

ORDINANCE NO. 680

AN ORDINANCE OF THE TOWN OF EASTON MODIFYING THE HOUSING LICENSE PROVISIONS TO EXTEND THE PROVISIONS TO SHORT TERM HOUSING, TO ADD ADDITIONAL STANDARDS APPLICABLE TO SHORT TERM HOUSING, TO PROVIDE CLEAR EXCEPTIONS TO THE REQUIREMENT FOR A LICENSE, TO PROVIDE SPECIAL PROVISIONS FOR OCCUPANCIES BY IMMEDIATE FAMILY MEMBERS, TO PROVIDE FOR THE REGISTRATION OF ALL NON-OWNER OCCUPIED PROPERTY IN THE TOWN OF EASTON, AND MODIFYING THE APPEAL PROVISIONS APPLICABLE TO HOUSING LICENSES

INTRODUCED BY: Mr. Lesher

WHEREAS, short-term housing has been growing in popularity across the United States, and including within the Town of Easton;

WHEREAS, the Town Council wishes to clarify certain aspects of the Town Code including confirming the requirement for a housing license for short-term housing, clarifying uses that are exempt from the housing license requirements, clarifying how housing to family members will be addressed, and modifying the appeal provisions applicable to housing licenses;

WHEREAS, the Town Council also believes it is appropriate to provide for additional provisions applicable to short-term housing;

WHEREAS, the Town Council is simultaneously considering Ordinance 689 which would make short-term housing a special exception use in certain zoning districts;

WHEREAS, the Town believes it is appropriate to require the registration of all

non-owner occupied residential property in the Town of Easton in order to help determine which properties are required to obtain a housing license and to better enable the Town to enforce its Minimum Livability Code as required by the State of Maryland pursuant to §12-203 of the Public Safety Article of the Maryland Annotated Code; and

WHEREAS, the Town Council originally introduced Ordinance 680 at its meeting on February 1, 2016, but it has since been amended in accordance with the recommendations of the staff and the comments by the public and Town Council.

NOW, THEREFORE, be it ordained by the Town of Easton that:

Section 1. The recitals set forth above are incorporated herein by reference and made a part of this Ordinance.

Section 2. Throughout Chapter 14 of the Town Code, the term “Code Enforcement Office” shall be substituted for the term “Building Department”.

Section 3. Article II of Chapter 14 of the Town Code shall be renamed Housing License.

Section 4. Section 14-12, Article I of Chapter 14 of the Easton Town Code is hereby amended as follows:

**§ 14-12. Suspension, ~~and~~ Revocation, and Appeals.**

**§ 14-12.1 Violation Basis.** The Town of Easton shall, in writing, suspend or revoke a license issued under the provisions of this chapter; if a license holder, after the passage of the time period ordered by the notice described in the section for Notice of Violation, fails to eliminate the violation. Suspension or revocation of a license shall be in addition to, and not in substitution for, such other penalties as may be provided for said violations elsewhere in the Town Charter and Code or by State law.

**§ 14-12.2 Complaint Basis.** Any license or permit issued by the ~~T~~town clerk may

be suspended by the ~~Town council~~ upon proper complaint and sufficient evidence to sustain such complaint ***and after the permittee or licensee has an opportunity to present evidence.*** Notice of such suspension shall be promptly communicated to the holder of such license or permit by mailing such notice to the applicant at the address set out in the application for such license or permit. ~~Such license may be revoked by the council after the license or permittee has had an opportunity for a hearing before the council on the license.~~

***§ 14-12.3 Appeals. The Board of Appeals shall hear and decide appeals of suspensions or revocations made pursuant to this chapter. Such appeals shall be filed within thirty (30) days of such suspension or revocation by filing a notice of appeal with the Board of Appeals and specifying the grounds for the appeal. For the purposes of this chapter, the board of appeals shall be the Board of Appeals established in the Town of Easton Zoning Ordinance. All provisions governing the Board of Appeals with respect to members, provisions for alternates, quorum, procedure, chairman, term of office, etc. shall be applicable to appeals from this chapter.***

Section 5. Section 14-14, Article II of Chapter 14 of the Easton Town Code is hereby amended as follows:

***§ 14-14. Rental-Housing License.*** It shall be unlawful for any person to let for occupancy ~~or let,~~ ***or allow the occupancy of*** any dwelling, dwelling unit, ~~or~~ rooming unit, ***or part thereof, whether for use on a nightly, weekly, monthly, or yearly basis,*** within the Town of Easton without having first obtained a license for said unit as hereinafter provided.

***§ 14-14.1 Special Provisions for Immediate Family Member:*** *When a dwelling, dwelling unit, rooming unit, or part thereof is occupied by an immediate family member of the owner or the owner's spouse (parents, children, grandparents, grandchildren, sibling, aunt, uncle, or first cousins. Includes: adopted, half, and step family members), a rental license shall not be required. The Code Official shall determine the appropriate information required in order to determine compliance with this section.*

***§ 14-14.2 Exceptions:*** *The requirement for a license shall not apply to the following uses as those uses are defined in the Town's Zoning Ordinance, which is Chapter 28 of the Town Code: Assisted Living Facilities, Bed and Breakfast Inns, Homeless Shelters, Hospice facilities, Hotels, Motels, Nursing Homes, Overnight Care Facilities, Patient Hostels, and similar uses.*

**§ 14-14.3 Exception for Owner Occupied:** *The requirement for a license shall not apply to occupancy of a dwelling, dwelling unit, or rooming unit occupied solely by the owner as the owner's primary residence or as a secondary/vacation home, including invitees and guests during the owner's occupancy, provided that there is no tenancy, soliciting or advertising for the purpose of Short Term Housing.*

(Ordinance 523 effective 3/28/2008, Ordinance 536 effective 10-14-2008, Ordinance 680 effective 9/27/16, historical reference 301, 518).

Section 6. Section 14-19, Article II of Chapter 14 of the Easton Town Code is hereby amended as follows:

**§ 14-19. Additional provisions for Short Term Housing.** *All occupancies made for a period of less than four (4) months shall be subject to the following additional provisions:*

**§ 14-19.1 Principal Residence.** *The structure in which the Short Term housing takes place shall be the principal residence of the owner of the property, or an outbuilding located on the same property provided said outbuilding satisfies all Building, Fire, and Safety Codes and Regulations for use in this manner.*

**§ 14-19.1.1 Contact Information.** *The owner shall provide personal contact information (name, address, telephone number and e-mail address) to be contacted 24 hours a day for any complaints or problems. If the owner of the property does not remain in Talbot County during the rental period, the owner must provide contact information for an agent that can be contacted 24 hours a day regarding any problems or issues. The named agent must have a principal residence within Talbot County.*

**§ 14-19.1.2 Contact Information Availability.** *Upon request by any neighbor or other person who may be affected by the short-term housing, the Code Enforcement Office may provide the property owner's and/or agent's name and contact information.*

**§ 14-19.1.3 Notification.** *In addition to providing the information to the Town of Easton, the owner shall provide the contact information to all properties within 400 feet of the owner's property by certified mail, return receipt requested, and regular mail on at least an annual basis.*

**§ 14-19.1.4 Notification Information.** *The property owner or agent shall provide proof of the notifications to the Code Enforcement Office with their housing license application.*

**§ 14-19.2 One Occupancy.** *Multiple occupancies of the same property at the same time shall be prohibited. Only one lease of the property shall be permitted at any one time.*

**§ 14-19.3 No Commercial Food Sales.** *There shall be no commercial food sales or preparation. Meals provided by the owner for guests shall be limited to continental breakfast items. Nothing herein shall limit the guests' ability to prepare their own food on the property.*

**§ 14-19.4 Insurance.** *The property owner shall maintain property and liability insurance with an insurer who is aware of the owner's short term housing exposure and that will respond in the event of a covered loss with liability limits of at least Five Hundred Thousand Dollars (\$500,000.00) and shall provide proof of said insurance at the time of application for a license.*

**§ 14-19.5 Accommodations Tax.** *Short Term Housing shall be required to pay all applicable Accommodations Taxes.*

Section 7. The existing §14-19, Article II of Chapter 14 of the Easton Town Code entitled Rental Housing License – Administrative History is hereby renumbered as §14-20, the existing §14-20 shall be renumbered as §14-21, and so on with the remaining sections of Chapter 14 being renumbered in a similar fashion.

Section 8. Chapter 13 of the Town Code shall be amended to add the following section:

**Article III. Registration of Non-Owner Occupied Residential Property**

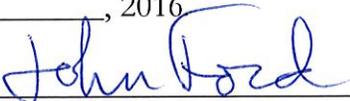
**§ 13-14. Registration.** *The owners of all non-owner occupied residential property within the Town of Easton shall be required to fill out a Property Affidavit similar to the one provided for in § 13-12 on an annual basis as a mechanism to register the actual use of the property. No fee shall be required as part of the registration.*

(Language to be deleted from the Town Code is indicated in ~~strikethrough~~ format and language to be added is indicated by **bold italics** text):

Section 9. In accordance with Article II Section 9 of the Easton Town Charter, this ordinance shall become effective twenty (20) calendar days after approval by the Mayor or passage of this ordinance by the Council over the Mayor's veto.

Silverstein	-	Yea
Leshner	-	Yea
Engle	-	Yea
Cook	-	Yea
Ford	-	Yea

I hereby certify that the above Ordinance was passed by a yea and nay vote of the Council this sixth day of September, 2016

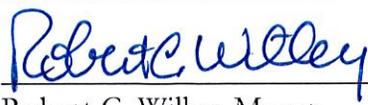
  
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John F. Ford, Town Council President

Delivered to the Mayor by me this seventh day of September, 2016.

  
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Kathy M. Ruf, Town Clerk

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APPROVED: September 7, 2016  
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Date: September 7, 2016

  
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Robert C. Willey, Mayor

EFFECTIVE DATE: September 27, 2016.