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DRAFT
Short Term Rental Amendments
Town of Cape Elizabeth Zoning Ordinance

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

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

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

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

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

25
26 **B. Permitted Uses**

27
28 3. The following nonresidential uses:

29
30 g. Reserved

31
32 4. The following accessory uses:

33
34 d. Boarding Room

35 i. Short Term Rental
36

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

38
39 **B. Permitted Use**

40
41 3. The following nonresidential uses:

42
43 e. Reserved

44
45 4. The following accessory uses:

46
47 d. Boarding Room

- 1 i. Short Term Rental

2

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

4

5 **B. Permitted Uses**

6

- 7 3. The following nonresidential uses:

8

- 9 f. Reserved

10

- 11 4. The following accessory uses:

12

- 13 d. Boarding Room

14

- 15 i. Short Term Rental

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

17

18 **B. Permitted Uses**

19

- 20 3. The following nonresidential uses:

21

22

23

- 24 4. The following accessory uses:

25

- 26 k. Short Term Rental

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

28

29 **B. Permitted Use**

30

- 31 3. The following nonresidential uses:

32

33

34

- 35 4. The following accessory uses:

36

- 37 l. Short Term Rental

38

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

40

41 **B. Permitted Uses**

42

- 43 4. The following accessory uses:

44

- c. Boarding Room.
- h. Short Term Rental

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

A. Applicability

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

B. Minimum Requirements for Off-Street Parking

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

1. Parking shall be provided on the lot occupied by the use for which the parking is required, or on an adjacent lot owned or controlled by such use. In addition, uses located within the Town Center, BA or BB District or a Short Term Rental (limited to paragraph a below) may provide all or part of the required off-street parking through any of the following:
 - a. Private off-street parking located on another lot that is located within one mile of the subject lot and that is controlled by long-term written lease or ownership by the applicant.
 - b. Off-street parking shared with other uses (consistent with paragraph 2 below) located within one mile of the subject lot, provided that the Planning Board finds that there is adequate parking capacity to meet the parking requirements of all uses sharing the parking due to variation in the time of parking demand and that the shared parking is available to the applicant through a written lease or other enforceable agreement.

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

c. Commercial

12. Short Term Rental 1 space per 2 tenants, with a minimum of 2 spaces

(Effective December 14, 2012)

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

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

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

(Effective December 14, 2012)

A. Purpose

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

B. Permitted Short Term Rentals

1
 2 The following types of Short Term Rentals may be allowed after obtaining all
 3 required permits. Short Term Rental types not listed below are prohibited. Only
 4 one Short Term Rental may be operated on a lot in a calendar year, and limited to
 5 only one of Short Term Rental types listed below for the calendar year. For the
 6 avoidance of doubt, for example, if the owner of a Short Term Rental receives a
 7 permit to be a "primary residence hosted" type of Short Term Rental in one
 8 calendar year, then the owner may not switch the type of Short Term Rental to
 9 "primary residence unhosted," (or any other type) until the following calendar
 10 year. Where operation of a Short Term Rental must include that the Short Term
 11 Rental owner is "in residence," the intent is that the owner shall be living on the
 12 lot, or abutting lot as the case may be, and managing the Tenants.

13
 14 1. **Primary residence hosted.** A Short Term Rental may be operated by a
 15 property owner in their primary residence when the property owner is in
 16 residence, including overnight, during the tenancy of the Short Term Rental
 17 tenants. **The Short Term Rental must be located within the host's dwelling unit and**
 18 **not in an area functioning as a separate dwelling unit. Use of the property as a**
 19 **Short Term Rental must be in compliance with the rental intensity requirement.**

20
 21 2. **Primary residence unhosted.** A Short Term Rental may be operated by a
 22 property owner in their primary residence when the property owner is not in
 23 residence during the tenancy of the Short Term Rental tenants. The property may
 24 be used as a Short Term Rental for no more than forty-two (42) days per calendar
 25 year.

26
 27 3. **Seven (7) acres plus Short Term Rental.** A Short Term Rental may be
 28 operated by a property owner in their primary residence or non-primary residence
 29 when the property owner is in residence or not in residence during the tenancy of
 30 the Short Term Rental tenants, where the lot is seven (7) acres or more in size.
 31 (Land abutting the Short Term Rental lot in the same ownership may be counted
 32 toward the minimum lot size. Abutting shall mean any lot that shares a lot line or
 33 is located directly across a road right-of-way from the primary residence. Abutting
 34 land used to meet the seven (7) acres requirement may not be counted towards
 35 more than one Short Term Rental.) The property may be used as a Short Term
 36 Rental for no more than one-hundred eighty-two (182) days per calendar year.

37
 38 4. **Short Term Rental Adjacent.** One Short Term Rental may be operated by a
 39 property owner in a non-primary residence when the Short Term Rental owner's
 40 primary residence is located on the same lot as the Short Term Rental or on an
 41 abutting lot. (Abutting shall mean any lot that shares a lot line or is located directly
 42 across a road right-of-way from the primary residence.) The property owner must
 43 be in residence during the tenancy of the Short Term Rental tenants. The property
 44 may be used as a Short Term Rental for no more than one-hundred five (105)
 45 calendar days per calendar year. If a property owner operates a Short Term Rental
 46 Adjacent, the owner shall not operate any other Short Term Rental on the lot, or
 47 abutting lot, during the same calendar year. For example, an owner operating a
 48 Short Term Rental Adjacent on a lot (or abutting lot) shall not be able to also obtain

1 a permit for a Primary resident hosted Short Term Rental (or any other Short Term
2 Rental) during the same calendar year.

3
4
5 **C. Short Term Rental Requirements**
6

7 1. Permit required. No Short Term Rental shall be advertised, rented or
8 operated without first obtaining a Short Term Rental Permit. A Short Term Rental
9 permit shall be valid for the calendar year in which the permit is issued. A permit
10 application received more than thirty (30) days after the permit deadline, which
11 shall be January 2nd of the year the Short Term Rental will be operating, shall be
12 considered late. The property must remain in compliance with the Short Term
13 Rental permit for the entire calendar year in which the permit is issued. A Short
14 Term Rental permit may only be issued to the property owner of the lot where the
15 Short Term rental is located and a lessee of the lot may not operate a Short Term
16 Rental.

17
18 Failure to obtain a Short Term Rental permit prior to advertising, offering for rent,
19 or use of the Short Term Rental shall require payment of double the Short Term
20 Rental permit fee. Once notified by the town that a Short Term Rental has been
21 operated without a permit, a permit application shall be submitted within seven
22 (7) calendar days or shall be considered an additional violation. The permit
23 applicant must make a diligent effort to meet permit requirements.

24
25 The second failure to obtain a Short Term Rental permit for a property within a
26 five (5) year period shall result in a prohibition from obtaining a permit for the
27 property for one (1) year.

28
29 2. Advertising. It shall be unlawful to advertise occupancy or use of a Short
30 Term Rental that would violate Sec. 19-8-14 of the Zoning Ordinance. For the
31 purposes of this section, the term "advertise" shall mean any form of
32 communication for marketing that is used to encourage, persuade or manipulate
33 viewers, readers or listeners into contracting for goods and/or services as may be
34 viewed through various media included, but not limited to newspapers,
35 magazines, flyers, handbills, television commercials, radio, signage, direct mail,
36 websites or text messages. No Short Term Rental shall be advertised that does not
37 have a current Short Term Rental permit. The Short Term Rental advertising must
38 be consistent with the terms of the Short Term Rental permit and must include the
39 current Short Term Rental permit number. Advertising of the Short Term Rental
40 must include the statement, "[The Short Term Rental] is available for one (1) rental
41 per seven (7) day period [or in the case of a Primary residence hosted Short Term
42 Rental, 2 rentals per seven (7) day period], and may be rented for a partial week
43 as long as the Short Term Rental remains vacant for the remainder of the seven (7)
44 day rental period.

45
46 3. Rental Intensity. No more than one (1) rental/use of the Short Term Rental
47 may occur in a seven (7) day period, except that a Primary residence hosted may
48 be allowed up to two (2) rental/uses in a seven (7) day period. When a rental or
49 non-compensated use of the property by any one (1) individual or group,

1 including but not limited to personal or family use by the property owner, of less
2 than seven (7) days occurs, the property must remain vacant for the remaining
3 portion of the seven (7) day period, **except that a Primary residence hosted Short**
4 **Term Rental may be allowed no more than two (2) rental uses in a seven (7) day**
5 **period.** Any tenancy of the property for less than thirty (30) days shall be
6 considered operation of a Short Term Rental and require a Short Term Rental
7 permit pursuant to the terms of the Zoning Ordinance.

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

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

19 **D. Review Procedure**

- 20
- 21 1. The Code Enforcement Officer shall have the authority to issue a
22 Short Term Rental permit.
 - 23
 - 24 2. The Code Enforcement Officer shall provide a Short Term Rental
25 application to be completed by the applicant and submitted to the
26 Code Enforcement Officer accompanied by the Short Term Rental
27 permit fee as established by the Town Council in the Town Fee
28 Schedule. The form shall include a non-exclusive checklist of code
29 requirements that the property owner shall demonstrate compliance
30 with.
 - 31
 - 32 3. The Code Enforcement Officer shall determine if the form has been
33 properly completed before any permit is issued.
 - 34
 - 35 4. The first time that a Short Term Rental permit is submitted for a
36 property, no permit shall be issued until the Code Enforcement
37 Officer has inspected the proposed Short Term Rental property for
38 compliance with the Short Term Rental Standards and compliance
39 with building code requirements. Thereafter, renewal of a Short
40 Term Rental permit shall require inspection by the Code
41 Enforcement Officer of the Short Term Rental property no less than
42 once every five (5) years. When the Code Enforcement Officer does
43 not conduct an annual inspection, the Short Term Rental owner shall
44 certify that there have been no material changes since the last
45 inspection by the Code Enforcement Officer. Any third party

1 inspection information submitted with the completed form shall
2 have been conducted within the twelve months prior to the permit
3 being issued.

- 4
- 5 5. The Code Enforcement Officer shall review the permit application
6 for compliance with the Short Term Rental Standards.
7
- 8 6. If the Code Enforcement Officer determines that the proposed Short
9 Term Rental application complies with the Short Term Rental
10 Standards, a Short Term Rental permit shall be issued. The permit
11 may be subject to suspension by the Code Enforcement Officer if the
12 Short Term Rental property becomes non-compliant with the Short
13 Term Rental Standards, and may be revoked as provided in 19-8-
14 14.(G).
15

16 **E. Submission Requirements**

17
18 The Short Term Rental permit application shall include the following information:
19

- 20 1. Location. The street address and map/lot number of the Short Term
21 Rental property. If the property is not located on a public road, the
22 form shall include directions to the property from a public road.
23
- 24 2. Contact Person/Owner Responsibility. The name of the owner of
25 the Short Term Rental property and contact information, including
26 address and telephone number. In addition, if someone other than
27 the owner is acting as the local contact person, contact information
28 for that person shall also be provided. If there will be different
29 contact persons for different time periods during the year, the form
30 shall include the applicable contact person for each time period.
31 Regardless of who enters the Short Term Rental agreement, or who
32 may be designated as the owner's contact person, the property
33 owner shall be responsible for compliance with the Short Term
34 Rental Ordinance provisions.
35
- 36 3. Availability. The registration form shall include when, during the
37 calendar year, the Short Term Rental will be available for rental. If
38 this changes, the owner shall notify the Code Enforcement Officer.
39 4. All information needed to demonstrate compliance with the
40 standards listed in Subsection F below.
41

42 **F. Standards**

43
44 The Code Enforcement Officer shall issue a Short Term Rental permit upon the
45 applicant satisfying the above requirements if the following standards are met:
46

- 47 1. Code compliance. An applicant's property, without limitation, must
48 comply with the following building safety requirements

1 International Residential Code, IRC, and the International Building
2 Code, IBC:

- 3
- 4 a. Smoke Alarms: A smoke alarm is required in each bedroom.
5 A smoke alarm is also required outside of each bedroom and
6 in the immediate vicinity. A smoke alarm is also required to
7 be on each story of the dwelling, including basements and
8 habitable attics. The alarms shall be interconnected as much
9 as reasonably possible. (Reference IRC Section R314);
- 10
- 11 b. Carbon Monoxide Alarms: If a house has an attached garage
12 or a fuel fired appliance, a carbon monoxide alarm shall be
13 installed outside each bedroom and in the immediate vicinity.
14 (Reference IRC Section R315);
- 15
- 16 c. Portable Fire Extinguishers: At least one (1) portable fire
17 extinguisher shall be mounted in a prominent location. One
18 (1) size/type 2/A is required or two (2) size/type 1/A
19 extinguishers;
- 20
- 21 d. Emergency Lighting: At least one (1) hardwired emergency
22 light with battery backup is required per 1200 square feet of
23 living space. The lights must be positioned to illuminate the
24 path of egress to the maximum extent. There also must be
25 exterior lighting that is permitted to be solar powered.
26 Exception: The house lighting has a backup power source that
27 automatically activates.

28

29 The applicant shall provide floor plans of the dwelling unit that
30 shows the location of the alarms, fire extinguisher(s) and emergency
31 lighting.

- 32
- 33 2. Building evacuation plan. A building evacuation plan shall be
34 prominently posted in the Short Term Rental property during the
35 rental period.
- 36
- 37 3. Sanitary waste disposal. The applicant shall submit information
38 demonstrating that adequate sanitary waste disposal is available in
39 compliance with the Town of Cape Elizabeth Subsurface Wastewater
40 Disposal Ordinance, as determined by the Code Enforcement
41 Officer, or that the property is served by public sewer.
- 42
- 43 4. Parking. The applicant shall include a depiction of how parking will
44 be provided for tenants and guests on the lot where the Short Term
45 Rental is located, and/or include a written agreement for off-site
46 parking at a specified location, to comply with the Off-Street Parking
47 Standards, Sec. 19-7-8. Garage parking spaces not allowed for tenant
48 use shall not be used to meet the Short Term Rental parking
49 requirement. On-street parking by Short Term Rental tenants or

1 guests is prohibited. No bus shall be parked at the Short Term Rental
2 property during any rental period.
3

4 5. Rental Agreement Addendum. The Short Term Rental permit
5 application shall be submitted with an addendum, to be attached to
6 Short Term Rental agreement between owner and tenant, that shall
7 be provided to all tenants. The Town shall not be responsible for
8 enforcement of the rental agreement addendum. The rental
9 agreement addendum shall include the following:

- 10 a. Primary and secondary contact person and contact
11 information; A contact person must be available to tenants at
12 all time of rental period (24/7).
- 13 b. Emergency responder contact information;
- 14 c. Building evacuation plan;
- 15 d. Maximum number of tenants and guests;
- 16 e. Parking arrangements, including a prohibition of tenants and
17 guests parking on-street or in a manner that impedes access
18 by emergency vehicles to the property or any other dwelling
19 in the neighborhood;
- 20 f. Maximum number of tenants and guests allowed at the
21 property;
- 22 g. Good neighbor guidelines;
- 23 h. Copy of the Miscellaneous Offenses Ordinance.

24
25
26 6. Limit on rental occupancy. The maximum tenant capacity of a Short
27 Term Rental shall be limited to no more than two (2) tenants per
28 bedroom, plus two (2) additional tenants for no more than one (1)
29 additional sleeping space.
30

31 If a Short Term Rental property is operated on a lot of thirty-
32 thousand (30,000) sq. ft. or less in size, the Short Term Rental permit
33 shall not allow occupancy by more than eight (8) tenants at any time.
34 The number of Short Term Rental guests shall be limited to eight (8)
35 at any time. On site parking shall be limited to four (4) parking
36 spaces.
37

38 7. Response requirement. Failure of the owner/contact person to
39 respond to a Short Term Rental tenant or guest inquiry during the
40 Short Term Rental tenancy, including check-in, within thirty (30)
41 minutes shall be considered a violation of Sec. 19-8-14, Short Term
42 Rental Standards.
43

44 8. Good neighbor conduct. The Code Enforcement Officer shall
45 consider any complaints received about behavior at the Short Term
46 Rental that diminishes the peaceful quiet enjoyment of property by
47 residents within one thousand feet (1,000') of the Short Term Rental
48 property line. Disruptive outdoor behavior may include but not be
49 limited to smoking, swearing, lewd gestures or conduct, late hour

1 noise, pet control, substance use, parking and speeding. The Code
2 Enforcement Officer may deny issuance of the permit based on
3 complaints that the Short Term Rental owner, tenants or guests
4 have diminished the peaceful quiet enjoyment of neighborhood
5 residents. An appeal of the Code Enforcement Officer's decision to
6 issue or deny a Short Term Rental permit based on this standard
7 shall be heard by the Town Council.
8

9 **G. Suspension and Revocation of Permit**

10
11 In addition to the provisions of Sec. 19-3-6, Violations, a permit for a Short Term
12 Rental may be suspended or revoked if the Code Enforcement Officer determines
13 that one or more substantiated complaints regarding Short Term Rentals of a
14 property have been made in a three (3) year period. The Police Department may
15 provide a report of conditions observed in plain sight to the Code Enforcement
16 Officer, but enforcement of the Zoning Ordinance shall remain with the Code
17 Enforcement Officer.
18

- 19 1. Complaint. Any individual or town official may file and/or initiate
20 a complaint against a Short Term Rental permit holder. If the Police
21 Department or the Code Enforcement Officer receives a complaint,
22 they shall visit the property. The Police Department shall generate a
23 report of the facts its officers have observed upon a visit, and
24 statements made to them regarding the Short Term Rental. The
25 Police Department shall then forward the report to the Code
26 Enforcement Officer.
27

28 When the Code Enforcement Officer receives a report from the Police
29 Department, or the Code Enforcement Officer has responded to a
30 complaint or independently investigated, the Code Enforcement
31 Officer shall inspect the property and shall collect information
32 related to the complaint, including notifying the property owner and
33 requesting information regarding the complaint. Within five (5)
34 days of receiving a Police Report or complaint, the Code
35 Enforcement Officer shall determine if the complaint is
36 substantiated. A complaint is substantiated when the Code
37 Enforcement Officer concludes that one or more violations of the
38 Short Term Rental provisions occurred.
39

- 40 2. First Substantiated Complaint. Once the Code Enforcement Officer
41 has made a finding of a substantiated complaint, the Code
42 Enforcement Officer shall notify the property owner in writing.
43 The notification shall require the property owner to meet with the
44 Code Enforcement Officer within five (5) business days from the
45 date of the written notification, or such other time as is agreed upon
46 by the Code Enforcement Officer, to identify ways in which the
47 violation(s) will be corrected. The owner will agree to take all
48 necessary measures to correct the violation(s), which measures shall
49 be memorialized in a written agreement at the conclusion of the

1 meeting and shall be fully implemented within one (1) week of said
2 meeting unless another date is agreed to by the Code Enforcement
3 Officer. Failure of the property owner to enter into such an
4 agreement at the conclusion of the meeting will be deemed a second
5 violation of the Short Term Rental provisions. In addition, the Code
6 Enforcement Officer may suspend the Short Term Rental permit for
7 a term not to exceed thirty (30) days.

- 8
9 3. Second Substantiated Complaint. Once the Code Enforcement
10 Officer has made a finding of two (2) substantiated complaints, the
11 Code Enforcement Officer shall notify the property owner in writing
12 that the Short Term Rental permit shall be suspended for the
13 remainder of the permit year but not less than six (6) months. When
14 less than six (6) months remains in the calendar year, no Short Term
15 Rental Permit may be submitted in the next calendar year until six
16 (6) months after the second substantiated complaint. Late permit fees
17 shall apply.

18
19 The notification shall require the property owner to meet with the
20 Code Enforcement Officer within five (5) business days from the
21 date of the written notification, or such other time as is agreed upon
22 by the Code Enforcement Officer, to identify ways in which the
23 violation(s) will be corrected. The owner will agree to take all
24 necessary measures to correct the violation(s), which measures shall
25 be memorialized in a written agreement at the conclusion of the
26 meeting and shall be fully implemented within one (1) week of said
27 meeting unless another date is agreed to by the Code Enforcement
28 Officer. Failure of the property owner to enter into such an
29 agreement at the conclusion of the meeting will be deemed a
30 violation of the Short Term Rental provisions.

- 31
32 4. Third Substantiated Complaint. Once the Code Enforcement Officer
33 has made a finding of three (3) substantiated complaints, the Code
34 Enforcement Officer shall notify the property owner in writing that
35 the Short Term Rental permit has been revoked for three (3) years.

- 36
37 5. Appeal. An appeal to the Zoning Board of Appeals as an
38 Administrative Appeal may be taken by any person aggrieved by a
39 determination of the Code Enforcement Officer pursuant to Section
40 19-5-2(A).

- 41
42 7. Effective Date. The Short Term Rental amendments shall be effective
43 July 1, 2021. Any Short Term Rental permit in effect and issued prior
44 to July 1, 2021 shall expire on June 30, 2021. On June 1, 2021, the Code
45 Enforcement Officer will begin accepting for review a Short Term
46 Rental permit application that is in compliance with the Short Term
47 Rental amendments that become effective on July 1, 2021. All Short
48 Term Rental permits issued after June 30, 2021 shall expire on
49 January 2, 2022.

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The 2021 permit fee for any property with an existing short term rental permit shall be \$250. The 2021 permit fee for any property that does not have a short term rental permit shall be \$500. Commencing in 2022, the Short Term Rental Permit fee shall be determined in the Town Fee Schedule.