



VACATION RENTAL APPLICATION

125 N. Court Street, Fayetteville WV 25840
Phone (304)574-0101 FAX (304)574-3765
www.fayettevillewv.gov

Location of vacation rental (Street Name & Number): _____

Bedrooms: _____ Approximate Nightly Cost: \$ _____

Bathrooms: _____

Off Street Parking Spaces: _____

Owner of Property: _____

Telephone #: _____ Email: _____

Mailing Address: _____

Authorized Agents (if any) _____ WV Real Estate License# _____

Telephone #: _____ Email: _____

Mailing Address: _____

Are there any prior Permits for Vacation Rental at this location in the Owner's name or in the name of any corporation, partnership or other business entity in which the Owner had an interest in? _____

If yes, what happened to that Permit: _____

Is this Vacation Rental listed online? _____

If yes, what websites? _____

APPLICANT'S SIGNATURE

DATE



VACATION RENTAL PROTOCOL

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1. APPLICANT

- a) Pick up vacation rental permit application packet which include:
 - Permit Application
 - Copy of Ordinance
 - Municipal License Application ****you must have a State and Town Business License to utilize the rental permit****
- b) Complete Vacation Rental application, Municipal License application and pay applicable fees which include:
 - \$100.00 Permit fee
 - \$5.00 Municipal License fee

2. TOWN CLERK

- a) Receive Permit application and Municipal License application
- b) Receipt in permit and license fees
- c) Issue Vacation Rental Permit
- d) Fax or email a copy to the Fayetteville Police Department and the Fayette County Assessor's office, to the attention of the assessor.
- e) File Permit

3. APPLICANT

- a) Receive permit
- b) Submit monthly hotel/motel tax returns and payment (6% of Gross sales) to Town Treasurer.
- c) Submit quarterly business and occupational tax returns and payment (1% of Gross sales, #20 on back of form) to the Town Treasurer.
- d) Reapply annually (July1) for business license. ****License are valid July 1 through June 30****



VACATION RENTAL ORDINANCE

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2016-1 PURPOSE:

The purpose to this addition to the Residential Zone of the town is to provide for the regulation and use of residential houses in the residential zone for short-term rental of the house or any part thereof.

PERMITTED USE IN RESIDENTIAL ZONE

VACATION HOME RENTAL:

Vacation Home rental shall be the rental of an entire house, apartment, room or rooms, all of which are hereinafter referred to as "structure", in a residential zone for less than thirty (30) consecutive days by the same individual or individuals.

The "Owner" shall be the legal title holder of the property as disclosed upon the records contained in the Office of the Clerk of the Fayette County Commission, Fayetteville, West Virginia.

PERMITS FOR VACATION HOME RENTALS:

The Owner of a structure located within a residential zone may file an application for a permit operate a vacation home rental within the Town. The application shall be available at Town Hall.

Upon submission of the application for the Permit to operate a Vacation Home Rental, the Town Building Inspector or the Town Superintendent shall inspect the structure to see that it complies with the regulations hereinafter set forth and determine the number of occupants that may occupy the structure. (REPEAL PENDING)

The application fee for the Special Use Permit shall be One Hundred Dollars (\$100.00) and any other cost applicable thereto.

Upon issuance of a Permit, the Owner shall immediately file for the appropriate business license with the town and with the State of West Virginia and shall not operate as a Vacation Home Rental until obtaining the appropriate licenses.

All Permits shall be issued and shall be subject to the following regulations:

1. The number of occupants permitted in the rental structure shall not exceed two (2) adults and one (1) child under the age of four (4) per bedroom in the house and shall not exceed four (4) adults and four (4) children under the age of four (4) per bathroom. These numbers shall include those Owner or renters normally occupying the structure on a full-time basis.
2. An adult shall be considered any person over the age of four (4).
3. There must be off-street parking and no vehicles may be parked on the street by the persons renting the structure.
4. The structure must have smoke and heat detectors/alarms in general area of the kitchen, location of furnaces or other heating devices, and by the entrance into each bedroom.
5. The structure must have carbon monoxide detectors/alarms in the bedrooms, living room/family room and kitchen if the structure uses natural gas or propane gas for any purpose, other than propane tanks for gas grills located outside the structure.
6. The structure must have a working, two-pound minimum, ABC rated fire extinguisher located in a visible and readily accessible area (i.e. kitchen or hallway).
7. The Owner of the structure or Authorized Agent of the Owner shall be within thirty (30) miles of the structure for which the Permit was issued during the entire time that the structure is rented. The Owner or Authorized Agent shall be the contact person in the event of violations of these regulations or of any other ordinance or statute. The telephone number where the Owner or Authorized Agent may be reached must be provided to Town Hall and to the Town Police Department and immediate notification of any change therein shall be given by the Owner or Authorized Agent.
8. No signs or designation of the structure shall be permitted except the street number and there shall be no change in the outside appearance of the structure or other visible evidence of the conduct of the vacation rental of the structure.
9. The Owner or the Owners' designated agent shall be responsible for the collection and payment of all licensing fees, sales taxes, Business and Occupation (B&O) taxes and the failure to timely pay any of these shall result in the immediate revocation of the Permit if the same is not paid within ten (10) days of written notification. Notification shall be effective by placing the notice in the United States Mail, postage prepaid, to the address of

the Owner as disclosed on the Permit or any modifications thereto, said notice to be effective even if the Owner does not receive the same.

10. The Owner or Authorized Agent shall notify the Renters of the parking regulations and that violation of Municipal Ordinances could result in the cancellation of the rental of the premises and that failure to obey orders of the Police Department Officers or Fire Department Officers could result in their being required to immediately vacate the structure. Return of any fees for the Rental of the structure under these circumstances is a matter strictly between the Owner and the Renter and the Town shall not be responsible to either part of loss of use of the structure.

TERMINATION OF PERMIT FOR VIOLATION:

There is hereby established the following point system for violations of rules, regulations, ordinances or statutes:

- Parking on the street 6
- Disturbing the peace – noise 6
- Disturbing the peace – drunk and disorderly 12
- Brandishing a deadly weapon 6 (Rental Cancelled)
- Discharge of a firearm 12 (Rental Cancelled)
- Shooting an arrow from any type of device 12 (Rental Cancelled)
- Possession or use of illegal fireworks 8
- Trash, garbage, etc. outside of the structure 3 (must correct within two 2 hours)
- Trash, garbage, etc. outside of structure not corrected within two (2) hours 5
- Trash, garbage, etc. outside of structure not corrected within two (2) hours 12 (Rental Cancelled)
- Failure to have working smoke/fire detectors/alarms *
- Failure to have working carbon monoxide detectors *
- Failure to have working fire extinguishers *

The accumulation of 24 points within a period of six (6) months shall result in the suspension of the Permit for a period of one (1) year. In the event that there are more than two (2) suspensions within any two (2) year period, the Permit shall be terminated and may not be reissued for a period the five (5) years for that property.

*The Permit will be immediately suspended until these violations are corrected and the violation on more than one occasion with a six (6) month period will result in a two (2) year termination of the Permit.

The Town Superintendent shall be responsible for notifying the Owner of a Termination and of accumulated points, and shall be responsible for Termination of the Permit which Termination may be appealed as hereinafter set forth.

Termination shall be written notice to the Owner at the address disclosed on the Permit or address thereafter supplied to the Town Superintendent's Office. The Termination shall be effective upon placing the Notice in the United States Mail, postage prepaid, to aforesaid address of the Owner.

The purpose of these regulations is to protect the integrity of the residential area and to provide for the peace and tranquility of those area for the local residents.

APPEALS OR TERMINATION OF PERMIT:

Any termination of a Permit may be appealed to the Board of Zoning Appeals by given written notice to the Town Superintendent of the Appeal and the Board of Zoning Appeals shall conduct a hearing on the Appeal within twenty (20) days of the notification. The burden of proof shall be upon the Owner to show that the violations did not occur. The right of Appeal to the Circuit Court shall apply to all adverse decisions of the Board of Zoning Appeals. It shall not be a defense that the Owner or Authorized Agent had no knowledge that the renters were violating the rules, regulations, ordinances or statutes at the time of the violation.



VACATION RENTAL REPORTING PROCEDURE

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****IMPORTANT TAX REPORTING PROCEDURES****

SUBMIT THE FOLLOWING FOR EACH PROPERTY:

Monthly Hotel/Motel Tax Return (Article 776) for **EACH PROPERTY LOCATION** even if the Gross Rental Income is Zero (0). Be sure to enter a Zero (\$0.00) at the bottom of the form, sign and date. Submit this Return with payment each month.

Quarterly Business & Occupation (B&O) Tax Return for **EACH PROPERTY LOCATION** at the end of each quarter listing totals for each month separately for **January – February – March;** **April – May – June;** **July – August – September;** and **October – November – December** to reflect the amounts corresponding to the amounts reported on your Hotel/Motel Tax Returns you submitted previously. If the Gross Amount of Sales is Zero (\$0.00), be sure to enter a Zero (\$0.00) on the appropriate lines. Sign and date the bottom of the form. Submit this Return with payment each quarter.