

COMMISSIONERS OF OXFORD

Ordinance No. 16182008

Introduced by: _____

Date: _____

AN ORDINANCE OF THE TOWN OF OXFORD TO AMEND ~~THE OXFORD TOWN CODE TO ADD~~ CHAPTER 20 OF THE OXFORD TOWN CODE TITLED "SHORT TERM RENTALS" TO ~~INCORPORATE INTO THE TOWN CODE REVISE AND UPDATE~~ CERTAIN MINIMUM STANDARDS AND REQUIREMENTS FOR SHORT TERM RENTALS WITHIN THE TOWN OF OXFORD

Introduced, read first time, ordered posted, and public hearing scheduled on _____ at 6:00 p.m. at a virtual meeting for which the public was invited to participate and provide public comment via teleconference and conference call ~~the Oxford Town Meeting Room, Market Street, Oxford, Maryland 21654.~~

By Order _____
Town Clerk

I hereby certify that the foregoing Ordinance Number _____ of the Town of Oxford was duly read, advertised, and enacted in accordance with the applicable provisions of the Charter of the Town of Oxford on this _____ day of _____, 202016.

Attest: _____
Cheryl Lewis, Clerk/Treasurer
Town of Oxford

COMMISSIONERS OF OXFORD
ORDINANCE NUMBER 1618—2008

INTRODUCED BY: _____

DATE OF INTRODUCTION: _____

AN ORDINANCE OF THE TOWN OF OXFORD TO AMEND ~~THE OXFORD TOWN CODE TO ADD~~ CHAPTER 20 OF THE OXFORD TOWN CODE TITLED “SHORT TERM RENTALS” TO ~~INCORPORATE INTO THE TOWN CODE REVISE AND UPDATE~~ CERTAIN MINIMUM STANDARDS AND REQUIREMENTS FOR SHORT TERM RENTALS WITHIN THE TOWN OF OXFORD

WHEREAS, the Town of Oxford is authorized by the Maryland Code Ann. Local Government Article § 5-202 to adopt such ordinances not contrary to the Constitution of Maryland, public general law, or public local law as it deems necessary to assure the good government of the municipality, to preserve peace and order, to secure persons and property from damage and destruction, and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, the Commissioners of Oxford are authorized to provide for the publication and codification of all laws, ordinances, resolutions, or regulations adopted by the municipality; and

WHEREAS, in February of 2010, the Commissioners of Oxford adopted Ordinance 1005 to amend the Oxford Zoning Ordinance to establish certain minimum standards for the short term rental of residentially occupied property in certain Zoning Districts within the Town; and

~~WHEREAS, in 2014, the Commissioners of Oxford adopted a comprehensive Town Code, which codified various ordinances of the Town into one codified Code.~~

~~WHEREAS, in November of 2016, the Commissioners adopted Ordinance 1618 incorporating the provisions of Ordinance 1005 into the Oxford Town Code; and~~

WHEREAS, the Commissioners have determined that it is desirable and in the public interest to ~~revise and update the standards and requirements for Short Term Rentals incorporate the provisions concerning short term rentals into the Town Code,~~ as modified by this Ordinance.

NOW, THEREFORE, the Commissioners of Oxford hereby ordain as follows:

Section 1. The Oxford Town Code is hereby amended to reflect the ~~addition of amendments to~~ Chapter 20 as follows:

CHAPTER 20. SHORT TERM RENTALS

- 20.1 Definition and word usage.
- 20.2 Requirements for Short Term Rentals.
- 20.3 Violations and penalties.
- 20.4 Suspension, Revocation, and Appeals.

Section 20.1 Definition and word usage.

As used in this Chapter, the following terms have the meanings indicated.

Short Term Rental (“STR”) - _____ Shall mean any rental tenancy permitting occupancy of a residential dwelling unit by persons unrelated by blood or marriage to the owner of the property (or the tenant of the property) for less than 30 consecutive days

Property Owner – A natural person who is the owner of the dwelling unit that he or she seeks to offer as a STR.

Section 20.2 Requirements for Short Term Rentals.

In the R-1, R-2, R-3, and RR zoning districts, and in the C1 and C2 zoning districts where residential dwellings exist as of the date of adoption of this Ordinance, the use of a dwelling unit for ~~short term rental~~STR will only be permitted subject to the following registration, licensing, and other requirements set forth in this Chapter.

A. All ~~owners of a dwelling unit proposed for use as a short term rental~~Property Owners shall apply for an annual ~~short term rental~~STR license from the Town Office. If a property is transferred or if an annual license is not renewed timely, a new application is required. A ~~short term rental~~STR license shall be nontransferable. It may be renewed annually upon proof of current compliance with the requirements of this Chapter.

B. The ~~Property Owner owner of the property intended for short term rental occupancy~~ shall be responsible for payment of the Talbot County Accommodations Tax and shall provide proof of registration annually.

C. Issuance of a ~~short term rental~~STR license is subject to the following terms, conditions, and restrictions:

1. ~~Short term rental~~STR licenses may be issued only to all holders of record title. All record title holders of any STR for which a license is requested must jointly submit and execute the registration and license forms, or a tenant pursuant to a written lease. A copy of any such lease shall accompany the application. The record

~~owners of the property must file a written consent to the use of the property for short-term rental purposes.~~

2. The Property Owner ~~property owner or tenant~~ shall provide a certificate of insurance as proof of appropriate liability insurance coverage for rental use in the minimum amount of \$500,000 as a requirement of the license and must maintain the policy for the duration of the application. If the insurance is canceled or lapses, the Property Owner must notify the Town to terminate the STR license.
32. The ~~property owners or tenant~~Property Owner proposing to make ~~short-term rental~~STR use of their property shall complete an application form provided by the Town of Oxford, together with all information required on said form; and shall pay an application/license fee ~~of \$250.00~~ or a renewal fee ~~that will be established by the Commissioners of Oxford on a fee schedule, which may be amended from time to time of \$100.00.~~
4. Certification that the Property Owner can and will satisfactorily monitor the use of the STR by having either a principal residence in the Town or by having made arrangements with an agent with a principal residence in the Town or whose home or office is within 30 miles of the STR who will act as their resident agent. The name, address, and 24-hour phone contact information must be provided with the application.

D. Applicant shall provide the following additional information to the Town of Oxford:

- a1. A statement as to whether the proposed STR is the Property Owner's primary residence, a second home residence, or a secondary residence on the property. ~~Certification that they can and will satisfactorily monitor the use of the short-term rental property by having either a principal residence in the Town of Oxford or by having made arrangements with an agent with either a principal residence in the Town of Oxford or whose home or office is within 50 miles of the short-term rental unit (resident agent). The name, address, and 24-hour phone contact information of the property owner and resident agent shall be provided with the application.~~
- 2b. Subsequent license renewals will require proof that all prior Talbot County accommodation taxes for the subject property have been paid and may require submission of the appropriate year's Federal 1040 form, Schedule E, Schedule C or other appropriate forms and schedules.

3. A copy of the lease agreement and house rules for the STR, to include the requirements of this Chapter.
4. A statement of approval from the Homeowners Association if the STR is located in a neighborhood or development under such covenant.

E. The following applies to all STR's:

13. Maximum occupancy shall be the lesser of 1012 persons or two persons per bedroom excluding infants under 18 months of age. The maximum number of occupants shall be stated on the ~~short-term rental~~STR registration, on the license, and in any ~~short-term rental~~STR agreement.
24. Subleasing of ~~short-term rental~~STRs by the ~~short-term rental~~STR occupant shall be prohibited.
35. During any ~~short-term rental~~STR, no dwelling, grounds, or associated appurtenances shall be used for any event, reception, banquet, corporate retreat, fundraiser, or similar activity which shall exceed the maximum occupancy of the dwelling unit.
46. Except as permitted by the Town, STR occupants must park in the designated on-site parking area. If on-site parking is not available, the Town may permit a maximum of two (2) vehicles to park on the street provided that on-street parking constraints do not exist. ~~No more than two vehicles associated with a short-term rental may be parked overnight upon a public street. Parking over night for more than two vehicles associated with any particular short-term rental shall be off-street only.~~
57. All ~~short-term rental~~STR's ~~properties~~ shall comply with the Town's Property Maintenance Code, as amended, with respect to those sections addressing Livability, Emergency Escape and Rescue Openings, Exits, and Smoke Alarms, and shall be equipped with fire extinguishers. An inspection will be scheduled by the Town and performed by the Town's Inspector of record prior to issuance or reissuance of the license, the fee for which will be included in the application fee.
8. ~~All record title holders of any property for which a short-term rental license is requested must jointly submit and execute the registration and license forms.~~

69. No activity during any ~~short term rental~~STR ~~occupancy~~ shall be permitted which constitutes a public or private nuisance.
7. No outside burning, other than an approved electric or gas standalone cooking grill will be permitted during any STR. Burning restrictions must be stated on the STR agreement.
8. The boundaries of the STR and amenities available must be listed on the STR agreement.
10. ~~A copy of the provisions of this Chapter shall be affixed to any short term rental agreement to assure that the short term occupants are aware of the conditions of their occupancy.~~
9. Property owners shall insure STR occupants are aware of the Town's noise ordinance.

FB. The Town may impose conditions, restrictions, and limitations on the issuance of a license that are reasonably related to addressing impact of the proposed STR. Such conditions may address, without limitation, the following:

1. Location and design of site features such as landscaping, screening, fencing, or parking.
2. Design of outdoor lighting such as height, intensity, or shielding of lighting fixtures;
3. Procedures and facilities for waste disposal;
4. Distance of outdoor recreation areas to neighboring property lines.

G. Establishment of STR Tenant's Rights, Duties and Obligations. The Commissioners shall be authorized to establish a policy addressing STR Tenant's Rights, Duties and Obligations from time to time by the adoption of a resolution, which may include the establishment of violations and penalties. The STR Tenant's Rights, Duties and Obligations shall be affixed to any STR agreement to assure that the STR occupants are aware of the conditions of their occupancy.

H. The Town ~~Office~~ may decline to issue, or may suspend or revoke, a ~~short-term rental~~STR license based on the following:

1. Due to insufficient parking to reasonably accommodate the required two parking spots on-site and the existence of on-street parking constraints.
2. Any false, inaccurate, incomplete or incorrect statement in any registration or application or renewal which is not cured within the time period ordered by the Town.

32. Any serious or repeated infraction, disturbance, nuisance, failure to monitor, or other problem or violation occurring during a ~~short-term rental~~STR.
4. Violation of any law or ordinance with respect to the ~~short-term rental~~STR, or any term, condition, or restriction of the ~~short-term rental~~STR license, ~~Town Code, or Town Zoning Ordinance~~.
5. Failure to pay the Talbot County Accommodations Tax.
6. Failure to be current on the Oxford water and sewer billing and Oxford property taxes for the STR.
7. Any other reasonable or rational factors or combination of factors, including, but not limited to inadequate lot size, inadequate street parking, lack of response from Property Owner or ~~Resident Agent~~, filed complaints of violation of the zoning code, building code, property maintenance code and/or applicable laws or regulations.

~~C. The Town Office may deny a short-term rental license, or limit the number of short-term rental licenses granted, in any particular neighborhood, if, in the opinion of the Town Police, there is insufficient parking to reasonably accommodate the vehicles of existing residents, together with the number of vehicles associated with the proposed short-term rental.~~

Section 20.3 Violations and Penalties.

A. Any violation of this Chapter 20 shall be considered a municipal infraction and any person violating any provision of this section shall be assessed a fine of \$100 for the first infraction, and up to \$200 for each subsequent infraction. Each separate violation shall constitute a separate offense. ~~If a third offense occurs, the STR license may be revoked.~~

B. Notice. Whenever the Town determines there has been a violation of this Chapter or has grounds to believe that a violation has occurred, notice shall be given to the property owner or resident agent providing written notification of the violation. The notice shall contain an order for correction and a time period within which the violation must be corrected. Failure to make the correction shall result in penalties and/or revocation of the license.

Section 20.4 Suspension, Revocation, and Appeals.

A. Violation Basis. The Town will, in writing, suspend or revoke a STR license issued under the provisions of this Chapter if a Property Owner ~~license holder~~, after the passage of time ordered by the notice provided, fails to eliminate the violation,

or as the result of repeated or serious violations. Suspension or revocation of a STR 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, Town Code, or by State law.

B. Complaint Basis. Any STR license issued by the Town may be suspended or revoked by the Town upon proper complaint and sufficient evidence to sustain such complaint and after the Property Owner or Resident Agent has an opportunity to present evidence. Notice of such suspension or revocation will be provided in writing to the Property Owner or Resident Agent to the address provided in the application for the STR license.

C. Appeals. The Board of Appeals shall hear and decide appeals of suspensions or revocations made pursuant to this Chapter. Such appeals must 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 appeal. For the purposes of this code, the board of appeals shall be the Board of Appeals established in the Town of Oxford 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. Review of the decision of the Board of Appeals shall also be in accordance with the Oxford Zoning Ordinance, and the Maryland Rules of Procedure applicable to review of administrative agency decisions.

Section 2. This Ordinance shall take effect on the _____ day of _____, 2020~~16~~.

Section 3: This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect twenty (20) days from and after the date of its final passage and adoption.

ENACTED this _____ day of _____, 2020~~16~~.

COMMISSIONERS OF OXFORD:

~~Gordon Graves~~John Pepe, President

~~Carole Abruzzese~~Gordon Graves, Commissioner

Gordon Fronk, Commissioner

I hereby certify that the foregoing Ordinance Number ~~161~~2008 of the Town of Oxford was duly read, advertised, and enacted with the applicable provisions of the Charter of the Town of Oxford on this _____ day of _____, 20~~16~~16.

ATTEST:

Cheryl Lewis
~~Administrator~~ Clerk/-Treasurer