penalty for failure to register shall not exceed \$500 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.

§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.