



ORDINANCE

RELATIVE TO SHORT TERM RENTALS

Definitions

“Short-Term Rental” means a dwelling unit where transient lodging is provided for compensation for stays of between one and 30 consecutive nights, and where the dwelling unit would normally be considered a residential living unit not associated with regulated commercial activities such as a New Hampshire State licensed hotel, inn, motel, or bed-and-breakfast.

Whereas:

The short-term rental market has been expanding due to the advent of technology that can list rentals and their availability through the internet and applications on mobile devices. The Town of Enfield NH has seen an increase in short term rentals, especially in the vicinity of the Town’s lakes and ponds. The Town’s proximity to area tourist attractions, businesses, institutions and academic centers has also caused the short-term rental market to expand markedly. The Enfield Selectboard hereby adopts this ordinance for the following purpose:

- To preserve the traditional character of residential neighborhoods and quality of life for abutting residences.
- To ensure the safety of Short-Term Rental occupants.

Whereby:

1. All Short-Term Rental units shall be required to obtain a Short-Term Rental Permit from the Town, effective May 1, 2024.
2. A fee for a Short-Term Rental Permit shall be \$100 per year payable to “The Town of Enfield, NH.”

3. An application for a Short-Term Rental Permit shall be filed with the Town Land Use Office at the DPW Facility at 74 Lockhaven Road, Enfield, NH.
4. A Short-Term Rental that is rented for 14 nights or less per calendar year and is the owner's primary residence does not require a permit or inspection. All other requirements of this ordinance apply and remain in effect.
5. A Short-Term Rental Permit will be approved or denied by the Land Use Administrator using the following criteria:
 - a. The owner of any Short-Term Rental unit shall provide the name, address, and telephone number of a person or persons within a sixty (60) minute drive who is authorized to accept calls for and respond to questions, complaints, and service requests. These individuals may also receive process for any legal proceeding brought against the owner of the property. This person/s shall be known as the Primary Point of Contact (PPOC). The Town must be notified, in writing, within fourteen (14) days if there is a change in the identity of the PPOC. Failure to notify the Town of a change of PPOC within fourteen (14) days, will require a new permit to be issued, resulting in a new charge for the permit fee.
 - b. The Short-Term Rental property shall be inspected, before the issuance of any new permit, for compliance with these regulations by the Enfield Building Inspector or other Town designee. Any deficiencies will be detailed in a written inspection report prepared by the inspector and provided to the applicant and the PPOC. Properties that have kept their Short Term Rental Permit in good standing will be reinspected on an as needed basis, however the Town reserves the right to inspect the property whenever it deems necessary. Inspections will be performed no less than every five (5) years.
 - c. As part of the application process the owner of the Short-Term Rental unit must sign an Affidavit which shall certify the following:
 - i. Smoke/CO detectors are installed and maintained in areas defined by the NH State Fire Code and NH State Building Code.
 - ii. Windows and/or doors designated for emergency egress are well maintained and are in operational order.
 - iii. No basement space shall be used as a sleeping area unless there are properly sized egress windows and/or doors conforming to the NH State Fire Code and NH State Building Code.
 - iv. A functional fire extinguisher must be visibly installed in any kitchen area.
 - v. The maximum number of people that the dwelling unit can be advertised for in any published listing or other form of marketing, shall be two (2) people for each bedroom listed on the town issued building permit and/or tax card, plus two (2) additional people,. This will also be the established overnight occupancy limit. The maximum overnight occupancy and day guest occupancy numbers shall be requested by the applicant at the time of the permit and will require approval by the Town.
 - vi. All vehicles shall be parked on the property and in designated parking areas. Vehicles left in the public right of way may be subject to towing and

removal at the owner's expense. The number parking spaces will be requested by the applicant and will require approval by the Town.

- vii. A seasonal burn permit must be obtained for outdoor fire pits and rings. Contact the forest fire wardens for burn permits.
 - viii. Responsibilities of a Short-Term Rental Owner include the removal of all trash and recycling in a timely manner. Waste shall not be left out for collection any earlier than 24 hours before a scheduled municipal pick-up time.
 - ix. Owners shall clearly communicate that all renters must follow all state laws and local ordinance requirements. These include, but are not limited to: noise limits, use of fireworks, dogs on leash, boating licenses, etc. (town ordinances can be found at:
<https://www.enfield.nh.us/town-manager/pages/ordinances-policies-regulations>)
 - x. The owner of a Short Term Rental unit shall provide proof of a current NH Rooms and Meals Tax license number or document an equivalent service that collects these funds as per State of NH law.
6. The Primary Point of Contact will be notified of any violation of this Ordinance either in person by responding Town personnel, written notice, or regular mail. The owner has the right to a hearing to appeal against any such notice. A hearing must be requested within 10 days of the notice. Failure to contest the notice in the required time period results in a conclusive presumption that the violation and any corresponding fine is valid. The hearing shall be before a three-member board known as the Short-Term Rentals Appeals Board ("STRAB") appointed by the Select Board, or if there is no STRAB, then the Select Board shall hear the appeal. The owner shall have the right to present written and oral evidence subject to the right of cross-examination. The STRAB will arbitrate whether or not the violation is proper.
7. Short Term Rental Permits shall be good for one calendar year (January 1 to December 31). Applications for the following calendar year may be submitted starting November 15 of the prior year.
8. Nuisances or any other dangers to the public health reported by lodgers or abutters may require an inspection pursuant to NH RSA 147:3. Complaints will be investigated by the police department and/or building and health inspector.
9. All Short Term Rentals shall have a clearly visible and legible notice posted within the dwelling unit on or adjacent to the front door containing the following information:
- a. The name of the Primary Point of Contact authorized in writing to accept service for the owner of the unit and a telephone number at which that party can be reached on a 24-hour basis.
 - b. The E-911 address of the property.
 - c. The maximum number of occupants permitted to stay overnight in the dwelling unit as well as the maximum number of day guests permitted at any one time.
 - d. The maximum number of vehicles allowed to be on the property.

- e. The requirement that all guest parking must be in the available parking areas on the property and not in or along any private, community or public street or right-of-way or on any lawn or vegetated area on the property.
 - f. The trash pick-up day and notification that trash and refuse shall not be left or stored on the roadside any earlier than 24 hours before a scheduled municipal pick-up time.
 - g. Notification that an occupant or guest may be cited and fined for creating a disturbance or for violating other provisions of the Town's Ordinances, including parking and occupancy limits.
 - h. Notification that Short Term Rental occupants and guests are required to make the dwelling unit available for inspection by the Enforcement Officer upon request.
10. Penalties for non-compliance with this ordinance will be issued by the Enfield Police Department as follow: 1st offense- a written warning, 2nd offense- a \$500 fine, 3rd offense and subsequent- a \$1,000 fine and possible revocation of permit. Short-Term Rental Permits may be revoked as a result of any violation of this ordinance, state laws, or other local regulations, in the sole discretion of the Selectboard. The Town reserves the right to revoke Short-Term Rental permits for any level of violation, and regardless of whether there were prior violations.