

DRAFT  
Short Term Rental Amendments  
Town of Cape Elizabeth Zoning Ordinance

SEC. 19-1-3. DEFINITIONS

**Accessory Dwelling Unit:** A single subordinate dwelling unit accessory to and wholly contained within a principal building or structure and/or attached garage in which a single-family dwelling unit is the principal use.

**Bed and Breakfast:** A use that must be operated in conjunction with the use of a dwelling as a primary residence and that (1) provides up to nine (9) furnished bedrooms for rent to guests for 1 or more nights and having a total length of stay not to exceed 14 consecutive days, (2) is operated by the family or person residing permanently in the home; and (3) may serve 1 or more meals to guests only. (Effective March 9, 2009)

**Boarding Room:** A use that is accessory and incidental to the primary use of a dwelling as a residence and that (1) provides one or two furnished bedrooms for rent to lodgers for a minimum of 30 consecutive calendar days; (2) is operated by the family or person residing permanently in the home who are in residence, including overnight, during the guest rental period; (3) may serve 1 or more meals to lodgers only, and (4) provides all parking on-site. A maximum of one boarding room is allowed per multifamily building. A Boarding Room may not be a Short Term Rental.

**Hotel:** A building used primarily for occupancy of individuals who are lodged with or without meals, having ten (10) or more guest rooms, and intended to be rented principally to transients on a short-term basis.

**Motel:** A building or group of attached or detached buildings containing guest rooms or dwelling units, most of which have separate outside entrances and adjacent parking spaces and are intended to be rented principally to transients on a short-term basis.

**Primary residence:** An owner's permanent residence, which shall be documented by demonstration that the owner qualifies for a homestead exemption under Maine Homestead Property Tax Exemption statute, 36 M.R.S. §§ 681-689, as may be amended from time to time, for the property. Owner shall be the person who owns the real property, or who is the beneficiary of a revocable living trust that owns the property.

**Short Term Rental:** The advertising, offering for rent, use, or otherwise making available for transient occupancy a dwelling, or portion of a dwelling for a tenancy of less than 30 consecutive calendar days, excluding motels, hotels, and bed and breakfasts.

**Short Term Rental Guest:** A visitor of a Short Term Rental tenant who will not be sleeping overnight on the property, provided persons on the property after

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1 11:00 PM local time shall be deemed tenants and not Short term Rental Guests for  
2 the purposes of this Ordinance. (Effective December 14, 2012)

3  
4 **Special event facility:** A building or portion of a building, outdoor areas, and  
5 related parking which is made available for consideration individuals or groups  
6 to accommodate private functions including but not limited to banquets,  
7 weddings, anniversaries and other similar events. Such use may include (1)  
8 kitchen facilities for the preparation or catering of food, (2) the sale and/or serving  
9 of alcoholic beverages for on-premises consumption, only during scheduled  
10 events and not open to the general public and (3) entertainment. A special event  
11 facility may be operated in conjunction with other uses. Overnight  
12 accommodations may be operated on a site that is also a special event facility, and  
13 are subject to all applicable provisions of the Zoning Ordinance. (Effective December  
14 4, 2015)

15  
16 **Tenant:** An occupant of land or premises who occupies, uses, and enjoys real  
17 property for a fixed time, usually through a lease arrangement with the property  
18 owner or with the owner's consent. When applied to a Short Term Rental,  
19 anyone sleeping overnight shall be presumed to be a tenant. (Effective December  
20 14, 2012).

21  
22 **SEC. 19-6-1. RESIDENCE A DISTRICT (RA)**

23  
24 **B. Permitted Uses**

25  
26 3. The following nonresidential uses:

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28 g.

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30 4. The following accessory uses:

31  
32 d. Boarding Room  
33 i. Short Term Rental  
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35 **SEC. 19-6-2. RESIDENCE B DISTRICT (RB)**

36  
37 **B. Permitted Use**

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39 3. The following nonresidential uses:

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42 4. The following accessory uses:

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44 d. Boarding Room.  
45 i. Short Term Rental  
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1 **SEC. 19-6-3. RESIDENCE C DISTRICT (RC)**

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3 **B. Permitted Uses**

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5 3. The following nonresidential uses:

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8 4. The following accessory uses:

- 9 d. Boarding Room
- 10 i. Short Term Rental

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13 **SEC. 19-6-4. TOWN CENTER DISTRICT (TC)**

14 **B. Permitted Uses**

15  
16 3. The following nonresidential uses:

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18 m. Short term rental (Effective December 14, 2012)

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20 **SEC. 19-6-5. BUSINESS DISTRICT A (BA)**

21 **B. Permitted Use**

22  
23 3. The following nonresidential uses:

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25 o. Short Term Rental (Effective December 14, 2012)

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28 **SEC. 19-6-6 BUSINESS DISTRICT B (BB)**

29 **B. Permitted Uses**

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31 4. The following accessory uses:

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33 c. Boarding Room.

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36 **SEC. 19-7-8. OFF-STREET PARKING** (Effective May 12, 2002)

37 **A. Applicability**

38  
39 Off-street parking shall be provided for all new construction, expansions, and  
40 changes of use in accordance with the requirements and standards found in this  
41 section.  
42  
43

44  
45 **B. Minimum Requirements for Off-Street Parking**

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1 Off-street parking shall be considered an accessory use when required or provided  
2 to serve any legal use located in any zone except as set forth in the following  
3 sections. An off-street parking space shall be a minimum of nine (9) feet wide by  
4 eighteen (18) feet long may be open or covered. The Planning Board may allow  
5 up to twenty percent (20%) of the parking requirement to be met with “compact  
6 car” spaces that are a minimum of eight (8)feet wide by sixteen (16) feet long  
7 provided that such spaces shall be clearly marked as “compact car parking”. Each  
8 parking space must be sited to allow access and exit without obstruction.  
9 Handicapped parking shall be provided in compliance with the Americans with  
10 Disabilities Act and applicable State requirements. In order to determine  
11 compliance with this section, the owner or applicant shall submit a plan showing  
12 the physical layout of all required off-street parking areas. Any change in the  
13 evidence or conditions upon which the plan is approved shall nullify such  
14 approval.

15  
16 1. Parking shall be provided on the lot occupied by the use for which  
17 the parking is required, or on an adjacent lot owned or controlled by  
18 such use. In addition, uses located within the Town Center, BA or  
19 BB District or a short term rental (limited to paragraph a below) may  
20 provide all or part of the required off-street parking through any of  
21 the following:

22  
23 a. Private off-street parking located on another lot that is located  
24 within one mile of the subject lot and that is controlled by long-  
25 term written lease or ownership by the applicant.

26  
27 b. Off-street parking shared with other uses (consistent with  
28 paragraph 2 below) located within one mile of the subject lot,  
29 provided that the Planning Board finds that there is adequate  
30 parking capacity to meet the parking requirements of all uses  
31 sharing the parking due to variation in the time of parking  
32 demand and that the shared parking is available to the applicant  
33 through a written lease or other enforceable agreement.

34  
35 4. The following minimum number of spaces, rounded up to the  
36 nearest whole number, shall be provided and maintained for each  
37 use on a lot, including each use within all buildings. The Planning  
38 Board may reduce by up to thirty percent (30%) the required parking  
39 for the reuse of a building existing as of June 4, 1997. In granting  
40 such a reduction, the Planning Board must find that:

41  
42 c. Commercial

43 12. Short Term Rental 1 space per 2 tenants, with  
44 a minimum of 2 spaces  
45 (Effective December 14,

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47 2012).

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1 **SEC. 19-8-11. USE OF RECREATIONAL CAMPING VEHICLE OR OTHER**  
2 **TEMPORARY RESIDENTIAL UNIT**

3  
4 The use of a travel trailer, motor home, or other recreational camping vehicle as a  
5 temporary or permanent dwelling, or a short term rental is prohibited in all  
6 districts. A travel trailer, motor home, or other recreational camping vehicle may  
7 be used on an occasional basis for temporary occupancy by the lot owner. For the  
8 purpose of this section, occasional basis shall mean occupancy on not more than  
9 three (3) nights in any thirty (30) day period. Unoccupied travel trailers, motor  
10 homes, or recreational camping vehicles may be parked or stored on a lot in any  
11 district provided the lot is owned by the owner of the unit. A motor home or  
12 recreational camping vehicle which is the primary vehicle of temporary guests  
13 may also be parked on the lot for the duration of their stay.  
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15 **SEC. 19-8-14. SHORT TERM RENTAL STANDARDS**  
16 (Effective December 14, 2012)

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18 **A. Purpose**

19  
20 Cape Elizabeth residents prize the peace and quiet of their residential  
21 neighborhoods. Some property owners have capitalized on the desirability of  
22 their neighborhood by renting out their property, especially during the summer  
23 months and holidays. Neighborhood residents are concerned that short term  
24 rentals take on the character of a business operating in a residential neighborhood.  
25 In order to preserve the fabric of residential neighborhoods, to minimize the  
26 negative impacts of transient occupation on adjacent residents, to maintain  
27 housing availability for long-term residents and to protect the public safety of  
28 visitors and residents, the operation of short term rentals must be efficiently and  
29 effectively regulated to balance the respective interests of town residents. The  
30 purpose of this section is to balance the desire of property owners to rent their  
31 properties to short term tenants and the desire of residents to preserve the peaceful  
32 quiet and enjoyment of their residential neighborhoods.  
33

34 **B. Permitted Short Term Rentals**  
35

36 The following types of short term rentals may be allowed after obtaining all  
37 required permits. Short term rental types not listed below are prohibited. Only one  
38 short term rental may be operated on a lot in a calendar year, and limited to only  
39 one of short term rental types listed below for the calendar year. [MAKE  
40 CLEARER]  
41 Where operation of a short term rental must include that the Short Term Rental  
42 owner is "in residence," the intent is that the owner shall be living on the lot and  
43 managing the tenants.  
44

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45 1. Primary residence hosted. A short term rental may be operated by a  
46 property owner in their primary residence when the property owner is in  
47 residence, including overnight, during the tenancy of the short term rental tenants

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1 with no limit on the total number of days operated as a short term rental. Each  
2 Short Term Rental must comply with the minimum seven day stay requirement.

3  
4 2. **Primary residence unhosted.** A short term rental may be operated by a  
5 property owner in their primary residence when the property owner is not in  
6 residence during the tenancy of the short term rental tenants. The property may  
7 be used as a short term rental for no more than 42 days per calendar year.

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9 3. **Seven (7) acres plus short term rental.** A short term rental may be operated  
10 by a property owner in their primary residence or non-primary residence when  
11 the property owner is in residence or not in residence during the tenancy of the  
12 short term rental tenants, where the lot is seven (7) acres or more in size. (Land  
13 abutting the short term rental lot in the same ownership may be counted toward  
14 the minimum lot size. Abutting shall mean any lot that shares a lot line or is located  
15 directly across a road right-of-way from the primary residence. Abutting land  
16 used to meet the seven (7) acres requirement may not be counted towards more  
17 than one Short Term Rental.) The property may be used as a short term rental for  
18 no more than 182 days per calendar year.

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20 4. **Short Term Rental Adjacent.** One short term rental may be operated by a  
21 property owner in a non-primary residence when the short term rental owner's  
22 primary residence is located on the same lot as the primary residence or on an  
23 abutting lot. (Abutting shall mean any lot that shares a lot line or is located directly  
24 across a road right-of-way from the primary residence.) The property owner must  
25 be in residence during the tenancy of the short term rental tenants. The property  
26 may be used as a short term rental for no more than 105 calendar days per calendar  
27 year.

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29 **C. Short Term Rental Requirements**

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31 1. **Permit required.** No Short Term Rental shall be advertised, rented or  
32 operated without first obtaining a Short Term Rental Permit. A short term rental  
33 permit shall be valid for the calendar year in which the permit is issued. A permit  
34 application received more than 30 days after the permit deadline, which shall be  
35 January 2nd of the year the short term rental will be operating, shall be considered  
36 late. The property must remain in compliance with the short term rental permit  
37 for the entire calendar year in which the permit is issued. A short term rental  
38 permit may only be issued to the property owner of the lot where the short term  
39 is located and a lessee of the lot may not operate a short term rental.

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40  
41 Failure to obtain a short term rental permit prior to advertising, offering for rent,  
42 or use of the short term rental shall require payment of double the short term rental  
43 permit fee. Once notified by the town that a short term rental has been operated  
44 without a permit, a permit application shall be submitted within 7 calendar days  
45 or shall be considered an additional violation. The permit applicant must make a  
46 diligent effort to meet permit requirements.

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1 The second failure to obtain a short term rental permit for a property within a 5  
2 year period shall result in a prohibition from obtaining a permit for the property  
3 for one (1) year.

4  
5 2. Advertising. It shall be unlawful to advertise occupancy or use of a short  
6 term rental that would violate Sec. 19-8-14 of the Zoning Ordinance. For the  
7 purposes of this section, the term "advertise" shall mean any form of  
8 communication for marketing that is used to encourage, persuade or manipulate  
9 viewers, readers or listeners into contracting for goods and/or services as may be  
10 viewed through various media included, but not limited to newspapers,  
11 magazines, flyers, handbills, television commercials, radio, signage, direct mail,  
12 websites or text messages. No short term rental shall be advertised that does not  
13 have a current short term rental permit. The short term rental advertising must be  
14 consistent with the terms of the short term rental permit and must include the  
15 current short term rental permit number. Advertising of the short term rental must  
16 state that the short term must be rented for a minimum period of seven  
17 consecutive (7) days.

18  
19 3. Minimum stay length. No more than one (1) rental/use of the short term  
20 rental shall occur in a seven (7) day period. When a rental or non-compensated  
21 use of the property by any one individual or group, including but not limited to  
22 personal or family use by the property owner, of less than seven (7) days occurs,  
23 the property shall remain vacant for the remaining portion of the seven (7) day  
24 period. Any tenancy of the property for less than 30 days shall be considered  
25 operation of a Short Term Rental and subject to the Short Term Rental operation  
26 limits of the Zoning Ordinance.[Mike please review this]

27 4. Registration record. The short term rental owner must (a) maintain  
28 accurate, up-to-date records of all rental transactions involving the short term  
29 rental, including the number of tenants and the length of their stays, and  
30 upcoming reservations; and (b) present said information to Town inspection  
31 officials upon request. Failure of the short term rental owner to provide this  
32 information within 5 business days of a Town request for the same shall be  
33 considered a violation of this section.

34 5. Multi-family and multiplex units. No short term rental may be operated  
35 on a lot containing a multifamily dwelling unit unless all of the dwelling units  
36 are held in common ownership. No short term rental shall be operated on a  
37 property containing five (5) or more dwelling units.

38 **D. Review Procedure**

- 39  
40 1. The Code Enforcement Officer shall have the authority to issue a  
41 Short Term Rental permit.  
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43 2. The Code Enforcement Officer shall provide a Short Term Rental  
44 application to be completed by the applicant and submitted to the  
45 Code Enforcement Officer accompanied by the Short Term Rental

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1 permit fee as established by the Town Council in the Town Fee  
2 Schedule. The form shall include a non-exclusive checklist of code  
3 requirements that the property owner shall demonstrate compliance  
4 with.  
5

6 3. The Code Enforcement Officer shall determine if the form has been  
7 properly completed before any permit is issued.

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8  
9 4. The first time that a Short Term Rental permit is submitted for a  
10 property, no permit shall be issued until the Code Enforcement  
11 Officer has inspected the proposed Short Term Rental property for  
12 compliance with the Short Term Rental Standards and compliance  
13 with building code requirements. Thereafter, renewal of a Short  
14 Term Rental permit shall require inspection by the Code  
15 Enforcement Officer of the Short Term Rental property no less than  
16 once every five years. When the Code Enforcement Officer does not  
17 conduct an annual inspection, the Short Term Rental owner shall  
18 certify that there have been no material changes since the last  
19 inspection by the Code Enforcement Officer. Any third party  
20 inspection information submitted with the completed form shall  
21 have been conducted within the twelve months prior to the permit  
22 being issued.  
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24 5. The Code Enforcement Officer shall review the permit application  
25 for compliance with the Short Term Rental Standards.  
26

27 6. If the Code Enforcement Officer determines that the proposed Short  
28 Term Rental application complies with the Short Term Rental  
29 Standards, a Short Term Rental permit shall be issued. The permit  
30 may be subject to suspension by the Code Enforcement Officer if the  
31 Short Term Rental property becomes non-compliant with the Short  
32 Term Rental Standards, and may be revoked as provided in 19-8-  
33 14.(G).  
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### 35 E **Submission Requirements**

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36  
37 The Short Term Rental permit application shall include the following information:  
38

39 1. Location. The street address and map/lot number of the Short Term  
40 Rental property. If the property is not located on a public road, the  
41 form shall include directions to the property from a public road.  
42

43 2. Contact Person/Owner Responsibility. The name of the owner of  
44 the Short Term Rental property and contact information, including  
45 address and telephone number. In addition, if someone other than  
46 the owner is acting as the local contact person, contact information  
47 for that person shall also be provided. If there will be different  
48 contact persons for different time periods during the year, the form  
49 shall include the applicable contact person for each time period.



1 Regardless of who enters the Short Term Rental agreement, or who  
2 may be designated as the owner's contact person, the property  
3 owner shall be responsible for compliance with the Short Term  
4 Rental Ordinance provisions.  
5

- 6 3. Availability. The registration form shall include when, during the  
7 calendar year, the Short Term Rental will be available for rental. If  
8 this changes, the owner shall notify the Code Enforcement Officer.  
9 4. All information needed to demonstrate compliance with the  
10 standards listed in Subsection F below.

11 **F** **Standards**

12 The Code Enforcement Officer shall issue a Short Term Rental permit upon the  
13 applicant satisfying the above requirements if the following standards are met:

- 14 1. Code compliance. An applicant's property, without limitation,  
15 comply with the following building safety requirements,  
16 (International Residential Code IRC, and the International Building  
17 Code IBC;
- 18 a. Smoke Alarms: A smoke alarm is required in each bedroom.  
19 A smoke alarm is also required outside of each bedroom and  
20 in the immediate vicinity. A smoke alarm is also required to  
21 be on each story of the dwelling, including basements and  
22 habitable attics. The alarms shall be interconnected as much  
23 as reasonably possible. (Reference IRC Section R314);
- 24 b. Carbon Monoxide Alarms: If a house has an attached garage  
25 or a fuel fired appliance, a carbon monoxide alarm shall be  
26 installed outside each bedroom and in the immediate vicinity.  
27 (Reference IRC Section R315);
- 28 c. Portable Fire Extinguishers: At least one portable fire  
29 extinguisher shall be mounted in a prominent location. One  
30 size/type 2/A is required or two size/type 1/A  
31 extinguishers;
- 32 d. Emergency Lighting: At least one hardwired emergency light  
33 with battery backup is required per 1200 square feet of living  
34 space. The lights must be positioned to illuminate the path of  
35 egress to the maximum extent. There also must be exterior  
36 lighting that is permitted to be solar powered. Exception: The  
37 house lighting has a backup power source that automatically  
38 activates.

39 The applicant shall provide floor plans of the dwelling unit that  
40 shows the location of the alarms, fire extinguisher(s) and emergency  
41 lighting.  
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Deleted: . The building shall be considered to be an R-1 Occupancy (Boarding House) for the purpose of determining the type and location of portable fire extinguishers

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2. Building evacuation plan. A building evacuation plan shall be prominently posted in the Short Term Rental property during the rental period.
3. Sanitary waste disposal. The applicant shall submit information demonstrating that adequate sanitary waste disposal is available in compliance with the Town of Cape Elizabeth Subsurface Wastewater Disposal Ordinance, as determined by the Code Enforcement Officer, or that the property is served by public sewer.
4. Parking. The applicant shall include a depiction of how parking will be provided for tenants and guests on the lot where the Short Term Rental is located, and/or include a written agreement for off-site parking at a specified location, to comply with the Off-Street Parking Standards, Sec. 19-7-8. Garage parking spaces not allowed for tenant use shall not be used to meet the Short Term Rental parking requirement. On-street parking by Short Term Rental tenants or guests is prohibited. No bus shall be parked at the Short Term Rental property during any rental period.
5. Rental Agreement Addendum. The Short Term Rental permit application shall be submitted with an addendum, to be attached to Short Term Rental agreement between owner and tenant, that shall be provided to all tenants. The Town shall not be responsible for enforcement of the rental agreement addendum. The rental agreement addendum shall include the following:
  - a. Primary and secondary contact person and contact information; A contact person must be available to tenants at all time of rental period (24/7).
  - b. Emergency responder contact information;
  - c. Building evacuation plan;
  - d. Maximum number of tenants and guests;
  - e. Parking arrangements, including a prohibition of tenants and guests parking on-street or in a manner that impedes access by emergency vehicles to the property or any other dwelling in the neighborhood;
  - f. Maximum number of tenants and guests allowed at the property;
  - g. Good neighbor guidelines;
  - h. Copy of the Miscellaneous Offenses Ordinance.
6. Limit on rental intensity. The maximum tenant capacity of a short term rental shall be limited to no more than 2 tenants per bedroom, plus 2 additional tenants for no more than 1 additional sleeping space.

**Deleted:** The information shall include the total number of bedrooms included in the property, any additional sleeping space, and the total number of tenants that the property accommodates. The total number of tenants used to determine adequacy of sanitary waste disposal shall not be less than the total number of tenants that the property is advertised to accommodate. For the purpose of evaluating the adequacy of a subsurface disposal system, every two tenants shall be equivalent to one bedroom.

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If a Short Term Rental property is operated on a lot of 30,000 sq. ft. or less in size, the Short Term Rental permit shall not allow occupancy by more than eight tenants at any time. The number of short term rental guests shall be limited to eight at any time. On site parking shall be limited to four parking spaces.

7. Response requirement. Failure of the owner/contact person to respond to a short term rental tenant or guest inquiry during the short term rental tenancy, including check-in, within 30 minutes shall be considered a violation of Sec. 19-8-14, Short Term Rental Standards.

8. Good neighbor conduct. The Code Enforcement Officer shall consider any complaints received about behavior at the short term rental that diminishes the peaceful quiet enjoyment of property by residents within 1,000' of the short term rental property line. Disruptive outdoor behavior may include but not be limited to smoking, swearing, lewd gestures or conduct, late hour noise, pet control, substance use, parking and speeding. The Code Enforcement Officer may deny issuance of the permit based on complaints that the short term rental owner, tenants or guests have diminished the peaceful quiet enjoyment of neighborhood residents. An appeal of the Code Enforcement Officer's decision to issue or deny a Short Term Rental permit based on this standard shall be heard by the Town Council.

**G. Suspension and Revocation of Permit**

In addition to the provisions of Sec. 19-3-6, Violations, a permit for a Short Term Rental may be suspended or revoked if the Code Enforcement Officer determines that one or more substantiated complaints regarding Short Term Rentals of a property have been made in a three-year period. The Police Department may provide a report of conditions observed in plain sight to the Code Enforcement Officer, but enforcement of the Zoning Ordinance shall remain with the Code Enforcement Officer.

1. Complaint. Any individual or town official may file and/or initiate a complaint against a Short Term Rental permit holder. If the Police Department or the Code Enforcement Officer receives a complaint, they shall visit the property. The Police Department shall generate a report of the facts its officers have observed upon a visit, and statements made to them regarding the Short Term Rental. The Police Department shall then forward the report to the Code Enforcement Officer.

When the Code Enforcement Officer receives a report from the Police Department, or the Code Enforcement Officer has responded to a complaint or independently investigated, the Code Enforcement Officer shall inspect the property and shall collect information

Deleted: and property owner is not either living on an abutting lot or in a separate dwelling in the same lot

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1 related to the complaint, including notifying the property owner and  
2 requesting information regarding the complaint. Within five days of  
3 receiving a Police Report or complaint, the Code Enforcement  
4 Officer shall determine if the complaint is substantiated. A  
5 complaint is substantiated when the Code Enforcement Officer  
6 concludes that one or more violations of the Short Term Rental  
7 provisions occurred.  
8

9 2. First Substantiated Complaint. Once the Code Enforcement Officer  
10 has made a finding of a substantiated complaint, the Code  
11 Enforcement Officer shall notify the property owner in writing.  
12 The notification shall require the property owner to meet with the  
13 Code Enforcement Officer within five (5) business days from the  
14 date of the written notification, or such other time as is agreed upon  
15 by the Code Enforcement Officer, to identify ways in which the  
16 violation(s) will be corrected. The owner will agree to take all  
17 necessary measures to correct the violation(s), which measures shall  
18 be memorialized in a written agreement at the conclusion of the  
19 meeting and shall be fully implemented within one (1) week of said  
20 meeting unless another date is agreed to by the Code Enforcement  
21 Officer. Failure of the property owner to enter into such an  
22 agreement at the conclusion of the meeting will be deemed a second  
23 violation of the Short Term Rental provisions. In addition, the Code  
24 Enforcement Officer may suspend the Short Term Rental permit for  
25 a term not to exceed thirty days.  
26

27 3. Second Substantiated Complaint. Once the Code Enforcement  
28 Officer has made a finding of two (2) substantiated complaints, the  
29 Code Enforcement Officer shall notify the property owner in writing  
30 that the Short Term Rental permit shall be suspended for the  
31 remainder of permit year but not less than six (6) months. When less  
32 than six (6) months remains in the calendar year, no Short Term  
33 Rental Permit may be submitted in the next calendar year until six  
34 (6) months after the second substantiated complaint. Late permit fees  
35 shall apply.  
36

37 The notification shall require the property owner to meet with the  
38 Code Enforcement Officer within five (5) business days from the  
39 date of the written notification, or such other time as is agreed upon  
40 by the Code Enforcement Officer, to identify ways in which the  
41 violation(s) will be corrected. The owner will agree to take all  
42 necessary measures to correct the violation(s), which measures shall  
43 be memorialized in a written agreement at the conclusion of the  
44 meeting and shall be fully implemented within one (1) week of said  
45 meeting unless another date is agreed to by the Code Enforcement  
46 Officer. Failure of the property owner to enter into such an  
47 agreement at the conclusion of the meeting will be deemed a  
48 violation of the Short Term Rental provisions.  
49

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- 4. Third Substantiated Complaint. Once the Code Enforcement Officer has made a finding of three substantiated complaints, the Code Enforcement Officer shall notify the property owner in writing that the Short Term Rental permit has been revoked for three years.
- 5. Appeal. An appeal to the Zoning Board of Appeals as an Administrative Appeal may be taken by any person aggrieved by a determination of the Code Enforcement Officer pursuant to Section 19-5-2(A).
- 7. Effective Date. [to be determined. Should include termination of all existing permits on December 31, 2020 and transition to new permit system]

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**Deleted:** The Short Term Rental provisions of the ordinance shall be fully effective as to all contracts for short Term Rentals executed on or after 30 days from date of enactment, and shall further apply to all contracts in effect on such date to the extent the application of these provisions would not result in a substantial impairment of such existing contracts.