

Welcome!

We are delighted for the opportunity to host you at Tides Newport. Our guests have created many memories here including wedding weekends, walks along the beach, barbecues, and gorgeous sunsets.

Below is some general information and house rules as well as our town ordinance. Please make every effort to abide by our rules and respect our great little beach town, our neighborhood, and especially our neighbors.

If you encounter any issues during your stay, don't hesitate to contact us.

We hope that you will feel at home and enjoy every minute of your time in Middletown and at The Tides...and we hope to host you again in the future!

Sincerely,

Debbie and Leon Amarant

Contact Us: Debbie: (203) 434-5196
 Leon: (857) 919-0237

WiFi: **Network:** TIDESNEWPORT
 Password: surfboard

Parking: You are allowed no more than 5 cars in the lot. Cars cannot be parked on the lawn or on the street. NO EXCEPTIONS!

Noise: Please be respectful to our guests in the other town house and our neighbors with regard to noise, especially after 9:00pm (bring the party inside and close the windows and doors).

Occupancy: This home sleeps a maximum of 10 adults. Children 12 and under do not count towards this limit.

Trash: There is a dumpster located at the entrance of the driveway. Please use this dumpster for all of your trash. PLEASE make every effort to break down your garbage so as to not overload the dumpster.

Police/Emergency: (401) 846-1144

Our Sister Property



YiaYia's Cafe @ The Sea Breeze Inn

Mediterranean Cafe

Breakfast, Lunch, Ice Cream



Rejects Brewing Company

Craft Brewery



Diego's Mexican Cuisine

Lunch, Dinner, Bar



Cumberland Farms

Gas Station

Convenient Store



Clementines

Ice Cream



Mission Burger

Burgers & Shakes



Beach Wine and Liquors

Beer and Liquor Store



Aquidneck Restaurant

Pizza, Subs, Comfort Food



YOU ARE HERE

THE TIDES
NEWPORT
RHODE ISLAND

Botegga Bocconi

Authentic Italian

Flo's Clam Shack

Seafood Shack



The Beach House

Wedding Venue

DOWNTOWN NEWPORT 1.7 Miles
NEWPORT MANSIONS 1.5 Miles
CLIFF WALK 0.75 Miles

Memorial Boulevard

Aquidneck Avenue

Purgatory Road

SECOND BEACH 1.0 Miles
THIRD BEACH 1.25 Miles

FIRST BEACH

CHAPTER 98: SHORT-TERM RESIDENTIAL LEASES

Section

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§ 98.01 LEGISLATIVE FINDINGS AND INTENT.

The Town Council of the Town of Middletown, Rhode Island, finds:

(A) The Constitution of the State of Rhode Island, Article XIII, Section 2, grants to the Town of Middletown the power to “enact and amend local laws relating to its property, affairs and government” as long as such local laws are consistent with the Constitution and laws enacted by the General Assembly. This delegation of power includes the police power to enact reasonable legislation to regulate and supervise rental dwellings in order to protect the public health, safety and welfare;

(B) Short-term residential rentals in Middletown have been the source of noise, congestion, pollution, and rowdy and disorderly behavior involving tenants and other persons on and near the premises, particularly between the hours of 10:00 p.m. and 6:00 a.m. Activities on and near the premises of short-term residential rentals have also been associated with a disproportionate number of violations of Town ordinances, including the Noise Abatement Chapter, §§ 130.75 through 130.91, the Zoning Code, Chapter 152, and the Parking Regulations, Chapter 72, as well as violations of various Rhode Island statutes.

(C) These conditions have disturbed the peace of the neighborhoods in which they have occurred; they have violated the repose, comfort and quiet enjoyment of persons in their homes; they have produced unreasonable disturbances of the peace, and they are inconsistent with the public health and safety and the general welfare of the people.

(D) The intent of this chapter is to eliminate, so far as is reasonably possible, the adverse conditions described above in order to protect residents of the Town, while preserving the right of

residential property owners to rent their property, for either short or long term, without undue restrictions.

(Ord. passed 11-16-99; Am. Ord. 2017-3, passed 1-17-17)

§ 98.02 DEFINITIONS.

(A) Words and phrases used in this chapter shall have the following meanings, unless otherwise clearly indicated by the context:

BEDROOM. The definition for bedroom is "sleeping room" as set forth in the current version of the Rhode Island Building Code SBC-1. Only a room meeting the definition of "sleeping room" in said code and complying with all provisions therein related to square footage, private accessibility, window specifications, and ventilation shall be considered a **BEDROOM** for the purposes of this chapter.

DWELLING UNIT. A structure or portion thereof providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, and containing a separate means of ingress and egress.

LOCAL REPRESENTATIVE. A person designated on a registration form filed under this chapter as the person authorized to receive any process, notice or demand required or permitted to be served upon the owner of the premises. A local representative may, but need not, also serve as property manager.

REGISTRAR. The Middletown Town Clerk.

SHORT-TERM RESIDENTIAL LEASE. A lease or other contractual arrangement for the occupation of a dwelling unit for a term of six months or less; provided, however, that this term does not include an extension, including a month-to-month extension, granted without an intervening period of non-occupancy to tenants currently occupying the premises under a written lease for a term of more than six months.

(B) Unless otherwise defined in this section, words and phrases shall have the meaning stated in Article 4 of the Zoning Code if defined therein.

(C) All words and phrases in this chapter, whether or not defined in this section or the Zoning Code, shall be interpreted so as to carry out the Council's intent as stated in § 98.01.

(Ord. passed 11-16-99; Am. Ord. 2017-3, passed 1-17-17)

§ 98.03 APPLICABILITY.

The provisions of this chapter shall apply to all residential property except (1) hotels and motels; (2) boarding and rooming houses; and (3) group homes, community residences, family day care homes, and congregate housing.

(Ord. passed 11-16-99; Am. Ord. 2019-7, passed 6-3-19)

§ 98.04 REGISTRATION AND INSPECTION REQUIRED.

(A) All dwelling units which are let, leased, rented or otherwise occupied, in whole or in part, by a tenant for residential and/or dwelling purposes for a period of six months or less under a short-term residential lease shall be registered by the record property owner with the registrar before any tenant occupies the premises.

(B) At the time of each annual registration, the dwelling unit shall be subject to inspection by the Building Official or his designee. The purpose of the inspection is to determine the occupancy limit of the unit pursuant to § 98.09 of this chapter.

(Ord. passed 11-16-99; Am. Ord. 2017-3, passed 1-17-17; Am. Ord. 2019-7, passed 6-3-19)

§ 98.05 REGISTRATION FORM.

The rental registration form shall indicate the tax assessor's plat and lot number, address of the rental dwelling unit, the number of rental dwelling units therein, the name and permanent mailing address of the record owner and of his or her local representative, if any, and the usual period of occupancy by tenants (summer, monthly, weekly or other).

(Ord. passed 11-16-99; Am. Ord. 2017-3, passed 1-17-17)

§ 98.06 REGISTRATION TERM.

A short-term residential registration shall be valid from May 1 to the following April 30, except that an initial registration filed after May 1 shall be valid from the date of registration until the following April 30.

(Ord. passed 11-16-99)

§ 98.07 FILING REQUIREMENT.

On or before May 1 of each year, the record owner of a dwelling unit subject to this chapter shall file a rental registration form with the registrar and pay the registration fee.

(Ord. passed 11-16-99)

§ 98.08 FEE.

The fee for registering dwelling units under this chapter shall be \$55.00 for each bedroom in the unit with a minimum fee of \$55.00; the fee for premises on which the owner maintains his or her principal residence shall be \$55.00 per dwelling unit, regardless of the number of bedrooms.

(Ord. passed 11-16-99; Am. Ord. 2019-7, passed 6-3-19)

§ 98.09 OCCUPANCY LIMITS AND PARKING REQUIREMENTS.

(A) The maximum occupancy for the dwelling unit shall be two persons per bedroom. The maximum occupancy may be further limited by the requirements of division (B) below. For the purpose of establishing occupancy, a person is defined as an individual at least 12 years of age; provided however, that in no event shall the occupancy of a dwelling exceed the occupancy load as defined in the current version of the Rhode Island Building Code SBC-1, which requires a floor area of 200 gross square feet per occupant; fractions shall be rounded down to the next lower whole number; and provided further, that in no event shall the occupancy of a dwelling exceed the design load of the property's septic system, if applicable.

(B) One off-street parking space shall be provided on the same lot on which the short term rental is located for each two persons of dwelling occupancy, as determined by division (A) above. Where the number of parking spaces required by this section cannot be provided on-site, the permitted occupancy of the dwelling shall be reduced to conform to the available amount of off-street parking. All parking spaces required hereunder shall not be located on any lawn area. On street parking by residents of short term rentals is prohibited.

(Ord. passed 11-16-99; Am. Ord. 2017-3, passed 1-17-17; Am. Ord. 2019-7, passed 6-3-19)

§ 98.10 OWNER'S OBLIGATIONS.

(A) Required lease terms. All short-term residential leases shall have as an attachment a copy of the applicable Short Term Rental Permit for the premises, and contain the following provisions, either

as worded below or in substantially similar language:

The following provisions are required by law to be a part of this lease. In these provisions, "you" and "your" mean each tenant under this lease.

(1) The legal occupancy of this dwelling unit is limited by town ordinance and may not exceed the number of persons aged at least 12 years of age set forth on the Short Term Rental Permit attached hereto. Exceeding said occupancy limit is a violation of this chapter and is subject to a fine of up \$1,000 per day.

(2) If you sublet any portion of the premises, you become subject to the requirements of the Short-Term Residential Leases ordinance, including the requirement to register the subleasing at the Town Hall. Allowing a person who is not a tenant to stay one or more nights on the premises in exchange for money or anything else of value constitutes a sublease.

(3) As the tenant under a short-term residential lease, you may be held legally responsible for any violations of law committed by you or by your guests while at the premises, including violations of the ordinances pertaining to noise, keeping dogs on a leash, parking, trash maintenance and disposal, and dwelling occupancy limits. In addition, if you are charged with a violation pertaining to legal occupancy, excessive noise, or other disturbance of the peace, you may be subject to immediate eviction under R.I. Gen. Laws § 34-18-36(f).

(4) You are required to furnish the landlord with accurate and up-to-date information about all motor vehicles registered to or used by tenants, including the model, year, color, and vehicle registration of each vehicle. This information will be made available to enforcement authorities if you are reasonably suspected of violating any of these required terms in the lease.

(B) In addition to the foregoing mandatory provisions, the record owner may include in the lease a provision restricting or prohibiting any subleasing of the premises.

(C) Posting ordinances. The record owner shall post, in plain view and in a conspicuous place within the rental dwelling unit, a notice containing:

(1) The full text of ordinances pertaining to noise, keeping dogs on a leash, parking, trash maintenance and disposal, and dwelling occupancy limits, and any other ordinance which the Council may deem appropriate from time to time. Printed form notices shall be available at the office of the registrar;

(2) The maximum number of occupants permitted to stay in the dwelling, and notice that failure to conform to the occupancy limit is a violation of this Code and is subject to a fine of up \$1,000 per day;

(3) The name and telephone number where the record owner can be reached;

(4) Where applicable, the name of the record owner's local representative and a telephone number where the local representative may be reached;

(5) The number and location of onsite parking spaces; and

(6) The telephone number and website address for the Middletown Police Department.

(7) Trash pickup requirements, including the location of trash cans.

(D) Posting lease and registration form. The record owner of a dwelling unit or any person in control or possession of said dwelling unit subject to the provisions of this chapter, shall cause a copy of the active lease, with the printed names of all tenants and the registration form required by this chapter to be posted or fixed to the inside of the primary access door to said dwelling unit, so as to allow the lease and registration form to be readily available for inspection by police, zoning or building officials of the Town of Middletown.

(E) Vehicle and tenant information. Record owners who rent a dwelling unit under a short-term residential lease shall:

(1) At the beginning of the lease term obtain from each tenant accurate and up-to-date information, including the names, home addresses and phone numbers of the tenants, the date of the rental period and the model, year, color and vehicle registration of all motor vehicles registered to or used by such tenants;

(2) Maintain this information throughout the term of the lease and for 90 days thereafter; and

(3) Make this information available to Town Officials who are lawfully investigating or prosecuting any offense reasonably believed to involve one or more of the tenants. Failure of the record owner to maintain or provide this required information shall constitute a violation of this chapter.

(Ord. passed 11-16-99; Am. Ord. 2017-3, passed 1-17-17; Am. Ord. 2019-7, passed 6-3-19)

§ 98.11 TENANT'S OBLIGATIONS.

In addition to obeying the law generally, including the ordinances pertaining to noise, keeping dogs on a leash, parking, and trash maintenance and disposal, tenants under short-term residential leases are specifically required to adhere to the following requirements imposed by this chapter:

(A) The occupancy limits and parking requirements imposed by § 98.09.

(B) The duty to furnish accurate and up-to-date vehicle information to the record owner at the beginning of the lease term, and to notify the record owner of any changes to this information occurring during the lease term, as required by § 98.10(C).

(Ord. passed 11-16-99; Am. Ord. 2017-3, passed 1-17-17; Am. Ord. 2019-7, passed 6-3-19)

§ 98.12 LOCAL REPRESENTATIVE.

(A) The record owner shall designate on the Registration Form an individual who permanently resides in Newport County, or a property manager with a physically staffed office within ten vehicular miles of Newport County, as the record owner's local representative, who shall be authorized to receive any process, notice or demand required or permitted to be served upon the owner of the premises. The record owner may be designated as the local representative, if he or she resides in Newport County.

(B) The local representatives must be authorized by the record owner to respond to tenant and neighborhood questions or concerns. The local representative shall serve as the initial contact person if there are questions or complaints regarding the use of the dwelling for short term rentals. The local representative shall respond to those complaints in a timely manner to ensure that the use of the dwelling complies with the requirements of this chapter, as well as all other applicable town ordinances pertaining to parking, noise, disturbances, or nuisances, as well as state law pertaining to the consumption of alcohol and/or the use of illegal drugs.

(D) The failure of the local representative to respond to Middletown Police Department inquiries in a timely manner more than twice during the term of the annual permit, shall be considered a violation of this chapter.

(E) The record owner may change the designation of the local representative from time to time by filing an amended permit application including the name, address and telephone number the new local representative. Failure to notify the town of any change in the local representative shall constitute a violation of this chapter.

(Ord. 2017-3, passed 1-17-17)

§ 98.99 ENFORCEMENT; PENALTY FOR VIOLATIONS.

(A) Violations of this chapter shall be enforceable through issuance of citations by either the Police Department or the Zoning Officer. Violations shall be dealt with at the next municipal court session following the violation. Pre-trial pleas may be accepted and action taken at the initial hearing unless the person cited seeks a trial before the judge.

(B) Any violation of the provisions of this chapter shall be subject to a fine of not more than \$1,000 per day for each day the violation continues.

(Ord. passed 11-16-99; Am. Ord. 2019-7, passed 6-3-19)