

SECTION 4.4: SHORT TERM RENTALS (added 3/10/2020, amended 5/15/2021, 3/8/2022, 3/12/2024)

4.4.1. Definition

4.4.1.1 “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 hotel, motel or bed-and-breakfast.

4.4.2 Purpose

4.4.2.1 To preserve the traditional character of residential neighborhoods that can be negatively impacted by this type of use.

4.4.2.2 To help preserve the quality and quantity of the housing stock for year-round residential use.

4.4.2.3 To ensure the safety of Short Term Rental occupants.

4.4.3 Application Procedure

4.4.3.1 Short Term Rentals are permitted in all zoning districts by a Conditional Use Permit (authorized by RSA 674:21, I(i)), pursuant to the following guidelines and requirements.

4.4.3.2 The owner of the Short Term Rental property shall file a Conditional Use Permit application to operate a Short Term Rental (with a \$150 application fee) with the Town’s Board of Selectmen prior to operating a Short Term Rental. Owners of Short Term Rental units at the time of adoption of this ordinance are also required to apply for a Conditional Use Permit (amended 5/15/2021).

4.4.3.3 Upon receipt of an application for a Short Term Rental Conditional Use Permit, the Board of Selectmen shall forward the application to the Jackson Planning Board, who shall place the application on the agenda for their next meeting. The Planning Board shall review the application and shall provide the Board of Selectmen with written comments on the application. The Planning Board is not required to hold a public hearing.

4.4.3.4 Upon receipt of the Planning Board’s written comments, the Board of Selectmen will place the application on the agenda for their next meeting and either approve or deny the application. The Selectmen are not required to hold a public hearing. If the Selectmen do not incorporate the Planning Board’s comments directly into their decision, then they shall set forth their findings and decisions on the Planning Board’s comments pursuant to RSA 674:21, II.

4.4.3.5 Within 30 days of the date of the Selectmen’s decision to approve or deny an application for a Short Term Rental Conditional Use Permit, an aggrieved party may file an appeal in writing with the Board of Selectmen, requesting that the Selectmen reconsider their decision and setting forth the reasons why reconsideration would be appropriate. If such an appeal is timely filed by an aggrieved party, the Selectmen shall schedule the appeal for a public hearing within 45 days upon receipt pursuant to RSA Chapter 43.

4.4.3.6 The application will be approved or denied by the Board of Selectmen using the following criteria (amended 3/8/2022):

a. The owner of a proposed Short Term Rental unit shall provide the name, address, and telephone number of a person within the state who is authorized to accept service of process for any legal proceeding brought against the owner of the property.

b. 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 in areas defined by the NH State Fire Code and NH State Building Code and are functioning.

ii. Windows and/or doors designated for emergency egress are maintained and 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 is 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 plus two (2) additional people.

vi. All vehicles shall be parked on the property and in designated parking areas.

c. The owner of a Short Term Rental unit shall provide proof of a current NH Rooms and Meals Tax license number.

d. Although a Conditional Use Permit runs with the land, if the property transfers ownership, within 60 days of the closing the new owner will be required to provide the Town with their contact information, new affidavit agreeing to the conditions of the permit and all applicable application fees (added 3/8/2022).

4.4.4 Responsibilities of Short Term Rental Owner

4.4.4.1 Removal of trash.

4.4.4.2 Ensuring that all parking of vehicles is on site;

4.4.4.3 Ensuring that occupancy limits are not exceeded;

4.4.4.4 Any other site-specific conditions imposed as part of the approval.

4.4.5 Rural Residential District

4.4.5.1 In the Rural Residential District only, Short Term Rentals are limited to 30 rentals per dwelling unit annually unless the unit or another unit on the same property is occupied by at least one full time resident. Short Term Rentals in existence in the Rural Residential District at the time of adoption of this ordinance at the March 12, 2020, Annual Town Meeting shall be exempt from the restriction on the number of annual rentals.

4.4.6 Revocation of Conditional Use Permit; Fines and Penalties

4.4.6.1 Approvals may be revoked for failure to comply with this Ordinance or with any conditions of approval imposed as part of the Conditional Use Permit. The first violation of this Ordinance (or a Condition of Approval) may result in a warning; the second violation may result in a civil penalty of \$275; and the third violation will result in a revocation of the Conditional Use Permit. If a revocation occurs, the owner may not apply for reinstatement for a period of three months.

4.4.6.2 Using a dwelling unit for Short Term Rentals without a valid Conditional Use Permit will subject the property owner to fines and penalties outlined in RSA 676:17.

4.4.7 Reports of Nuisances or Other Dangers to the Public Health

4.4.7.1 Nuisances or any other dangers to the public health reported by lodgers or abutters may require an inspection pursuant to RSA 147:3.

4.4.8 Accessory Apartment Use

4.4.8.1 In all zones, the owner of a property with both a principal Dwelling Unit and an Accessory Apartment is allowed to apply for a Short Term Rental Conditional Use Permit for either the principal Dwelling Unit or the Accessory Apartment, but not both Dwelling Units. (added 3/12/2024)