

**PUBLIC HEARING NOTICE  
TOWN OF JAMESTOWN**

Notice is hereby given that the Town Council of the Town of Jamestown will conduct a public hearing on the \_\_\_ day of \_\_\_\_\_, 2022 at the Jamestown Town Hall, 93 Narragansett Avenue on the following proposed amendment to the Code of Ordinances regarding **Chapter 14 – Buildings and Buildings Regulation**. Opportunity shall be given to all persons interested to be heard upon the matter at the public hearing. The following proposed ordinance amendment is under consideration and may be adopted and/or altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the public hearing. The proposed amendment is available for review at the Town Clerk’s Office between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Holidays and at [www.Jamestownri.gov](http://www.Jamestownri.gov).

**Section 1.** The Town Council of the Town of Jamestown does hereby resolve that the Jamestown Code Of Ordinances, **Chapter 14 – Buildings and Buildings Regulation**, as the same may have been heretofore amended, is hereby amended by changing the text of the Chapter, as follows:

NOTE: words set as ~~strike through~~ are to be deleted from the ordinance; words underlined are to be added to the ordinance.

See Exhibit A, attached hereto and incorporated herein by reference. NOTE: amendments to the terms and conditions set forth at Exhibit A may be made based on comments received during the public hearing.

**Section 2.** The Town Clerk is hereby authorized to cause said changes to be made to Chapter 70 of the Town of Jamestown’s Code of Ordinances.

**Section 3.** This Ordinance shall take effect upon its passage.

Ad Date(s): \_\_\_\_\_  
Publication Source: Jamestown Press  
Hearing Date: \_\_\_\_\_  
Action: \_\_\_\_\_  
Certified: \_\_\_\_\_

**Exhibit A**

Chapter 14 – BUILDINGS AND BUILDING REGULATIONS

ARTICLE V. – SHORT TERM RENTALS

**Sec. 14-80. - Findings.**

- a) Short-term residential rentals, which is defined as residential rental tenancies of less than 30 days duration, occurs in many residential areas of the Town. Jamestown recognizes the growing trend by the homeownership public to provide accommodations in their homes to travelers. The provision of such type of housing accommodations can be beneficial under certain circumstances and, if properly regulated, provide a means of assisting property owners to keep their properties in good order and repair which, in turn, assists in stabilizing home ownership, maintaining property values, and strengthening the economy of Jamestown. This trend to engage in short-term rentals has also been expanded to include absentee owner-investors.
- b) Simultaneously, Jamestown is mindful of the negative impacts short-term rental activity has on well-established residential neighborhoods. The seasonal (primarily summer) rental market has been transformed into short-term rentals, often with tenancies of less than one week in duration, conducted via increasingly anonymous means through the internet. This transformation is profound in its potential to convert every home on the island into a commercial hotel-like activity without the benefit of community review or appropriate regulation. This trend has also fostered commercial investment to purchase previously single family occupied homes and transformed them into hotel-like rentals in many residential neighborhoods. Unregulated short-term rental activity obliterates the distinctions between residential and commercial uses and zoning districts. It also undermines the Town’s Comprehensive Plan, Zoning Ordinance, life and safety codes and the safeguards therein that enable homeowners and residents to know and to predict what land uses are allowed in their neighborhoods and in the dwelling next door.
- c) The impact of short-term rentals on long-term rentals and affordable rentals has been negative and significant by replacing such long term and affordable rentals with more lucrative short-term rental opportunities. Lack of availability of long-term and affordable rentals has forced out the younger generation of Town residents to other communities, reducing economic diversity and community volunteers. This resident displacement will continue and may increase if not regulated.
- d) Without appropriate controls on the manner, method, location, and operation of short-term rentals, residential neighborhoods stand to be harmed by undue commercialization and disruption. The primary and overarching purpose of a residential neighborhood is first and foremost a residential community, where people live, not a place of transient occupancy or commercial activity. The regulation of short-term rentals, the introduction of requirements, safeguards, and community review, will improve and

1 moderate this land use transformation. Regulation of this activity will serve to help  
2 maintain the residential character of neighborhoods.  
3

- 4 e) The regulations set forth hereinafter strike an appropriate balance by encouraging and  
5 strengthening opportunities for home ownership by providing a means of assisting owners  
6 of homes in the upkeep of their property, and significantly, by maintaining the residential  
7 character of neighborhoods by requiring that short-term rentals, as defined by this  
8 ordinance, be operated and located in such a manner as to curb the potential of residential  
9 neighborhoods becoming predominantly places for commercial hotel-like rentals and the  
10 associated negative externalities.  
11
- 12 f) The Constitution of the State of Rhode Island, Article XIII, Section 2, in relevant part,  
13 grants to the Town of Jamestown the authority to enact and amend local laws relating to  
14 its property, affairs, and government if such local laws are consistent with the Constitution  
15 and laws enacted by the General Assembly. This delegation of power includes the police  
16 power to enact reasonable legislation to regulate to protect the public health, safety, and  
17 welfare.  
18
- 19 g) The Town of Jamestown finds that, by application of the regulatory framework contained  
20 herein, the short-term rental of dwelling units can have a positive effect on the health,  
21 safety, and welfare of the community by providing a flexible housing stock that allows  
22 travelers safe accommodations while contributing to the local economy and providing  
23 homeowners an opportunity to hold property in difficult economic circumstances or as an  
24 investment while balancing these regulations to also protect the integrity of the residential  
25 neighborhood from commercialization.  
26

27 **Sec. 14-81. Applicability.**  
28

- 29 a) The provisions of this chapter shall apply to all short-term rentals of dwelling units, as  
30 defined subsequently, herein, within the Town of Jamestown.  
31

32 **Sec. 14-82. Definitions.** For this chapter, the following definitions shall apply:  
33

- 34 a) **Bedroom or Sleeping Accommodation:** Any room in a residential structure which is greater  
35 than 70 square feet in area, which is susceptible to present or future use as a private sleeping  
36 area, which has at least one window and one interior method of entry and egress but  
37 excluding closets, shared spaces open to the house, and bathrooms.  
38
- 39 b) **Dwelling Unit:** A structure or portion thereof providing complete, independent living  
40 facilities for one or more persons, including permanent provisions for living, sleeping,  
41 eating, cooking, and sanitation, and containing a separate means of ingress and egress.  
42
- 43 c) **Licensing Authority:** The Town Council of the Town of Jamestown.  
44
- 45 d) **Local Representative:** A person designated on a registration form filed under this chapter  
46 as the person authorized to receive any process, notice or demand required or permitted to

1 be served upon the owner of the premises and required to respond to questions/complaints  
2 from tenants, neighbors, and Town staff on a 24/7 basis. A local representative may, but  
3 need not, also serve as property manager.  
4

5 e) Registrar: The Town Clerk.  
6

7 f) Resident: The record owner of a parcel of real estate who (1) physically resides in the Town  
8 for no less than 183 days per year; and (2) has designated a property in the Town as their  
9 legal residence for a driver's license, voter registration, State identification card or other  
10 suitable form as proof of domicile. A business entity and/or trust is not defined as a resident  
11 for the purposes of this ordinance.  
12

13 g) Short-term Rental: The rental, lease, or other contractual arrangement for the occupation  
14 of a dwelling unit, or any portion thereof, by a tenant or occupant for residential and/or  
15 dwelling purposes, for any period of less than thirty (30) consecutive days. Short-term  
16 Rental shall not include duly licensed and permitted hotel, motel, bed and breakfast homes,  
17 and community residences.  
18

19 **Sec. 14-83. Registration, inspection, and license required.**  
20

21 a) Every Short-term Rental unit shall obtain a compliance certificate issued by the Building  
22 Official, shall be registered by the record property owner thereof with the Registrar, and  
23 shall apply for and be issued a license from the Licensing Authority before any use of the  
24 Short-term Rental Unit occurs.  
25

26 b) Prior to registration and licensing of a Short-term Rental unit, the Short-term Rental unit  
27 shall be inspected for a fee by the Building Official or his/her designee and the Jamestown  
28 Fire Marshal. Thereafter, the dwelling unit shall be inspected by the Building Official each  
29 two (2) years thereafter, and by the Fire Marshall each two (2) years thereafter, to be  
30 completed no later than the application period filing of the requisite year. The purpose of  
31 the inspection is to determine the occupancy limit of the unit pursuant to Sec 14-87 of this  
32 chapter and compliance with the relevant State Building Codes, Fire Codes and Town  
33 Ordinances, including, but not limited to smoke and C.O. detectors are installed and  
34 compliance with the State Fire Code for dwelling units and Short-term Rental units and to  
35 determine the number of off-street and on-street parking spaces available. The Building  
36 Official or his/her designee shall issue a Short-term Rental compliance certificate stating  
37 that the unit has passed the required inspections and shall state the maximum occupancy  
38 for the Short-term Rental and dwelling unit. The Building Official and/or Fire Marshall  
39 may conduct an inspection of any Short-term Rental unit upon complaint or for any other  
40 proper reason pursuant to the General Laws, applicable regulations and/or Town  
41 Ordinances. Failure of the record owner of the Short-term Rental unit to allow inspections  
42 shall constitute a violation of this chapter.  
43

44 c) Any deficiencies found by the Building Official or Fire Marshall must be satisfactorily  
45 addressed by the record owner prior to issuance of a compliance certificate or the use or

1 re-use of the Short-term Rental unit; engaging or continuing the Short-term Rental while  
2 deficiencies are outstanding shall be a violation of this chapter.

- 3
- 4 d) A Short-term Rental unit compliance certificate shall expire on December 31<sup>st</sup> of each year  
5 and must be renewed by the holder, unless revoked, rescinded and/or returned. Any Short-  
6 term Rental compliance certificate issued prior to December 31<sup>st</sup> of any year shall thereafter  
7 expire and require renewal annually prior to December 31<sup>st</sup> of the year issued.  
8

9 **Sec. 14-84. Compliance certificate, registration and license forms.**

- 10
- 11 a) The Short-term Rental unit compliance certificate form shall be prepared and issued by the  
12 Building Official, who is hereby authorized to require such relevant and appropriate  
13 information as deemed necessary to constitute compliance with the relevant provisions of  
14 this ordinance for the issuance of such certificate.  
15
- 16 b) The rental registration form shall be developed by the Registrar's office and, at a minimum,  
17 shall indicate the Tax Assessor's plat and lot number, address of the rental dwelling and  
18 Short-term Rental unit, the number of Short-term Rental units therein, the maximum  
19 occupancy, the name, permanent mailing address, email address, and telephone number of  
20 the record owner and of his or her registered local representative, if different than the  
21 owner. Copies of the registration form, with 24 hours, 7 days a week contact information  
22 for the record owner and, if applicable, the local representative, will be held on file by the  
23 Registrar.  
24
- 25 c) The Short-term Rental unit license form shall be prepared and issued by the Registrar's  
26 office, who is hereby authorized to require such relevant and appropriate information as  
27 deemed necessary to constitute compliance with the relevant provisions of this ordinance  
28 for the issuance of a license by the Licensing Authority.  
29

30 **Sec. 14-85. Filing date; term.**

- 31
- 32 a) On or before October 1 of each year, the record owner of the rental dwelling unit shall file  
33 the completed rental registration form with the Registrar along with the compliance  
34 certificate issued by the Building Official, which registration and certificate, if issued, shall  
35 be valid for a one-year period from January 1 to December 31 of the following year, subject  
36 to the issuance of a license for the same by the Licensing Authority. If the property is  
37 registered and issued a compliance certificate during the calendar year, the registration and  
38 compliance certificate shall be valid until December 31 of that same year, subject to the  
39 issuance of a license for the same by the Licensing Authority. Failure of the record owner  
40 to obtain a compliance certificate, register and be issued a license for the Short-term Rental  
41 unit shall constitute a violation of this chapter.  
42
- 43 b) Once a completed registration and licensing application is submitted to the Registrar's  
44 office on or before October 1<sup>st</sup> of each year, the Registrar shall place all completed  
45 applications on a Licensing Authority agenda for consideration, discussion, and potential

1 action. The Registrar shall cause an advertisement to be made no less than two (2) weeks  
2 prior to the date selected for the License Authority meeting containing the list of  
3 applications filed and forwarded to the Licensing Authority. A public hearing shall be  
4 available to any person so requesting to make comment or contest any Short-term Rental  
5 unit application pending before the License Authority. Absent any objections being filed  
6 either before or at the Licensing Authority meeting on a Short-term Rental application, the  
7 Licensing Authority may approve an application on their consent agenda, without a public  
8 hearing or deliberation. The Licensing Authority may conditionally approve and/or deny a  
9 Short-term Rental license to an applicant only for just cause. Just cause may include, but  
10 not be limited to, complaints, regulatory contacts, misleading or inaccurate filing  
11 information, or ordinance violations to name a few.

12  
13 **Sec. 14-86. Registration and license fee.**

- 14  
15 a) There shall be an annual registration and license fee of three hundred and fifty (\$350.00)  
16 dollars for each Resident Short-term Rental unit and an annual registration and license fee  
17 of seven hundred dollars (\$700.00) for all other Short-term Rental units covered under the  
18 provisions of this chapter. Registration and license fees are required to be paid upon  
19 application and are non-refundable.  
20

21 **Sec. 14-87. Occupancy location, limits, and parking other requirements.**

- 22  
23 a) A Short-term Rental is only permitted in a dwelling unit, or a portion thereof, by a tenant  
24 or occupant for residential purposes, Short-term Rentals are prohibited in accessory  
25 structures and structures that do not constitute a dwelling unit or portion thereof.  
26  
27 b) The maximum occupancy for the dwelling and Short-term Rental unit shall be two persons  
28 per bedroom and in cases where dwelling units use an On-site Wastewater Treatment  
29 System (“OWTS”) maximum occupancy shall not exceed the number of bedrooms  
30 supported by the design load of the property's OWTS. The record owner shall provide  
31 records and/or information that the Building Official or his/her designee deems reasonably  
32 sufficient to determine the number of bedrooms for which the OWTS is rated. If OWTS  
33 information is unavailable for the dwelling unit, it shall be deemed a two-bedroom dwelling  
34 unit. The maximum occupancy may be further limited by the requirements of Subsection  
35 b, herein.  
36  
37 c) No tents, storage units, boats, recreational vehicles, and the like shall be used and/or  
38 occupied while on the Short-term Rental property.  
39  
40 d) The record owner shall be jointly and severally liable for compliance with the Short-term  
41 Rental Ordinance provisions, including but not limited to, rental term limits, occupancy  
42 limits and other requirements. Non-compliance with any of the provisions of this ordinance  
43 or any other Code of Ordinance provisions of the Town of Jamestown by users of the Short-  
44 term Rental unit shall constitute a violation of this chapter.

1  
2 **Sec. 14-88. Owner's obligations.**  
3

- 4 a) All Short-term rental unit advertisements shall contain an accurate and detailed description  
5 of the Short-term Rental unit and the limitations and requirements contained in this  
6 ordinance for use of the Short-term Rental unit.  
7
- 8 b) All Short-term Rental unit agreements shall attach a copy of the applicable short-term  
9 rental registration and permit for the premises. The Short-term Rental unit agreement shall  
10 state that the renter may be held legally responsible and liable for any violations of law  
11 committed by the renter or by other occupants or guests while at the Short-term Rental unit  
12 premises, including violations of the laws and ordinances pertaining to noise, disorderly  
13 conduct, disturbance of the peace, keeping dogs on a leash, parking, trash maintenance and  
14 disposal, and dwelling occupancy limits.  
15
- 16 c) The owner and/or local representative shall obtain accurate and up-to-date information,  
17 including the names, home addresses and phone numbers of the renters, the date of the  
18 rental period and a copy of a state issued driver's license or identification card or passport  
19 from the renter and any tenants or guests. The owner and/or local representative shall  
20 maintain this information throughout the term of the Short-term Rental agreement and for  
21 90 (ninety) days thereafter; and shall make this information available to Town officials  
22 who are lawfully investigating or prosecuting any offense reasonably believed to involve  
23 one or more of the renters. Failure of the record owner and/or local representative to gather,  
24 maintain or provide this required information shall constitute a violation of this chapter.  
25

26 **Sec. 14-89. Posting of notice by owner.**  
27

- 28 a) The record owner shall be responsible and is required to state all short-term rental  
29 advertising the maximum number of bedrooms, maximum number of persons, and number  
30 of designated on-site parking spaces. The record owner shall be responsible to post and  
31 affix in plain view, in a conspicuous place within the rental dwelling unit, a compilation to  
32 be provided by Town staff and available at the office of the Registrar, containing general  
33 information regarding certain Town ordinances with which tenants must comply, dwelling  
34 occupancy limits, and any other pertinent ordinance, or law information which the Town  
35 may deem appropriate from time to time. In addition, notice of water conservation, trash  
36 pickup, and recycling shall also be posted. The record owner of the Short-term Rental  
37 dwelling unit subject to the provisions of this chapter shall cause the registration form and  
38 permit required by this chapter to be posted or affixed to the inside of the primary access  
39 door to said Short-term Rental dwelling unit so as to allow the lease and registration form  
40 to be readily available for inspection by police, zoning, building, or minimum housing  
41 officials of the Town of Jamestown. Non-compliance of posting requirements shall be a  
42 violation of this chapter.  
43  
44

1 **Sec. 14-90. Local representative.**  
2

- 3 a) The record owner shall designate on the registration form, if different from themselves, an  
4 individual who permanently resides in Rhode Island, or a property manager with a  
5 physically staffed office within Rhode Island, as the record owner's local representative,  
6 who shall be authorized to receive any process, notice or demand required or permitted to  
7 be served upon the owner of the premises. The record owner may be designated as the local  
8 representative, only if he or she resides in Rhode Island.  
9
- 10 b) The local representative must be authorized by the record owner to respond to tenant and  
11 neighborhood questions or concerns on a 24/7 basis. The local representative shall serve as  
12 the initial contact person if there are questions or complaints regarding the use of the  
13 dwelling unit for short-term rentals. The local representative promptly shall respond in  
14 person or via telephone to those complaints to ensure that the use of the dwelling unit  
15 complies with the requirements of this chapter, as well as all other applicable Town  
16 ordinances pertaining to parking, noise, disturbances, or nuisances, as well as state law  
17 pertaining to the consumption of alcohol and/or the use of illegal drugs.  
18
- 19 c) The failure of the record owner or local representative promptly to respond in person or  
20 via telephone to the Jamestown Police Department or other Town Official inquiries and  
21 address and resolve any situation, complaint, or violation within two (2) hours shall be  
22 considered a violation of this chapter.  
23
- 24 d) The record owner may change the designation of the local representative from time to time  
25 by filing an amended registration application including the name, address, and telephone  
26 number of the new local representative. Failure to notify the Town of any change in the  
27 local representative shall constitute a violation of this chapter.  
28

29 **Sec. 14-91. Enforcement; penalty for violation; revocation of permit.**  
30

- 31 a) For the purposes of enforcement of the provisions of this chapter, the Town Council of the  
32 Town of Jamestown hereby designates and authorizes the Zoning Enforcement Officer for  
33 the Town to implement, investigate, enforce, and prosecute the provisions of this chapter.  
34
- 35 b) Violations of this chapter shall be enforceable through issuance of a Violation Citation and  
36 Summons by the Zoning Enforcement Officer or his or her designee, of the Town and  
37 citations shall be heard and adjudicated by the District Court or other court of appropriate  
38 jurisdiction.  
39
- 40 c) Except as provided herein, violations shall be punished in accordance with, and the Town  
41 shall have all the powers and remedies provided by, Sec. 1-15 of the Jamestown Code of  
42 Ordinances, which include and provide for a first offense penalty of \$250 and a second and  
43 subsequent offense penalty of \$500 where each day counts as a distinct and separate  
44 violation.  
45

- 1 d) The Zoning Enforcement Officer may provide in the Violation Citation that upon  
2 admittance of the violation the fine may be paid in person, by mail or electronic payment,  
3 or other disposition imposed, prior to the first appearance before the District Court.  
4
- 5 e) Notwithstanding any other remedies available to the Town, the Zoning Enforcement  
6 Officer may refer a Short-term Rental license issued under this ordinance to the Licensing  
7 Authority for a show-cause hearing to be held by the Licensing Authority. The Licensing  
8 Authority shall have the authority to revoke, suspend, and take such other equitable action  
9 as deemed appropriate and necessary based on the facts and circumstances of the situation  
10 determined at the show-cause hearing concerning the licensee.  
11

12 **Sec. 14-92. Implementation.**  
13

- 14 a) This chapter shall take effect upon passage, provided, however, that enforcement of  
15 violations shall be stayed until January 1, 2023.  
16
- 17 b) No Short-term Rental may occur after adoption of this ordinance without compliance with  
18 this chapter. Non-compliance shall constitute a violation of this chapter.  
19

20 **Sec. 14-93. Limits on total Short-term Rental Units licensed.**  
21

- 22 a.) The Town Council reserves the right to set limits on the total number of Short-term Rental  
23 units permitted in the Town and/or by certain geographic areas, such as blocks,  
24 neighborhoods and/or areas.  
25
- 26 b.) The Town Council may act to set the limits at their discretion upon a showing of need  
27 based on finding disruption to the quiet enjoyment of a residential area, negative impact on  
28 the seasonal and/or affordable housing rental markets, or impairment to the integrity of the  
29 residential character of particular areas.  
30

31 **Sec. 14- 94 - 100. – Reserved.**  
32