

APPLE SPRINGS WATER WORKS SANITARY DISTRICT
ORDINANCE NUMBER 2012-02-WS

AN ORDINANCE TO REGULATE VACATION HOME RENTAL OCCUPANCY FOR THE
PURPOSES OF WASTE WATER AND SEPTIC SYSTEM DISPOSAL

WHEREAS, the Apple Springs Water Works District Board of Trustees deems it necessary to establish sanitation regulations and standards for owners of Vacation Home Rental (VHR) properties in Apple Springs District for the protection of the public health, safety and welfare, and to minimize the impacts of such use, and;

SECTION 1 – DEFINITIONS

BEDROOM: Any portion of a dwelling, which is so, designed as to furnish the minimum isolation necessary for use as a sleeping area.

LOCAL CONTACT: A local property manager, owner or agent of the owner, who is authorized to respond to questions, concerns, and emergencies.

OWNER: The person or entity that holds legal and/or equitable title to a private property.

VACATION HOME RENTAL (VHR): Any dwelling unit that is rented for pay or other consideration, leased, or furnished in its entirety to the public on a daily or weekly basis for more than fourteen (14) days in a calendar year and is not occupied by an owner or manager during the time of rental per SDCL 34-18-1(21).

SECTION 2 – PERMIT

A. VHRs are permitted with approval of a Conditional Use Permit (CUP).

B. Permit Requirements:

1. A VHR CUP is required prior to operation within the District.
2. The Owner must have applied for a South Dakota Vacation Home Rental License from the South Dakota Department of Health. At the time of issuance of the Vacation Home Rental License from the South Dakota Department of Health, a copy of the license shall be furnished to the Apple Springs Water & Sanitary District.
3. The Owner must obtain a South Dakota Sales Tax License from the South Dakota Department of Revenue. A copy of the license must be provided to the Apple Springs Water & Sanitary District.
4. The CUP shall be revoked upon sale or transfer of ownership of the property.
5. Permits required by this Section are in addition to any license, permit, or fee required by State Law. Any person holding a CUP issued under this Section must also comply with all applicable federal, state, and local laws and regulations.

C. An Owner may retain a Local Contact to comply with the requirements of this Section, including, without limitation, the filing of an application for a CUP, the management of the VHR,

and compliance with the conditions of the CUP. The CUP shall be issued only to the Owner of the VHR. The Owner of the VHR is ultimately responsible for compliance with the provisions of this Section. The failure of the Local Contact to comply with this Section shall be deemed as non-compliance by the Owner.

D. Application for Vacation Home Rental Conditional Use Permit. The following information must be provided:

1. The maximum number of bedrooms.
2. The maximum number of overnight occupants.
3. The maximum number of day guests.
4. Copies as set fourth in Section 2-B2& 3.

E. Performance Standards. All CUPs issued, pursuant to this Section, are subject to the following standards:

1. Due to the Apple Springs current sizing of absorption fields as per South Dakota Department of Environment and Natural Resources (DENR) Section 204-J permit, the maximum occupancy allowed in a VHR shall be no greater than two (2) persons per bedroom.
2. Where the Owner does not reside full-time or a temporary location during rental within fifty (50) miles driving distance of the VHR, a Local Contact shall be designated. The Local Contact shall reside within fifty (50) miles driving distance of the VHR. The Owner or Local Contact shall be responsible for responding in a reasonable time to complaints about the VHR. The name, address, and telephone contact number of the Owner and/or Local Contact shall be kept on file at the Apple Springs Water & Sanitary District.
3. The Owner shall keep records as required per SDCL 34-18-21. The report shall be provided to the District upon request.
4. The maximum number of day guests allowed shall be 50 percent of the maximum occupancy of the VHR.

F. Sign and Notification Requirements.

1. Interior Informational Sign. Each VHR shall have a clearly visible and legible notice posted within the unit on or adjacent to the front door, containing the following information:
 - a. The name of the Local Contact or Owner of the unit, and a telephone number at which that party may be reached on a 24-hour basis;
 - b. The maximum number of occupants permitted to stay in the unit;
 - c. The maximum number of day guests permitted to visit the unit;
 - d. Notification that failure to conform to the occupancy regulations of the VHR unit is a Violation of District Ordinance;
 - e. The property address;
 - f. Posting of the following Road District Ordances; No. 2012-02-R Overnight Parking on Roadway System or Right-of-Way, No. 2012-05-R Operation of Off Road Vehicles in Ditches Adjacent to District Roadways, No. 2012-04-WS Outdoor Toilets

2. Exterior Informational Signs. Exterior signs are not allowed within district road right-of-way.

G. Outdoor Toilets. No outdoor toilets shall be erected or maintained within the District.

H. To off set the expense of increased septic generated by lodging establishments, annual VHR CUP fee shall be six hundred (\$600.00) dollars per lodging establishment.

I. Annual fee is to be paid to the Apple Springs Water Works Sanitary District Treasurer prior to issuance of CUP.

THEREFORE BE IT RESOLVED that the Apple Springs Water Works Sanitary District Board of Trustees adopt the foregoing ordinance. Dated this day of 2012.

APPLE SPRINGS WATER WORKS SANITARY DISTRICT BOARD OF TRUSTEES

ATTEST:

First Reading: May 31, 2012
Second Reading: June 21, 2012
Date Published:
Date Effective

--- DRAFT ---
APPLE SPRINGS WATER AND SANITARY DISTRICT
VACATION HOME RENTAL
ANNUAL CONDITIONAL USE PERMIT APPLICATION
(Ref District Ord No. 2012-02-WS)
Conditional Use Permit Filing Fee \$100.00

CUP # _____ Issued for Year of 20__

1. APPLICANT/AGENT: _____ PH: _____

ADDRESS: _____ City: _____ State: _____ ZIP: _____

LAND OWNER: _____ PH: _____

ADDRESS: _____ City: _____ State: _____ ZIP: _____

2. LOCATION OF PROPERTY REQUESTING CUP:

ADDRESS: _____ City: _____ State: _____ ZIP: _____

LEGAL DESCRIPTION: _____

3. APPLICATION INFORMATION:

- a. The maximum number of bedrooms (3 bedrooms/VHR): _____
- b. The maximum number of overnight occupants' (2/bedroom): _____
- c. The maximum number of day guests (50% max overnight guests): _____
- d. Copy of SD Department of Health VHR License: _____
- e. Copy of SD Department of Revenue Sales Tax License: _____

4. THE OWNER, APPLICANT, OR AUTHORIZED AGENT, ACKNOWLEDGES: That he / she authorizes the Apple Springs Water/Sanitary District Board of Trustees and designees to enter onto and inspect the above described property, and that he / she has been advised of the permit one-hundred (\$100.00) dollars filing fee requirement and that it has been paid on;

Date: _____ Check #: _____

Applicant/Agent Signature

Date: ____ day of ____, 201__

Landowner Signature

Date: ____ day of ____, 201__