



STR Related Code Enforcement Summary

PDO Provisions - Short Term Rental Defined



Short Term Rental: a use of a Dwelling Unit for transient lodging occupancy under a short-term lease or for other financial consideration for a time period, lease term or sublease term of less than 30 consecutive days for a cumulative total of more than 14 days in any calendar year. Short Term Rental does not include other defined lodging uses identified on Table 8.5.1a of the Table of Permitted and Special Uses and Special Requirements

- Advertisement alone does not make a property a short term rental
- Observed transient occupancy of a residential property over a weekend does not make the property a short term rental
- Documenting and proving a property is used for transient occupancy for more than 14 days in a calendar year is a challenge – residents can help by logging observed activity and capturing photographic evidence over a period of time and submitting a package of evidence that they think may demonstrate rental for more than 14 cumulative days
- Also, to verify use as a STR, verification is needed that financial consideration was given for the lodging occupancy.

From SR-9 Short Term Rental: All nonconforming short term rental dwelling units operated prior to the effective date of this Ordinance are not required to obtain any Development Permit or any other type of permit or permission as a condition to rent....

- North Carolina law requires that we interpret our ordinances in the light that is most beneficial to the ‘applicant/owner’.
- We may have to interpret any situation where a property owner was in the process of establishing a short term rental prior to the enactment date of the ordinance as qualifying for a non-conforming use.
 - Proof of advertisement as a short-term rental?
 - Renovation permits with intent known to use as a STR?
 - Proof of advanced booking?
 - Case law establishing intent and other considerations (financial investment in private property)



Non-Conforming Use Certificates (NCUC)

- Not required to continue to operate a STR (voluntary).
- To receive a NCUC, documentation that a STR existed prior to enactment of Ordinance #22-15 is required. Documentation includes, but is not limited to, lease agreements, occupancy tax records, rental and payment history, etc.
- A total of 321 applications received with 249 Certificates approved/issued and another 72 applications are various states of review.
- Deadline to file for a NCUC was 10/27/23.

PDO Provisions - Occupancy Limits



From SR-9 Short Term Rental: ...the maximum occupancy per unit shall be based on two (2) adult guests per bedroom.

Advertisements that exceed two guests for bedroom *may* indicate a code violation, but does not prove it.

- Children - many advertising platforms state total number of guests and don't differentiate between adults and children.
- Actual occupancy must exceed two adults per bedroom.

Staff has very limited authority to verify the number of occupants (can't obtain access inside) and verify overnight stay.

This occupancy limitation does not pertain to properties that do not meet the definition of a short term rental (i.e. less than 14 days per calendar year, longer term rentals 30 days)

SR-9 list several requirements that can only be substantiated by observation inside the residence. Village officials lack the authority to inspect short term rental properties. From a practical standpoint, a renter would have to complain to Village officials in order to substantiate a violation of these aspects of the ordinance.

- Smoke/carbon monoxide detectors
- Bedroom sizes
- Ceiling heights
- Egress requirements
- Cooking facilities in bedrooms
- Posting of rental rules

PDO Provisions - Complaints



Complaints may be made via the MyVOP app or by contacting staff directly.

Complaints are logged and staff begins an investigation. Investigation includes searching and reviewing advertisements to try and determine start date and advertised occupancy, reviewing sales transaction, seeking documentation, following up with complainant, etc.

Staff makes contact with the property owner by direct mailing based on the address listed with the Moore County Tax Department. A copy of the STR FAQ is sent along with a brief description of the ordinance criteria and explanation of extension of non-conformity.

For staff to issue any notice of violation and begin any enforcement, staff must have documented proof of a violation.

PDO Provisions - Complaints



Resident complaints made for alleged violations of PDO provisions are typically related to when a STR was established (prior to or after Ordinance #22-15) and occupancy.

Between 10/27/22 & 10/27/23, MyVOP complaints regarding 16 properties were filed for potential PDO violations. Staff received complaints regarding 19 additional properties from residents who contacted us in various other ways.

Of the total 35 properties staff has received complaints, 14 have applied for a NCUC with 11 being issued (3 are still in various states of review).

Another 9 removed advertisements and/or fixed occupancy from listing platforms.

Remaining properties have challenges related to proving date of existence and differentiating adult vs. Non-adult occupancy.

Municipal Code Provisions – “Noise” Ordinance



The following activities are violations of our nuisance noise ordinance in done in a manner or with such volume that a sustained noise level of 40 dBs or more between the hours of 10:00 pm and 7:00 am or 55 dBs or more at other times can be **measured from a nearby residential property (ambient noise will be measured and subtracted):**

- The playing of any musical instrument or electronic sound amplification equipment
- The operation of any non-construction business activity
- The conduct of or participation in any recreational activity

Absent recreational activity, conversational noise is NOT a violation

Action to take: call the Police

Municipal Code Provisions – “Noise” Ordinance (Cont.)



Noise Complaints and Enforcement 01.01.2023 - 11.09.2023

116 total complaints (22 Party, 24 Music, 15 Construction, 25
Voices, 16 Dog, 10 Unspecified Noise, 4 Fireworks)

90 no violation observed/validated by the officer

6 were outside of our jurisdiction

In 10 of the 116 cases, some violation of our noise ordinance was validated. Most of these were not at STR properties.

3 citations

3 warnings

3 arrests (1 STR related 2 permanent resident related)

Municipal Code Provisions – Unruly Gatherings



- The presence of at least one person who is not a permanent resident of the property, and
- Three or more validated offenses among the following types committed within 100 yds of the subject property and within a 24 hour period:
 - Disorderly conduct
 - Serving alcohol to minors or contributing to the delinquency of a minor
 - Illegal substance use or possession
 - DWI or DUI
 - “Noise” ordinance violation
 - Assault
 - Vandalism
 - Urinating or defecating in public
 - Indecent exposure or other criminally lewd behavior
 - Any felony

Action to take: call the Police

Municipal Code Provisions – Unruly Gatherings (Cont.)



No data available, no incidents the Police Department encountered met the criteria.

Municipal Code Provisions – Overnight Parking on Residential Streets



No person shall park on any Village street, or within the Village's right-of-way adjacent to any street, that is within or abutting single family residential zoning (not multi-family) unless they are parking in Village marked and delineated parking spaces or are parking between the hours of 7:00 am and 11:00 pm.

Does not apply to unplanned emergency response for repair and maintenance of disabled vehicles, installation of utilities, or the provision of emergency services.

Action to take: call the Police

Municipal Code Provisions – Overnight Parking on Residential Streets



From January 1, 2023 through November 9, 2023 there were a total of 29 parking ordinance complaints.

Of the 29 complaints, 19 of them were initiated by officers on patrol. Most of these were not at STR properties.

Where violations were substantiated, officers tagged the vehicles and they were removed by the owners.

Municipal Code Provisions – Public Urination and Defecation



Except in designated restrooms, it shall be unlawful for any person to urinate or defecate on any public place, sidewalk, street, alleyway or right-of-way, or in any public building or on private property.

Having permission from the property owner is an affirmative defense

Action to take: call the Police

During 2023, 1 complaint called in for this violation at Moore Regional. None in neighborhoods or connected to rentals.

'Problem' Properties



Of noise complaints to the police, 78 individual properties received complaints, 28% of the complaints were against 3 of the properties. Only 1 of the 3 is an STR.

There are currently five properties for which we have received a complaint challenging pre-existence and for which we don't have any clear evidence either way.

Questions



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