

DRAFT
Short Term Rental Ordinance 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)

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 primary place of residence, as defined by whether the Owner carries on basic living activities at the dwelling unit and whether such dwelling unit is the Owner's usual place of return. Reasonable documentation, such as Maine homestead exemption qualification, voter registration, government ID with address, motor vehicle registration, motor vehicle excise tax payment receipt, or other documents approved by the Town demonstrating that the property is the Owner's legal residence and that it is such for 183 or more days of the calendar year, shall be indicia of primary residence. [From South Portland regulations]

Short Term Rental: The use of a dwelling, or portion of a dwelling, offered for rent for transient occupancy by tenants for a tenancy of less than 30 consecutive

1 calendar days, excluding motels, hotels and bed and breakfasts. (Effective
2 December 14, 2012)

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 term Rental Guests for
7 the purposes of this Ordinance. (Effective December 14, 2012)

8
9 **Short Term Rental Hosted:** A short term rental where the owner of the property
10 is in residence, including overnight, during the tenancy of the short term rental
11 tenant(s).

12
13 **Short Term Rental Unhosted:** A short term rental where the owner of the
14 property is not in residence during the tenancy of the short term rental tenant(s).

15
16 **Special event facility:** A building or portion of a building, outdoor areas, and
17 related parking which is made available for consideration individuals or groups
18 to accommodate private functions including but not limited to banquets,
19 weddings, anniversaries and other similar events. Such use may include (1)
20 kitchen facilities for the preparation or catering of food, (2) the sale and/or serving
21 of alcoholic beverages for on-premises consumption, only during scheduled
22 events and not open to the general public and (3) entertainment. A special event
23 facility may be operated in conjunction with other uses. Overnight
24 accommodations may be operated on a site that is also a special event facility, and
25 are subject to all applicable provisions of the Zoning Ordinance. (Effective December
26 4, 2015)

27
28 **Tenant:** An occupant of land or premises who occupies, uses, and enjoys real
29 property for a fixed time, usually through a lease arrangement with the property
30 owner or with the owner's consent. When applied to a Short Term Rental,
31 anyone sleeping overnight shall be considered a tenant. (Effective December 14,
32 2012)

33
34 **SEC. 19-5-5. CONDITIONAL USE PERMITS**

35
36 The purpose of this section is to establish the procedures and standards to enable
37 the Town to review applications for conditional use permits.

38
39 **A. Conditional Use Approval Required**

40
41 A building, structure, or parcel of land may be used for a conditional use if:

- 42
43 1. The use is specifically listed as a conditional use in the district, and
44
45 2. Conditional use approval is granted by the Zoning Board of Appeals.

46
47 **B. Administrative Procedures**
48

- 1 1. Prior to submitting a formal application for conditional use approval,
2 the applicant should meet with the Code Enforcement Officer to
3 informally discuss the proposed application and the review process.
4 The purpose of this informational meeting is to allow the applicant to
5 understand the process and clarify any questions before submitting a
6 formal application.
7
- 8 2. An application for conditional use approval shall be made to the Code
9 Enforcement Officer on forms provided for that purpose.
10
- 11 3. The application form shall be accompanied by the supporting materials
12 set forth in Sec. 19-5-5.C, Application Requirements, and an application
13 fee.
14
- 15 4. The application shall be processed in accordance with the procedures
16 set forth in Sec. 19-5-3, Procedures.
17

18 **C. Application Requirements**

19
20 The applicant's submissions shall include the following:

- 21 1. A completed and signed application form
22
- 23 2. The appropriate fee
24
- 25 3. The location of the proposed use, including Assessor's tax map and lot
26 number, and a location map
27
- 28 4. A description of the exact nature of the proposed use, including but not
29 limited to the type of use, square footage involved, hours of operation,
30 types and amount of any pollutants to be generated, and types and
31 amount of traffic expected to be generated
32
- 33 5. A scale drawing, including existing and proposed buildings, important
34 natural features, driveways, parking areas, pedestrian ways, streets and
35 other rights-of-way, and location of signs and outdoor lighting
36
- 37 6. Information demonstrating that the application complies with the
38 standards of approval of Sec. 19-5-5.C, Standards for Conditional Use
39 Approval
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41
42 This information must be provided or a waiver sought before the application will
43 be considered by the Board. The Board may waive any of these submission
44 requirements at its initial consideration of the application upon written request of
45 the applicant. In waiving any submission requirement, the Board shall find that
46 such waived information is not needed to determine conformance with the
47 standards of approval due to the scale or nature of the proposed activity.
48

1 The Board may also request, at the initial consideration of the application, that
2 additional information be provided to determine compliance with the standards
3 of approval. The applicant shall have the burden of providing the information
4 upon which the Board will base its findings and decision.
5

6 **D. Standards for Conditional Use Approval**
7

8 The Board shall, after review of required materials, authorize issuance of a
9 conditional use permit, upon a showing that:

- 10 1. Any conditions prescribed for such conditional use will be satisfied;
- 11 2. The proposed use will not create hazardous traffic conditions when
12 added to existing and foreseeable traffic in its vicinity;
- 13 3. The proposed use will not create unsanitary conditions by reason of
14 sewage disposal, emissions to the air, or other aspects of its design or
15 operation;
- 16 4. The proposed use will not adversely affect the value of adjacent
17 properties;
- 18 5. The proposed site plan and layout are compatible with adjacent
19 property uses and with the Comprehensive Plan; and
- 20 6. The design and external appearance of any proposed building will
21 constitute an attractive and compatible addition to its neighborhood,
22 although it need not have a similar design, appearance or architecture.
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30 Upon a finding by the Board that all of these standards have been met, the Board
31 shall authorize the issuance of a permit for such conditional use, but may impose
32 such conditions upon the use as it deems necessary in order to assure that the
33 foregoing objectives will be attained.
34

35 **E. Conditions of Approval**
36

37 The Board may attach conditions to its approval of a conditional use. These
38 conditions may include, but are not limited to, such requirements as:
39

- 40 1. off-site street improvements
- 41 2. access restrictions
- 42 3. hours of use
- 43 4. buffering and screening
- 44 5. utility improvements
- 45 6. performance guarantees
46

47 **F. Duration of a Conditional Use Approval**
48

- 1 1. Provided all conditions and standards of approval are met, a conditional
2 use shall be a continuing grant of permission for as long as the property
3 is used for such purposes. The conditional use shall expire if the owner:
4 a. physically alters the property and / or structure so it can no longer be
5 used for the conditional use, or
6
7 b. ceases to use the property for the approved conditional use for one
8 (1) year or more, or
9
10 c. fails to initiate the operation or conduct of the conditional use within
11 one (1) year of the date of the Board’s vote to grant said approval.
12
13 2. A conditional use may be expanded in area or function only with the
14 granting of a new conditional use approval by the Board.

15
16 **G. Scope of Approval**

17
18 All permits or approvals shall include, as an express condition, a written statement
19 to the effect that the permit or approval is granted subject to all elements of the
20 final plans and specifications submitted by the applicant and to all representations,
21 oral or written, made by or on behalf of the applicant in support of the application.
22

23
24 **SEC. 19-6-1. RESIDENCE A DISTRICT (RA)** [same for RB, RC, TC, BA districts]
25

26 **B. Permitted Uses**

- 27 3. The following nonresidential uses:
28
29 g. Short Term Rental, in accordance with Sec. 19-8-14. (Effective
30 December 14, 2012)
31
32

- 33 4. The following accessory uses:
34
35 d. HomestayBoarding Room
36

37 **C. Conditional Uses**

- 38 3. The following accessory uses:
39
40
41 c. Short Term Rental, in accordance with Sec. 19-8-14
42

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

44 (Effective December 14, 2012)

45
46 **A. Purpose**
47

1 Cape Elizabeth residents prize the peace and quiet of their residential
2 neighborhoods. Some property owners have capitalized on the desirability of
3 their neighborhood by renting out their property, especially during the summer
4 months and holidays. Neighborhood residents are concerned that short term
5 rentals take on the character of a business operating in a residential neighborhood.
6 In order to preserve the character of residential neighborhoods, to minimize the
7 negative impacts of unsupervised tourism activities on adjacent residents, to
8 maintain housing availability for long-term residents and to protect the public
9 safety of visitors and residents, the operation of short term rentals must be
10 constrained. The purpose of this section is to balance the desire of property owners
11 to rent their properties to short term tenants and the desire of residents to preserve
12 the peaceful quiet and enjoyment of their residential neighborhoods.

13
14 **B. Permitted Short Term Rentals Applicability**

15
16 The following types of short term rentals may be allowed after obtaining all
17 required permits. Short term rental types not listed below are prohibited.

18
19 1. Primary residence hosted. A short term rental may be operated by a
20 property owner in their primary residence when the property owner is in
21 residence, including overnight, during the tenancy of the short term rental tenants.

22
23 2. Primary residence unhosted. A short term rental may be operated by a
24 property owner in their primary residence when the property owner is not in
25 residence during the tenancy of the short term rental tenants. The property may
26 be used as a short term rental for no more than 30 days per calendar year, and the
27 30 days must be a consecutive block.

28
29 [Primary may need to be included below in the event that the requirements of #3
30 allow more short term rental use than proposed under #1 and #2]

31
32 3. Seven (7) acres plus short term rental. A short term rental may be operated
33 by a property owner on their property either in residence or not in residence
34 during the tenancy of the short term rental tenants, where the lot is seven (7) acres
35 or more in size. The property may be used as a short term rental for no more than
36 30 consecutive days per calendar year, and the 30 days must be a consecutive
37 block. Prior to applying for a Short Term Rental Permit, the property owner shall
38 be required to obtain a conditional use permit from the Zoning Board of Appeals.

39
40 4. Short Term Rental Adjacent. A short term rental may be operated by a
41 property owner in a non-primary residence when the short term rental owner's
42 primary residence is located on an abutting lot. (Abutting shall mean any lot that
43 shares a lot line or is located directly across a road right-of-way from the primary
44 residence) A short term rental may be operated by a property owner in an
45 accessory dwelling unit located on the same lot as the property owner's primary
46 residence. The short term rental property owner must be in residence, including
47 sleeping overnight, during the tenancy of the short term rental tenants. The
48 property may be used as a short term rental for no more than 30 calendar days per
49 calendar year, and the 30 days must be a consecutive block. Prior to applying for

1 a Short Term Rental Permit, the property owner shall be required to obtain a
2 conditional use permit from the Zoning Board of Appeals.

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

7 6. Short Term Rentals not allowed. No short term rental shall be operated that
8 does not comply with sections 1, 2, 3 or 4 above.

9
10 **C. Short Term Rental Requirements**

11
12
13 1. Permit required. NoA Short Term Rental shall be advertised, rented or
14 operated without first obtaining a Short Term Rental Permit. is permitted only
15 after the issuance of a Short Term Rental permit. Notwithstanding the preceding
16 sentence, a permit is not required for a Short Term Rental which, with any prior
17 Short Term Rental of the property, does not exceed in the aggregate fourteen (14)
18 days in any calendar year. Failure to obtain or renew a permit prior to offering,
19 advertising or renting the short term rental shall require payment of double the
20 short term rental permit fee. A short term rental permit shall be valid for the
21 calendar year in which the permit is issued. The property must remain in
22 compliance with the short term rental permit for the duration of the permit.

23
24 [The Code Enforcement Officer has requested that all STR permits be valid for 1
25 calendar year and expire at the end of the year for ease of tracking and
26 enforcement]

27
28 2. Advertising. No short term rental shall be advertised that does not have a
29 current short term rental permit. The short term rental advertising must be
30 consistent with the terms of the short term rental permit. Advertising of the short
31 term rental must state that the short term must be rented for a minimum period of
32 seven consecutive (7) days.

33
34 3. Minimum stay length. In order to manage the disruption to the
35 neighborhood of tenants and guests moving in and out of a short term rental, no
36 rental or use of the short term rental shall be for less than a seven day period. Each
37 rental or non-compensated use of the property by any one individual or group,
38 including but not limited to personal or family use by the property owner, shall
39 be deemed for a period of not less than seven (7) days regardless if the actual
40 number of days the property is occupied is less than seven (7) days. Further, not
41 more than one Short Term Rental agreement, or other use of the property except
42 maintenance, shall be entered for any given property for any consecutive seven-
43 day period.

44 4. Registration record. The short term rental owner must (a) maintain
45 accurate, up-to-date records of all rental transactions involving the short term

1 rental, including the number of tenants and the length of their stays, and
2 upcoming reservations; and (b) present said information to Town inspection
3 officials upon request. Failure of the short term rental owner to provide this
4 information within 48 hours of a Town request for the same shall be considered a
5 violation of this section.

6 **DC. Review Procedure**

- 7
- 8 1. The Code Enforcement Officer shall have the authority to issue a
9 Short Term Rental permit. Short term rentals that require a
10 conditional use permit shall obtain that permit before applying for a
11 Short Term Rental Permit.
- 12
- 13 2. The Code Enforcement Officer shall provide a Short Term Rental
14 application to be completed by the applicant and submitted to the
15 Code Enforcement Officer accompanied by the Short Term Rental
16 permit fee as established by the Town Council. The form shall
17 include a non-exclusive checklist of code requirements that the
18 property owner shall demonstrate compliance with.
- 19
- 20 3. The Code Enforcement Officer shall determine if the form has been
21 properly completed before any permit is issued.
- 22
- 23 4. The first time that a Short Term Rental permit is submitted for a
24 property, no permit shall be issued until the Code Enforcement
25 Officer has inspected the proposed Short Term Rental property for
26 compliance with the Short Term Rental Standards and compliance
27 with building code requirements. Thereafter, renewal of a Short
28 Term Rental permit shall require inspection by the Code
29 enforcement Officer of the Short Term Rental property no less than
30 once every five years. When the Code Enforcement Officer does not
31 conduct an annual inspection, the Short Term Rental owner shall
32 certify that there have been no material changes since the last
33 inspection by the Code Enforcement Officer. Any third party
34 inspection information submitted with the completed form shall
35 have been conducted within the twelve months prior to the permit
36 being issued.
- 37
- 38 5. The Code Enforcement Officer shall review the permit application
39 for compliance with the Short Term Rental Standards.
- 40
- 41 6. If the Code Enforcement Officer determines that the proposed Short
42 Term Rental application complies with the Short Term Rental
43 Standards, a Short Term Rental permit shall be issued. A permit
44 shall be valid for one (1) year from date of issuance. The permit may
45 be subject to suspension by the Code Enforcement Officer if the Short
46 Term Rental property becomes non-compliant with the Short Term
47 Rental Standards, and may be revoked as provided in 19-8-14.(F).
- 48

1 **ED. Submission Requirements**

2
3 The Short Term Rental permit application shall include the following information:

- 4
5 1. Location. The street address and map/lot number of the Short Term
6 Rental property. If the property is not located on a public road, the
7 form shall include directions to the property from a public road.
8
9 2. Contact Person/Owner Responsibility. The name of the owner of
10 the Short Term Rental property and contact information, including
11 address and telephone number. In addition, if someone other than
12 the owner is acting as the local contact person, contact information
13 for that person shall also be provided. If there will be different
14 contact persons for different time periods during the year, the form
15 shall include the applicable contact person for each time period.
16 Regardless of who enters the Short Term Rental agreement, or who
17 may be designated as the owner's contact person, the property
18 owner shall be responsible for compliance with the Short Term
19 Rental Ordinance provisions.
20
21 3. Availability. The registration form shall include when, during the
22 calendar year, the Short Term Rental will be available for rental. If
23 this changes, the owner shall notify the Code Enforcement Officer.
24
25 4. All information needed to demonstrate compliance with the
26 standards listed in Subsection **FE** below.
27

28 **FE. Standards**

29
30 The Code Enforcement Officer shall issue a Short Term Rental permit upon the
31 applicant satisfying the above requirements if the following standards are met:
32

- 33 1. Code compliance. An applicant's property, without limitation,
34 comply with the following building safety requirements code
35 sections of the (International Residential Code ("IRC") and the
36 International Building Code ("IBC")):
37
38 a. IRC Section R 314, Smoke Alarms: A smoke alarm is required
39 in each bedroom. A smoke alarm is also required outside of
40 each bedroom and in the immediate vicinity. A smoke alarm
41 is also required to be on each story of the dwelling, including
42 basements and habitable attics. The alarms shall be
43 interconnected as much as reasonably possible. (Reference
44 IRC Section R314);;
45
46 b. IRC Section R 315, Carbon Monoxide Alarms: If a house has
47 an attached garage or a fuel fired appliance, a carbon
48 monoxide alarm shall be installed outside each bedroom and
49 in the immediate vicinity. (Reference IRC Section R315);

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- c. ~~IBC Section 906, Portable Fire Extinguishers: At least one portable fire extinguisher shall be mounted in a prominent location. One size/type 2/A is required or two size/type 1/A extinguishers. 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;~~
- d. ~~IBC Section 1006.2, 1006.3 and 1006.4. Means of Egress Illumination. Emergency Lighting: At least one hardwired emergency light with battery backup is required per 1200 square feet of living space. The lights must be positioned to illuminate the path of egress to the maximum extent. There also must be exterior lighting that is permitted to be solar powered. Exception: The house lighting has a backup power source that automatically activates.~~

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

- 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.

~~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.~~
- 4. Parking. The applicant shall include a depiction of how parking will be provided for tenants and guests on the same lot, 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. No bus shall be parked at the Short Term Rental property during any rental period.

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

- 8 a. Contact person;
- 9 b. Emergency responder contact information;
- 10 c. Building evacuation plan;
- 11 d. Maximum number of tenants and guests;
- 12 e. Parking arrangements, including a prohibition of tenants and
13 guests parking in a manner that impedes access by emergency
14 vehicles to the property or any other dwelling in the
15 neighborhood;
- 16 f. Maximum number of tenants and guests allowed at the
17 property;
- 18 g. Good neighbor guidelines;
- 19 h. Copy of the Miscellaneous Offenses Ordinance.
- 20

21 6. Limit on rental intensity. The maximum tenant capacity of a short
22 term rental shall be limited to no more than 2 tenants per bedroom,
23 plus 2 additional tenants for no more than 1 additional sleeping
24 space.
25

26 _____ If a Short Term Rental property is operated on a lot of 30,000 sq. ft.
27 or less in size and property owner is not either living on an abutting
28 lot or in a separate dwelling in the same lot, the Short Term Rental
29 permit shall not allow ~~more than two tenants per bedroom, shall not~~
30 ~~allow use of non-bedroom areas for sleeping, and shall not allow~~
31 occupancy by more than eight tenants at any time. The number of
32 short term rental guests shall be limited to eight at any time. On site
33 parking shall be limited to four parking spaces.
34
35

36 **GF. Suspension and Revocation of Permit**
37

38 In addition to the provisions of Sec. 19-3-6, Violations, a permit for a Short Term
39 Rental may be suspended or revoked if the Code Enforcement Officer determines
40 that one or more substantiated complaints regarding Short Term Rentals of a
41 property have been made in a three-year period.
42

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

1 Police Department shall then forward the report to the Code
2 Enforcement Officer.

3
4 When the Code Enforcement Officer receives a report from the Police
5 Department, or the Code Enforcement Officer has responded to a
6 complaint or independently investigated, the Code Enforcement
7 Officer shall inspect the property and shall collect information
8 related to the complaint, including notifying the property owner and
9 requesting information regarding the complaint. Within five days of
10 receiving a Police Report or complaint, the Code Enforcement
11 Officer shall determine if the complaint is substantiated. A
12 complaint is substantiated when the Code Enforcement Officer
13 concludes that **one or more violations of the Short Term Rental**
14 **provisions occurred.**

15
16 2. First Substantiated Complaint. Once the Code Enforcement Officer
17 has made a finding of a substantiated complaint, the Code
18 Enforcement Officer shall notify the property owner in writing.
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 second
30 violation of the Short Term Rental provisions. In addition, the Code
31 Enforcement Officer may suspend the Short Term Rental permit for
32 a term not to exceed thirty days.

33
34 3. Second Substantiated Complaint. Once the Code Enforcement Office
35 has made a finding of two (2) substantiated complaints, the Code
36 Enforcement Officer shall notify the property owner in writing that
37 the Short Term Rental permit shall be suspended for a period of not
38 less than thirty days, nor more than one hundred twenty days.

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

1 agreement at the conclusion of the meeting will be deemed a
2 violation of the Short Term Rental provisions.

3
4 4. Third Substantiated Complaint. Once the Code Enforcement Officer
5 has made a finding of three substantiated complaints, the Code
6 Enforcement Officer shall notify the property owner in writing that
7 the Short Term Rental permit has been revoked for one calendar
8 year.

9
10 5. Appeal. An appeal to the Zoning Board of Appeals as an
11 Administrative Appeal may be taken by any person aggrieved by a
12 determination of the Code Enforcement Officer pursuant to Section
13 19-5-2(A).

14
15 6. Penalties. A violation of any provision of this chapter may be
16 assessed a fine of up to \$2,000.00 per violation. Each day shall be
17 considered a separate violation. [Who assesses the fine?]

18
19 76. Effective Date. The Short Term Rental provisions of the ordinance
20 shall be fully effective as to all contracts for short Term Rentals
21 executed on or after 30 days from date of enactment, and shall
22 further apply to all contracts in effect on such date to the extent the
23 application of these provisions would not result in a substantial
24 impairment of such existing contracts. [Consider alternative
25 transition provision]