

**TOWN OF CAPE ELIZABETH ORDINANCE ENACTING
A MORATORIUM ON SHORT TERM RENTALS**

WHEREAS, the Town of Cape Elizabeth Town Council (hereinafter “Town Council”) requested the Ordinance Committee to review short term rental regulations on October 16, 2019;

WHEREAS, the Ordinance Committee, after numerous meetings which involved the editing of multiple ordinance amendments, voted on February 26, 2020, to recommend to the Town Council that a moratorium be adopted banning the issuance of new short term rental permits after June 1, 2020;

WHEREAS, the Town Council, on the recommendation of the Ordinance Committee, issued a moratorium on April 13, 2020, with a duration of one hundred and eighty (180) days, effective June 1, 2020, prohibiting the issuance of new short term rental permits;

WHEREAS, the Ordinance Committee specifically recommended allowing any lawfully existing short term rental as of June 1, 2020, to continue and also provide any existing short term rental permit holder the ability to renew, as long as said lawfully existing short term rental or valid short term rental permit was effective prior to June 1, 2020;

WHEREAS, the Town Council and Ordinance Committee need an additional reasonable amount of time to continue amending the proposed short term rental regulations, which is in acknowledgement of the ongoing COVID-19 pandemic;

NOW THEREFORE, pursuant to the authority granted by 30-A M.R.S. § 4356, the Town of Cape Elizabeth, acting through the Town Council, hereby renews the following Ordinance, pursuant to 30-A M.R.S. §4356(2), establishing a moratorium on the issuance of new short term rental permits for a period of one hundred and eighty (180) days from the date the Ordinance is enacted:

Section 1 Authority

This Ordinance is adopted pursuant to the enabling provisions of Article VIII, part 2, section 1 of the Maine Constitution, the provisions of 30-A M.R.S. § 2101, et seq. (Home Rule), 30-A M.R.S § 3001, et seq. (Ordinance Power), and 30-A M.R.S § 4356 (Moratoria) § 1B (Necessity) and § 2 (Definite Term).

Section 2 Applicability

This moratorium shall apply to the issuance of any and all new short term rental permits, including existing short term rentals otherwise lawfully in existence, which are requested or arise on or after the effective date of the Ordinance.

Section 3 Requests not to be Accepted or Acted Upon

During the period this Ordinance is in effect, no officer, board, body, agency, agent, official, or employee of the Town of Cape Elizabeth shall accept, process, or act upon any application or request for any new short term rental permit.

Section 4 Conflicts with Other Ordinances

The provisions of this Ordinance supersede any conflicting provisions of the Town of Cape Elizabeth's Ordinances.

Section 5 Enforcement, Violation and Penalties

This Ordinance shall be enforced by the Town of Cape Elizabeth Code Enforcement Officer. Any person who violates any of the provisions of this Ordinance be subject to civil penalties and other remedies as provided in 30-A M.R.S. § 4452.

Section 6 Severability

Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

Section 7 Effective Date

This Ordinance takes effect on January 1, 2021, and shall apply, to the maximum extent permitted by law but subject to the severance clause above, to all proceedings, applications and petitions not pending as of the effective date. This Ordinance shall expire at the end of the 180th day after its effective date, unless earlier extended, repealed or modified by the Town of Cape Elizabeth.