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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 Homestay: 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 guests for a minimum of 30 consecutive calendar days 1 or more nights; (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 guests only, and (4) provides all parking on-site. A maximum of one boarding room homestay is allowed per multifamily building. (Effective March 9, 2009) 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 has a homestead exemption for the property under the Maine Homestead Property Tax Exemption statute, 36 M.R.S. §§ 681-689, as may be amended from time to time. The 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 use of a dwelling offered for rent for transient occupancy by tenants for a tenancy of less than 30 days, excluding motels, hotels and bed and breakfasts. (Effective December 14, 2012)
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

1 than thirty (30) consecutive calendar days, excluding motels, hotels, and bed and
2 breakfasts.

3
4 **Short Term Rental Guest:** A visitor of a Short Term Rental tenant who will not
5 be sleeping overnight on the property, provided persons on the property after
6 11:00 PM local time shall be deemed tenants and not Short ~~T~~term Rental Guests
7 for the purposes of this Ordinance. (Effective December 14, 2012)

8
9 **Special event facility:** A building or portion of a building, outdoor areas, and
10 related parking which is made available for consideration individuals or groups
11 to accommodate private functions including but not limited to banquets,
12 weddings, anniversaries and other similar events. Such use may include (1)
13 kitchen facilities for the preparation or catering of food, (2) the sale and/or serving
14 of alcoholic beverages for on-premises consumption, only during scheduled
15 events and not open to the general public and (3) entertainment. A special event
16 facility may be operated in conjunction with other uses. Overnight
17 accommodations may be operated on a site that is also a special event facility, and
18 are subject to all applicable provisions of the Zoning Ordinance. (Effective December
19 4, 2015)

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

26
27
28 **SEC. 19-6-1. RESIDENCE A DISTRICT (RA)**

29
30 **B. Permitted Uses**

31
32 3. The following nonresidential uses:

33
34 g. Short Term Rental. (Effective December 14, 2012)

35
36 4. The following accessory uses:

37
38 d. HomestayBoarding Room

39 i. Short Term Rental

40
41 **SEC. 19-6-2. RESIDENCE B DISTRICT (RB)**

42
43 **B. Permitted Use**

44
45 3. The following nonresidential uses:

46
47 e. Short Term Rental (Effective December 14, 2012)

1 4. The following accessory uses:
2

3 d. ~~Boarding Room. The renting of not more than two (2) rooms within a~~
4 ~~single family dwelling provided that there is no physical alteration of~~
5 ~~the building and no change in the external appearance of the structure.~~

6 i. Short Term Rental
7

8 **SEC. 19-6-3. RESIDENCE C DISTRICT (RC)**
9

10 **B. Permitted Uses**

11
12 3. The following nonresidential uses:

13
14 ~~f. Short Term Rental (Effective December 14, 2012)~~
15

16 4. The following accessory uses:

17
18 d. ~~Homestay~~Boarding Room
19 i. Short Term Rental
20

21 **SEC. 19-6-4. TOWN CENTER DISTRICT (TC)**
22

23 **B. Permitted Uses**

24
25 3. The following nonresidential uses:

26
27 ~~m. Short term rental (Effective December 14, 2012)~~
28

29 4. The following accessory uses:

30
31 k. Short Term Rental

32 **SEC. 19-6-5. BUSINESS DISTRICT A (BA)**
33

34 **B. Permitted Use**

35
36 3. The following nonresidential uses:

37
38 ~~o. Short Term Rental (Effective December 14, 2012)~~
39

40 4. The following accessory uses:

41
42 l. Short Term Rental
43

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

1
2 **B. Permitted Uses**
3

4 4. The following accessory uses:
5

6 c. ~~Boarding Room. The renting of not more than two (2) rooms~~
7 ~~within a single family dwelling provided that there is no~~
8 ~~physical alteration of the building and no change in the~~
9 ~~external appearance of the structure.~~

10
11 h. Short Term Rental
12

13 **SEC. 19-7-8. OFF-STREET PARKING** (Effective May 12, 2002)
14

15 **A. Applicability**
16

17 Off-street parking shall be provided for all new construction, expansions, and
18 changes of use in accordance with the requirements and standards found in this
19 section.
20

21 **B. Minimum Requirements for Off-Street Parking**
22

23 Off-street parking shall be considered an accessory use when required or provided
24 to serve any legal use located in any zone except as set forth in the following
25 sections. An off-street parking space shall be a minimum of nine (9) feet wide by
26 eighteen (18) feet long may be open or covered. The Planning Board may allow
27 up to twenty percent (20%) of the parking requirement to be met with "compact
28 car" spaces that are a minimum of eight (8) feet wide by sixteen (16) feet long
29 provided that such spaces shall be clearly marked as "compact car parking". Each
30 parking space must be sited to allow access and exit without obstruction.
31 Handicapped parking shall be provided in compliance with the Americans with
32 Disabilities Act and applicable State requirements. In order to determine
33 compliance with this section, the owner or applicant shall submit a plan showing
34 the physical layout of all required off-street parking areas. Any change in the
35 evidence or conditions upon which the plan is approved shall nullify such
36 approval.
37

38 1. Parking shall be provided on the lot occupied by the use for which
39 the parking is required, or on an adjacent lot owned or controlled by
40 such use. In addition, uses located within the Town Center, BA or
41 BB District or a Short Term Rental (limited to paragraph a below)
42 may provide all or part of the required off-street parking through
43 any of the following:
44

45 a. Private off-street parking located on another lot that is located
46 within one mile of the subject lot and that is controlled by long-
47 term written lease or ownership by the applicant.
48

1 b. Off-street parking shared with other uses (consistent with
2 paragraph 2 below) located within one mile of the subject lot,
3 provided that the Planning Board finds that there is adequate
4 parking capacity to meet the parking requirements of all uses
5 sharing the parking due to variation in the time of parking
6 demand and that the shared parking is available to the applicant
7 through a written lease or other enforceable agreement.
8

9 4. The following minimum number of spaces, rounded up to the
10 nearest whole number, shall be provided and maintained for each
11 use on a lot, including each use within all buildings. The Planning
12 Board may reduce by up to thirty percent (30%) the required parking
13 for the reuse of a building existing as of June 4, 1997. In granting
14 such a reduction, the Planning Board must find that:
15

16 c. Commercial

17	12. Short Term Rental	1 space per 2 tenants, with
18		a minimum of 2 spaces
19		(Effective December 14, 2012)

20
21
22
23 **SEC. 19-8-11. USE OF RECREATIONAL CAMPING VEHICLE OR OTHER**
24 **TEMPORARY RESIDENTIAL UNIT**

25
26 The use of a travel trailer, motor home, or other recreational camping vehicle as a
27 temporary or permanent dwelling, or a Short Term Rental is prohibited in all
28 districts. A travel trailer, motor home, or other recreational camping vehicle may
29 be used on an occasional basis for temporary occupancy by the lot its owner. For
30 the purpose of this section, occasional basis shall mean occupancy on not more
31 than three (3) nights in any thirty (30) day period. Unoccupied travel trailers,
32 motor homes, or recreational camping vehicles may be parked or stored on a lot
33 in any district provided the lot is owned by the owner of the unit. A motor home
34 or recreational camping vehicle which is the primary vehicle of temporary guests
35 may also be parked on the lot for the duration of their stay.
36

37 **SEC. 19-8-14. SHORT TERM RENTAL STANDARDS**

38 (Effective December 14, 2012)

39
40 **A. Purpose**

41
42 Cape Elizabeth residents prize the peace and quiet of their residential
43 neighborhoods. Some property owners have capitalized on the desirability of
44 their neighborhood by renting out their property, especially during the summer
45 months and holidays. Neighborhood residents are concerned that short term
46 rentals take on the character of a business operating in a residential neighborhood.

1 In order to preserve the fabric of residential neighborhoods, to minimize the
2 negative impacts of transient occupation on adjacent residents, to maintain
3 housing availability for long-term residents and to protect the public safety of
4 visitors and residents, the operation of Short Term Rentals must be efficiently and
5 effectively regulated to balance the respective interests of town residents. The
6 purpose of this section is to balance the desire of property owners to rent their
7 properties to short term tenants and the desire of residents to preserve the peaceful
8 quiet and enjoyment of their residential neighborhoods.
9

10 **B. Permitted Short Term Rentals Applicability**

11
12 The following types of Short Term Rentals may be allowed after obtaining all
13 required permits. Short Term Rental types not listed below are prohibited. Only
14 one Short Term Rental may be operated on a lot in a calendar year, and limited to
15 only one of Short Term Rental types listed below for the calendar year. For the
16 avoidance of doubt, for example, if the owner of a Short Term Rental receives all
17 required permits to be a "primary residence hosted" type of Short Term Rental in
18 one calendar year, then the owner may not switch the type of Short Term Rental
19 to "primary residence unhosted," (or any other type) until the following calendar
20 year. Where operation of a Short Term Rental must include that the Short Term
21 Rental owner is "in residence," the intent is that the owner shall be living on the
22 lot, or abutting lot as the case may be, and managing the Tenants.
23

24 1. **Primary residence hosted.** A Short Term Rental may be operated by a
25 property owner in their primary residence when the property owner is in
26 residence, including overnight, during the tenancy of the Short Term Rental
27 tenants with no limit on the total number of days operated as a Short Term Rental.
28 Each Short Term Rental tenant must comply with the minimum seven (7) day stay
29 requirement.
30

31 2. **Primary residence unhosted.** A Short Term Rental may be operated by a
32 property owner in their primary residence when the property owner is not in
33 residence during the tenancy of the Short Term Rental tenants. The property may
34 be used as a Short Term Rental for no more than forty-two (42) days per calendar
35 year.
36

37 3. **Seven (7) acres plus Short Term Rental.** A Short Term Rental may be
38 operated by a property owner in their primary residence or non-primary residence
39 when the property owner is in residence or not in residence during the tenancy of
40 the Short Term Rental tenants, where the lot is seven (7) acres or more in size.
41 (Land abutting the Short Term Rental lot in the same ownership may be counted
42 toward the minimum lot size. Abutting shall mean any lot that shares a lot line or
43 is located directly across a road right-of-way from the primary residence. Abutting
44 land used to meet the seven (7) acres requirement may not be counted towards
45 more than one Short Term Rental.) The property may be used as a Short Term
46 Rental for no more than one-hundred eighty-two (182) days per calendar year.
47

48 4. **Short Term Rental Adjacent.** One Short Term Rental may be operated by a
49 property owner in a non-primary residence when the Short Term Rental owner's

1 primary residence is located on the same lot as the primary residence or on an
2 abutting lot. (Abutting shall mean any lot that shares a lot line or is located directly
3 across a road right-of-way from the primary residence.) The property owner must
4 be in residence during the tenancy of the Short Term Rental tenants. The property
5 may be used as a Short Term Rental for no more than one-hundred five (105)
6 calendar days per calendar year. If a property owner operates a Short Term Rental
7 Adjacent, the owner shall not operate any other Short Term Rental on the lot, or
8 abutting lot, during the same calendar year. For example, an owner operating a
9 Short Term Rental Adjacent on a lot (or abutting lot) shall not be able to also obtain
10 a permit for a Primary resident hosted Short Term Rental (or any other Short Term
11 Rental) during the same calendar year.

14 C. Short Term Rental Requirements

16 1. Permit required. NoA Short Term Rental shall be advertised, rented or
17 operated without first obtaining a Short Term Rental Permit. is permitted only
18 after the issuance of a Short Term Rental permit. Notwithstanding the preceding
19 sentence, a permit is not required for a Short Term Rental which, with any prior
20 Short Term Rental of the property, does not exceed in the aggregate fourteen (14)
21 days in any calendar year. A Short Term Rental permit shall be valid for the
22 calendar year in which the permit is issued. A permit application received more
23 than thirty (30) days after the permit deadline, which shall be January 2nd of the
24 year the Short Term Rental will be operating, shall be considered late. The
25 property must remain in compliance with the Short Term Rental permit for the
26 entire calendar year in which the permit is issued. A Short Term Rental permit
27 may only be issued to the property owner of the lot where the Short Term rental
28 is located and a lessee of the lot may not operate a Short Term Rental.

30 Failure to obtain a Short Term Rental permit prior to advertising, offering for rent,
31 or use of the Short Term Rental shall require payment of double the Short Term
32 Rental permit fee. Once notified by the town that a Short Term Rental has been
33 operated without a permit, a permit application shall be submitted within seven
34 (7) calendar days or shall be considered an additional violation. The permit
35 applicant must make a diligent effort to meet permit requirements.

37 The second failure to obtain a Short Term Rental permit for a property within a
38 five (5) year period shall result in a prohibition from obtaining a permit for the
39 property for one (1) year.

41 2. Advertising. It shall be unlawful to advertise occupancy or use of a Short
42 Term Rental that would violate Sec. 19-8-14 of the Zoning Ordinance. For the
43 purposes of this section, the term "advertise" shall mean any form of
44 communication for marketing that is used to encourage, persuade or manipulate
45 viewers, readers or listeners into contracting for goods and/or services as may be
46 viewed through various media included, but not limited to newspapers,
47 magazines, flyers, handbills, television commercials, radio, signage, direct mail,
48 websites or text messages. No Short Term Rental shall be advertised that does not
49 have a current Short Term Rental permit. The Short Term Rental advertising must

1 be consistent with the terms of the Short Term Rental permit and must include the
2 current Short Term Rental permit number. Advertising of the Short Term Rental
3 must state that the Short Term Rental must be rented for a minimum period of
4 seven (7) consecutive days.

5
6 3. Minimum stay length. No more than one (1) rental/use of the Short Term
7 Rental shall occur in a seven (7) day period. When a ach rental or non-
8 compensated use of the property by any one (1) individual or group, including but
9 not limited to personal or family use by the property owner, of less than seven (7)
10 days occurs, the property shall remain vacant for the remaining portion of the
11 seven (7) day period. Any tenancy of the property for less than thirty (30) days
12 shall be considered operation of a Short Term Rental and require a Short Term
13 Rental permit pursuant to the terms of the Zoning Ordinance. shall be deemed for
14 a period of not less than seven (7) days regardless if the actual number of days the
15 property is occupied is less than seven (7) days. Further, not more than one Short
16 Term Rental agreement shall be entered for any given property for any consecutive
17 seven-day period.

18 4. Registration record. The Short Term Rental owner must (a) maintain
19 accurate, up-to-date records of all rental transactions involving the Short Term
20 Rental, including the number of tenants and the length of their stays, and
21 upcoming reservations; and (b) present said information to Town inspection
22 officials upon request. Failure of the Short Term Rental owner to provide this
23 information within five (5) business days of a Town request for the same shall be
24 considered a violation of this section.

25 5. Multi-family and multiplex units. No Short Term Rental may be operated
26 on a lot containing a multifamily dwelling unit unless all of the dwelling units
27 are held in common ownership. No Short Term Rental shall be operated on a
28 property containing five (5) or more dwelling units.

29 **DC. Review Procedure**

- 30
- 31 1. The Code Enforcement Officer shall have the authority to issue a
32 Short Term Rental permit.
 - 33
 - 34 2. The Code Enforcement Officer shall provide a Short Term Rental
35 application to be completed by the applicant and submitted to the
36 Code Enforcement Officer accompanied by the Short Term Rental
37 permit fee as established by the Town Council in the Town Fee
38 Schedule. The form shall include a non-exclusive checklist of code
39 requirements that the property owner shall demonstrate compliance
40 with.
 - 41
 - 42 3. The Ccode Enforcement Officer shall determine if the form has been
43 properly completed before any permit is issued.
 - 44

- 1 4. The first time that a Short Term Rental permit is submitted for a
2 property, no permit shall be issued until the Code Enforcement
3 Officer has inspected the proposed Short Term Rental property for
4 compliance with the Short Term Rental Standards and compliance
5 with building code requirements. Thereafter, renewal of a Short
6 Term Rental permit shall require inspection by the Code
7 Enforcement Officer of the Short Term Rental property no less than
8 once every five (5) years. When the Code Enforcement Officer does
9 not conduct an annual inspection, the Short Term Rental owner shall
10 certify that there have been no material changes since the last
11 inspection by the Code Enforcement Officer. Any third party
12 inspection information submitted with the completed form shall
13 have been conducted within the twelve months prior to the permit
14 being issued.
- 15 5. The Code Enforcement Officer shall review the permit application
16 for compliance with the Short Term Rental Standards.
- 17 6. If the Code Enforcement Officer determines that the proposed Short
18 Term Rental application complies with the Short Term Rental
19 Standards, a Short Term Rental permit shall be issued. ~~A permit~~
20 shall be valid for one (1) year from date of issuance. The permit may
21 be subject to suspension by the Code Enforcement Officer if the Short
22 Term Rental property becomes non-compliant with the Short Term
23 Rental Standards, and may be revoked as provided in 19-8-14.(GF).

24
25 **ED. Submission Requirements**

26
27 The Short Term Rental permit application shall include the following information:
28

- 29 1. Location. The street address and map/lot number of the Short Term
30 Rental property. If the property is not located on a public road, the
31 form shall include directions to the property from a public road.
- 32 2. Contact Person/Owner Responsibility. The name of the owner of
33 the Short Term Rental property and contact information, including
34 address and telephone number. In addition, if someone other than
35 the owner is acting as the local contact person, contact information
36 for that person shall also be provided. If there will be different
37 contact persons for different time periods during the year, the form
38 shall include the applicable contact person for each time period.
39 Regardless of who enters the Short Term Rental agreement, or who
40 may be designated as the owner's contact person, the property
41 owner shall be responsible for compliance with the Short Term
42 Rental Ordinance provisions.
- 43 3. Availability. The registration form shall include when, during the
44 calendar year, the Short Term Rental will be available for rental. If
45 this changes, the owner shall notify the Code Enforcement Officer.

- 1
2 4. All information needed to demonstrate compliance with the
3 standards listed in Subsection FE below.
4

5 **FE. Standards**
6

7 The Code Enforcement Officer shall issue a Short Term Rental permit upon the
8 applicant satisfying the above requirements if the following standards are met:
9

- 10 1. Code compliance. An applicant's property, without limitation,
11 comply with the following building safety requirements code
12 sections of the (International Residential Code, ("IRC") and the
13 International Building Code, ("IBC")):
14

15 a. IRC Section R 314, Smoke Alarms: A smoke alarm is required
16 in each bedroom. A smoke alarm is also required outside of
17 each bedroom and in the immediate vicinity. A smoke alarm
18 is also required to be on each story of the dwelling, including
19 basements and habitable attics. The alarms shall be
20 interconnected as much as reasonably possible. (Reference
21 IRC Section R314);;
22

23 b. IRC Section R 315, Carbon Monoxide Alarms: If a house has
24 an attached garage or a fuel fired appliance, a carbon
25 monoxide alarm shall be installed outside each bedroom and
26 in the immediate vicinity. (Reference IRC Section R315);
27

28 c. IBC Section 906, Portable Fire Extinguishers: At least one (1)
29 portable fire extinguisher shall be mounted in a prominent
30 location. One (1) size/type 2/A is required or two (2)
31 size/type 1/A extinguishers. The building shall be
32 considered to be an R-1 Occupancy (Boarding House) for the
33 purpose of determining the type and location of portable fire
34 extinguishers;
35

36 d. IBC Section 1006.2, 1006.3 and 1006.4. Means of Egress
37 Illumination. Emergency Lighting: At least one (1) hardwired
38 emergency light with battery backup is required per 1200
39 square feet of living space. The lights must be positioned to
40 illuminate the path of egress to the maximum extent. There
41 also must be exterior lighting that is permitted to be solar
42 powered. Exception: The house lighting has a backup power
43 source that automatically activates.
44

45 The applicant shall provide floor plans of the dwelling unit that
46 shows the location of the alarms, fire extinguisher(s) and emergency
47 lighting.
48

1 2. Building evacuation plan. A building evacuation plan shall be
2 prominently posted in the Short Term Rental property during the
3 rental period.

4
5 3. Sanitary waste disposal. The applicant shall submit information
6 demonstrating that adequate sanitary waste disposal is available in
7 compliance with the Town of Cape Elizabeth Subsurface Wastewater
8 Disposal Ordinance, as determined by the Code Enforcement
9 Officer, or that the property is served by public sewer.

10
11 ~~The information shall include the total number of bedrooms~~
12 ~~included in the property, any additional sleeping space, and the~~
13 ~~total number of tenants that the property accommodates. The total~~
14 ~~number of tenants used to determine adequacy of sanitary waste~~
15 ~~disposal shall not be less than the total number of tenants that the~~
16 ~~property is advertised to accommodate. For the purpose of~~
17 ~~evaluating the adequacy of a subsurface disposal system, every two~~
18 ~~tenants shall be equivalent to one bedroom.~~

19
20 4. Parking. The applicant shall include a depiction of how parking will
21 be provided for tenants and guests on the same lot where the Short
22 Term Rental is located, and/or include a written agreement for off-
23 site parking at a specified location, to comply with the Off-Street
24 Parking Standards, Sec. 19-7-8. Garage parking spaces not allowed
25 for tenant use shall not be used to meet the Short Term Rental
26 parking requirement. On-street parking by Short Term Rental
27 tenants or guests is prohibited. No bus shall be parked at the Short
28 Term Rental property during any rental period.

29
30 5. Rental Agreement Addendum. The Short Term Rental permit
31 application shall be submitted with an addendum, to be attached to
32 Short Term Rental agreement between owner and tenant, that shall
33 be provided to all tenants. The Town shall not be responsible for
34 enforcement of the rental agreement of addendum. The rental
35 agreement addendum shall include the following:

- 36
37 a. Primary and secondary cContact person and contact
38 information; A contact person must be available to tenants at
39 all time of rental period (24/7).
40 b. Emergency responder contact information;
41 c. Building evacuation plan;
42 d. Maximum number of tenants and guests;
43 e. Parking arrangements, including a prohibition of tenants and
44 guests parking on-street or in a manner that impedes access
45 by emergency vehicles to the property or any other dwelling
46 in the neighborhood;
47 f. Maximum number of tenants and guests allowed at the
48 property;
49 g. Good neighbor guidelines;

1 h. Copy of the Miscellaneous Offenses Ordinance.
2

3 6. Limit on rental intensity. The maximum tenant capacity of a Short
4 Term Rental shall be limited to no more than two (2) tenants per
5 bedroom, plus two (2) additional tenants for no more than one (1)
6 additional sleeping space.
7

8 _____ If a Short Term Rental property is operated on a lot of thirty-
9 thousand (30,000) sq. ft. or less in size and property owner is not
10 either living on an abutting lot or in a separate dwelling in the same
11 lot, the Short Term Rental permit shall not allow more than two
12 tenants per bedroom, shall not allow use of non-bedroom areas for
13 sleeping, and shall not allow occupancy by more than eight (8)
14 tenants at any time. The number of Sshort T-term Rrental guests
15 shall be limited to eight (8) at any time. On site parking shall be
16 limited to four (4) parking spaces.
17

18 7. Response requirement. Failure of the owner/contact person to
19 respond to a Short Term Rental tenant or guest inquiry during the
20 Short Term Rental tenancy, including check-in, within thirty (30)
21 minutes shall be considered a violation of Sec. 19-8-14, Short Term
22 Rental Standards.
23

24 8. Good neighbor conduct. The Code Enforcement Officer shall
25 consider any complaints received about behavior at the Short Term
26 Rental that diminishes the peaceful quiet enjoyment of property by
27 residents within one thousand feet (1,000') of the Short Term Rental
28 property line. Disruptive outdoor behavior may include but not be
29 limited to smoking, swearing, lewd gestures or conduct, late hour
30 noise, pet control, substance use, parking and speeding. The Code
31 Enforcement Officer may deny issuance of the permit based on
32 complaints that the Short Term Rental owner, tenants or guests
33 have diminished the peaceful quiet enjoyment of neighborhood
34 residents. An appeal of the Code Enforcement Officer's decision to
35 issue or deny a Short Term Rental permit based on this standard
36 shall be heard by the Town Council.
37

38 **GF. Suspension and Revocation of Permit**
39

40 In addition to the provisions of Sec. 19-3-6, Violations, a permit for a Short Term
41 Rental may be suspended or revoked if the Code Enforcement Officer determines
42 that one or more substantiated complaints regarding Short Term Rentals of a
43 property have been made in a three (3)-year period. The Police Department may
44 provide a report of conditions observed in plain sight to the Code Enforcement
45 Officer, but enforcement of the Zoning Ordinance shall remain with the Code
46 Enforcement Officer.
47

48 1. Complaint. Any individual or town official may file and/or initiate
49 a complaint against a Short Term Rental permit holder. If the Police

1 Department or the Code Enforcement Officer receives a complaint,
2 they shall visit the property. The Police Department shall generate a
3 report of the facts its officers have observed upon a visit, and
4 statements made to them regarding the Short Term Rental. The
5 Police Department shall then forward the report to the Code
6 Enforcement Officer.
7

8 When the Code Enforcement Officer receives a report from the Police
9 Department, or the Code Enforcement Officer has responded to a
10 complaint or independently investigated, the Code Enforcement
11 Officer shall inspect the property and shall collect information
12 related to the complaint, including notifying the property owner and
13 requesting information regarding the complaint. Within five (5)
14 days of receiving a Police Report or complaint, the Code
15 Enforcement Officer shall determine if the complaint is
16 substantiated. A complaint is substantiated when the Code
17 Enforcement Officer concludes that one or more violations of the
18 Short Term Rental provisions occurred.
19

20 2. First Substantiated Complaint. Once the Code Enforcement Officer
21 has made a finding of a substantiated complaint, the Code
22 Enforcement Officer shall notify the property owner in writing.
23 The notification shall require the property owner to meet with the
24 Code Enforcement Officer within five (5) business days from the
25 date of the written notification, or such other time as is agreed upon
26 by the Code Enforcement Officer, to identify ways in which the
27 violation(s) will be corrected. The owner will agree to take all
28 necessary measures to correct the violation(s), which measures shall
29 be memorialized in a written agreement at the conclusion of the
30 meeting and shall be fully implemented within one (1) week of said
31 meeting unless another date is agreed to by the Code Enforcement
32 Officer. Failure of the property owner to enter into such an
33 agreement at the conclusion of the meeting will be deemed a second
34 violation of the Short Term Rental provisions. In addition, the Code
35 Enforcement Officer may suspend the Short Term Rental permit for
36 a term not to exceed thirty (30) days.
37

38 3. Second Substantiated Complaint. Once the Code Enforcement
39 Officer has made a finding of two (2) substantiated complaints, the
40 Code Enforcement Officer shall notify the property owner in writing
41 that the Short Term Rental permit shall be suspended for the a period
42 remainder of permit year but not less than six (6) months. When less
43 than six (6) months remains in the calendar year, no Short Term
44 Rental Permit may be submitted in the next calendar year until six
45 (6) months after the second substantiated complaint. Late permit fees
46 shall apply. of not less than thirty days, nor more than one
47 hundred twenty days.
48

1 The notification shall require the property owner to meet with the
2 Code Enforcement Officer within five (5) business days from the
3 date of the written notification, or such other time as is agreed upon
4 by the Code Enforcement Officer, to identify ways in which the
5 violation(s) will be corrected. The owner will agree to take all
6 necessary measures to correct the violation(s), which measures shall
7 be memorialized in a written agreement at the conclusion of the
8 meeting and shall be fully implemented within one (1) week of said
9 meeting unless another date is agreed to by the Code Enforcement
10 Officer. Failure of the property owner to enter into such an
11 agreement at the conclusion of the meeting will be deemed a
12 violation of the Short Term Rental provisions.
13

14 4. Third Substantiated Complaint. Once the Code Enforcement Officer
15 has made a finding of three (3) substantiated complaints, the Code
16 Enforcement Officer shall notify the property owner in writing that
17 the Short Term Rental permit has been revoked for three (3)one
18 calendar years.
19

20 5. Appeal. An appeal to the Zoning Board of Appeals as an
21 Administrative Appeal may be taken by any person aggrieved by a
22 determination of the Code Enforcement Officer pursuant to Section
23 19-5-2(A).
24

25 76. Effective Date. [to be determined. Should include termination of all
26 existing permits on date of amendments enactment and transition to
27 new permit system]The Short Term Rental provisions of the
28 ordinance shall be fully effective as to all contracts for short Term
29 Rentals executed on or after 30 days from date of enactment, and
30 shall further apply to all contracts in effect on such date to the extent
31 the application of these provisions would not result in a substantial
32 impairment of such existing contracts.
33
34
35