

ORDINANCE # 15-05-2020

PETITION TO AMEND FRANKLIN COUNTY CODE – THE FRANKLIN COUNTY BOARD OF SUPERVISORS PROPOSAL TO AMEND SECTION 5.5, COMMUNITY DEVELOPMENT, OF THE FRANKLIN COUNTY CODE, BY ADDING ARTICLE IV, SHORT TERM RENTALS, 5.5-70 ENTITLED, SHORT TERM RENTAL REGISTRY. THIS AMENDMENT SHALL REQUIRE ALL OPERATORS OF SHORT-TERM RENTALS OF A DWELLING IN THE FRANKLIN COUNTY TO REGISTER THE USE OF SUCH PROPERTY ANNUALLY WITH THE COUNTY AND PAY AN ANNUAL REGISTRATION FEE OF \$200 BY JULY 1ST EACH YEAR. THE FAILURE OF A PROPERTY OWNER TO REGISTER ANNUALLY AND PAY THE REQUIRED ANNUAL FEE ARE SUBJECT TO A FINE OF \$500. SECTION 5.5-72 ENTITLED, SHORT TERM RENTALS, ALSO PROVIDES UNIFORM REGULATIONS GOVERNING SHORT-TERM RENTALS INCLUDING LIMITS ON OCCUPANCY LEVELS, SAFETY PROVISIONS, PARKING AND NOISE STANDARDS.

WHEREAS, the Franklin County Board of Supervisors did propose to amend Section 5.5 of the County Code by adding Sections 5.5-70 and 5.5-72 pertaining to short term rental registry and uniform regulations, and

WHEREAS, after due legal notice as required by Section 15.5-2204-2205 of the Code of Virginia of 1950, as amended, the Board of Supervisors did hold a public hearing on May 19, 2020 at which time all parties in interest were given an opportunity to be heard, and

WHEREAS, after holding a public hearing, the Board of Supervisors has APPROVED of this amendment to the County Code after finding that public necessity, health, safety, convenience, and general welfare would be achieved by this amendment as follows:

Chapter 5.5 - Community Development

Article IV– SHORT TERM RENTALS

Sec. 5.5-70. Short-Term Rental Registry.

Operator. The proprietor of any dwelling, lodging, or sleeping accommodations 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 provisions of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

- a) This division shall establish a Short-Term Rental Registry and require operators within Franklin County to register their rental annually. The registration shall**

require the operator to complete a Short-Term Rental Application through electronic means or on forms provided by Franklin County that entails the following:

- 1. Provide the name of the operator for the address**
- 2. Provide the property owner name and physical address(es) of the property being rented.**
- 3. The initial registration is due on or before July 1, 2020. Renew registration on or before July 1st of each calendar year thereafter.**
- 4. Provide registration fee annually of \$200.00 on or before July 1st each year.**

b) To qualify as exempt from registering under this ordinance, an operator must be:

- 1. Licensed by the Real Estate Board or be a property owner who is represented by a real estate licensee;**
- 2. Registered pursuant to the Virginia Real Estate Time-Share Act (§ 55-360 et seq.);**
- 3. Licensed or registered with the Department of Health, related to the provision of room or space for lodging; or**
- 4. Licensed or registered with Franklin County, related to the rental or management of real property.**

c) Operator shall present evidence of such other licensing or registration to the Office of Planning and Community Development to qualify for exemption.

d) Should such registration or licensing cease, the operator shall forthwith submit an application and register on the County's Short-Term Rental Registry.

e) If an operator who is required to register under this ordinance fails to do so while offering such lodging for rent, or rents such lodging:

- 1. S/he shall be subject to a fine of \$500 per violation; or**
- 2. S/he shall be prohibited from continuing to offer any property for short-term rental, unless and until the operator pays the fine(s) and registers subject property.**

f) Upon multiple violations on more than three occasions of applicable state and local laws, ordinances, and regulations, as they relate to the short-term rental on a specific property, an operator may be prohibited from registering and offering that property for a period of two (2) years.

- g) The requirements of this division do not supersede the requirements found in Chapter 25, Zoning or other requirements of the Franklin County Code or Code of Virginia, as amended.**

State Law reference — Enabling legislation, Code of Virginia, § 15.2-983.

Sec. 5.5-72. Short Term Rentals

The following general regulations apply to all short-term tourist rental of residential dwellings:

- (a) The use of the dwelling unit for short-term rentals shall be primarily for residential purposes related to tourism or vacationing.**
- (b) There shall be no change in the outside appearance of the dwelling or premises, or other visible evidence of the conduct of such short-term rentals.**
- (c) There shall be no more than two (2) adults per bedroom occupying the dwelling at any one time. An adult, for the purpose of this regulation, is any person over the age of three (3). The number of bedrooms in dwellings relying upon septic tanks and drainfields for sewage disposal shall be determined by reference to health department permits specifying the number of bedrooms for which the supporting system was designed. A notice shall be clearly posted in the dwelling indicating approved occupancy of the dwelling.**
- (d) All vehicles of tenants shall be parked in driveways or parking areas designed and built to be parking areas. In the case of multifamily dwellings, all vehicles must be parked in spaces specifically reserved for the dwelling unit being rented.**
- (e) All boats of tenants shall be parked on the lot on which the dwelling is located. In the case of multifamily dwellings boats must be parked in areas specifically reserved for the dwelling unit being rented.**
- (f) Noise generated off the lot or off the premises shall be in no greater volume or pitch than normally expected in a residential neighborhood.**
- (g) A type 2A-10BC fire extinguisher shall be mounted on the wall in common area or kitchen on each floor in the dwelling. Smoke detectors must be installed and functioning properly in every living area and bedroom within the dwelling. Each bedroom shall comply with building code requirements for egress. An evacuation plan shall be provided in the home and clearly visible to renters.**
- (h) The owner of a dwelling used for short term rental shall give the county written consent to inspect any dwelling used for short-term rental to ascertain compliance with all the above performance standards. An annual inspection shall be performed by the County.**

WHEREAS, the Board of Supervisors in adopting this ordinance expressly adopts, ratifies, and affirms the action stated above.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of Franklin County, Virginia, that it hereby APPROVES to amend Section 5.5 of the County Code by adding Sections 5.5-70 and 5.5-72 pertaining to short term rental registry and uniform regulations, and

BE IT FURTHER ORDAINED, that a copy of this ordinance be transmitted to the Zoning Administrator to reflect this change in the official zoning records of Franklin County and to the Commissioner of Revenue to reflect this change in the real estate records of Franklin County.

This ordinance shall take effect upon adoption.

ADOPTED, on the motion of Lorie Smith and seconded by Ronald Mitchell upon the following recorded vote.

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Carter, Cundiff, L. Mitchell, R. Mitchell, Smith, Tatum

ABSENT: Thompson

Roll call vote was taken

Madeline L. Sefcik

Madeline Sefcik, Clerk
Franklin County Board of Supervisors

6/1/20
Date

