



## TOWN OF CAPE ELIZABETH

Code Enforcement Office  
P. O. Box 6260  
320 Ocean House Road  
Cape Elizabeth, Maine 04107-0060

Phone: 207-799-1619

Email: [benjamin.mcdougal@capeelizabeth.org](mailto:benjamin.mcdougal@capeelizabeth.org)

### MEMO

TO: Penelope Jordan, Chair, Ordinance Committee  
FROM: Benjamin McDougal, Code Enforcement Officer  
DATE: January 30, 2020  
SUBJECT: Draft Short Term Rental Ordinance Amendments

The following are my comments regarding the draft Short Term Rental Ordinance Amendments:

**Definition of Primary residence:** It is my hope that this definition can be simple and “bulletproof.” The legal standard for the document provided must have enough teeth to demonstrate primary residence. For example, it seems clear that the Homestead exemption satisfies this concern but I’m not sure if motor vehicle registration does. There is no way to police the 183 days so we will be relying on this form of documentation alone from an enforcement perspective.

**Conditional Use Permits:** I do not think Conditional Use Permits are a good way to deal with Short Term Rental Applications. It seems to be cumbersome and burdensome to the Zoning Board of Appeals. The Conditional Use standards are vague and the results are easily appealed to Superior Court. A Conditional Use Permit does not expire as long as conditions and standards are met and the use does not cease for a year or more. If a property is sold the new owner can legally operate using the old Conditional Use approval.

**Permitted Short Term Rentals:** Please keep this section as simple as possible. The more types of rentals allowed, the harder the ordinance is to enforce. I recommend prohibiting Short Term Rentals in buildings with 3 or more units.

**Permit Required:** I think there should be a fee for a new permit and less of a fee for a renewal. If a permit is not renewed on time, it becomes a new permit. If someone fails to obtain a permit it should be a double fee. Example: New permit \$500, Renewal \$200. If someone fails to renew and advertises their rental they are required to apply for a new permit and pay a double fee, making it \$1000, when they could’ve renewed for \$200. All renewals should be done no later than January 31 of each year. After that date the applicant will apply for a new permit.

Registration record: I would rather not see this in the ordinance. Every time I request this it becomes public information and needs to be permanently stored in our files. Host Compliance should be able to provide us with this information.

Suspension and Revocation of Permit: Please remove the following sentence: *A violation of other town ordinances related to the operation of a STR shall also be considered a substantiated complaint.* This concept muddies the water for Police and Code Enforcement.

A handwritten signature in blue ink, appearing to read 'Benjamin McDougal', written over a horizontal line.

Benjamin McDougal  
Code Enforcement Officer