

CH. XX-XX SHORT-TERM RENTAL ORDINANCE

Sec. XX.1 Purpose

Sec. XX.2 Definitions

Accessory Dwelling Unit: An Accessory Apartment or Accessory Cottage as defined in Ch. II-19, Art. II-19-1-2. [Adopted 5/24/04]
Effective on: 12/9/2013

Advertise: Any form of communication for marketing that is used to encourage, persuade, or manipulate viewers, readers or listeners into contracting for goods and/or services as may be viewed through various media including, but not limited to newspapers, magazines, flyers, handbills, television commercials, radio, signage, direct mail, websites, or text messages.

Bed and Breakfast Establishment: A business, whether carried on in a commercial building or dwelling, which has a maximum of eight (8) bedrooms and which provides overnight accommodations and breakfast, but no other meals or cooking facilities, to guests for compensation. No guest may stay longer than seven (7) consecutive nights. [Amended, 5/27/93]
Effective on: 12/9/2013

Dwelling: a structure or portion thereof containing one or more dwelling units, but not including a motel, hotel, boarding house, tourist home, mobile home, or similar structure.

Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

Dwelling, Single Family Detached: A building designed or intended to be used exclusively for residential occupancy by one family only and containing only one (1) dwelling unit, or one (1) dwelling unit with an accessory apartment as permitted under Section 19-55, including a manufactured housing unit with no horizontal dimension smaller than twenty-four (24) feet.

Dwelling, Two-Family: A building designed or intended to be used, or used exclusively for residential occupancy by two (2) families living independently of one another and containing two (2) dwelling units, but excluding single-family dwellings with an accessory dwelling unit as permitted under Section 19-55. [Adopted, 4/4/05][Amended 7/11/16]
Effective on: 7/11/2016

Dwelling, Multi-family: A building designed or intended to be used, or used exclusively for residential occupancy by three (3) or more families living independently of one another and containing three (3) or more dwelling units. [Amended 7/11/16]
Effective on: 7/11/2016

Family: One or more persons occupying a dwelling unit, whether or not related to each other by birth, adoption or marriage, but not to consist of more than 6 unrelated persons.

Hotel: A building with guest rooms used primarily for transient occupancy of individuals who are lodged, with or without meals, with the majority of the rooms having access through the main lobby of the building. [Amended 5/13/13]

Mobile Home: A detached dwelling unit designed to be transported, after fabrication, on streets or highways on its own wheels, or on a flat bed or other trailer or on detachable wheels, and not meeting the definition of a manufactured housing unit.

Effective on: 12/9/2013

Motel: A building or group of attached or detached buildings containing rental guest rooms with or without cooking facilities in each room, most rooms having a separate bathroom and outside entrance, designed or intended to be used by automobile transients.

Effective on: 12/9/2013

Non-Owner Occupied: a dwelling or accessory dwelling unit that may or may not be such owner's primary residence and is not occupied, including over-night, by such owner when any part of the structure is rented as a short-term rental.

Owner: Each individual person or entity including, without limitation, all partners, officers, or trustees of any real estate trust; all members or managers of a limited liability company; and all officers and directors of a corporation; that is the record owner of a building or property

Owner-Occupied: A dwelling or accessory dwelling unit that is such owner's primary residence and is occupied, including over-night, by such owner when any part of the structure is rented as a short-term rental.

Primary Residence: The dwelling in which the owner resides as their legal residence for more than one half of the year (183 days) and registers as their address for tax and government identification purposes.

Short-term Rental: the advertising, offering for rent, use, control, management or operation of a dwelling or accessory dwelling unit in whole or in part, for dwelling, sleeping or lodging purposes for a period of less than thirty consecutive days; for compensation, directly or indirectly, excluding motels, hotels, boarding houses, and tourist homes.

Sec. XX.3 Applicability

The Chapter applies to any residential dwelling or accessory dwelling unit that is rented, in whole or in part, for dwelling, sleeping, or lodging purposes a period of less than thirty consecutive days; for compensation, directly or indirectly.

Excluded from this chapter are:

1. Dwellings or accessory dwelling units rented, in whole or in part, for dwelling, sleeping, or lodging purposes for a period of thirty consecutive days or more; for compensation, directly or indirectly.

2. Dwellings or accessory dwelling units rented, in whole or in part, for dwelling, sleeping, or lodging purposes through tenancy at will agreements.
3. Lodging establishments such as hotels, motels, boarding houses, and tourist homes.

Sec. XX.3 Registration Required

Effective XX no person shall advertise, operate, or rent a short-term rental unit without first registering with the Town of Falmouth. Registration of each dwelling unit to be used for short-term rental is required. Registration must be renewed annually, on or before XX, including updating all changes in previously submitted registration information.

Any new owner, manager, or responsible person/entity must apply to register within thirty (30) days of purchase of the rental unit or transfer of management or responsibility.

A short-term rental unit shall not be considered registered until all information and fees are provided to the satisfaction of XX.

Sec. XX.5 Information/Documentation Required

Registration must be completed on forms supplied by the Town's XX and must provide, at a minimum, the following information:

1. The street address and map/lot number of the short-term rental property;
2. The name of the owner of the short-term rental property and contact information, including the owner's address, telephone number, and email address. If someone other than the owner is acting as the local contact person, contact information for that person shall also be provided;
 - a. If the owner is anything other than a natural person, the following information must also be included: the name of each individual person that has an ownership interest in any entity that is the record owner. This includes, without limitation, all partners, officers, or trustees of any real estate trusts; any members or manager of a limited liability company; and all officers and directors of a corporation and the residential street address, email address and telephone number of at least one such individual;
3. Type of Short-term Rental/property.
 - a. Entire single-family structure offered for rent;
 - b. Single-family structure in which a bedroom(s) or accessory dwelling unit is offered for rent;
 - c. Dwelling unit(s) in a two-family or multi-family structure in which one unit is occupied by the owner of the entire structure;
 - d. Dwelling unit(s) in a two-family or multi-family structure in which the owner of the entire structure does not occupy one unit.
4. Whether the unit is owner-occupied, tenant-occupied, or non-owner occupied;
5. When during the calendar year the short-term rental will be available for rent; and

6. The street address and map/lot number of all other short-term rentals in the Town in which the owner has an ownership interest.

Sec. XX.4 Registration Fee.

Upon initial registration or renewal, registrants shall pay the town a non-refundable registration fee for each short-term rental unit as described on a fee schedule established by Town Council order. Said fee schedule may be amended by Council order from time to time. A rental unit shall not be considered registered until this fee is paid in full.

Sec. XX.5 Standards

Emergency Contact. At the time of registration, the owner must identify a registered agent or representative for emergency contact purposes, who may be the owner. The emergency contact person(s) must be able to respond within sixty minutes to complaints regarding the condition, safety, or operation of the dwelling unit as a short-term rental, or the conduct of guests, and must be able to take such remedial action, on behalf of the owner, as otherwise allowed by law, to resolve such complaints. The owner must notify the Town and provide updated contact information if the contact person or information changes.

Certificate of Insurance. At the time of registration, the owner must provide a certificate of insurance that expressly acknowledges that the property may be used for short-term rental business activity and evidencing (a) property insurance and (b) general liability insurance appropriate to cover the rental use in the aggregate of not less than \$1 million or proof that the Owner conducts rental transactions through a hosting platform that provides equal or greater coverage. Any such hosting platform-provided insurance carrier shall defend and indemnify the owner, as additional named insured, and any user in the building for any bodily injury and property damage arising from the rental. Once registered, the owner shall maintain the required insurances, or such greater amount as otherwise required by law, throughout the term of the registration.