

**ORDINANCE 5-2023**

Introduced by: Comm. Schmidt

**AN ORDINANCE OF THE COUNCIL OF TRAPPE TO AMEND THE TRAPPE TOWN CODE TO ADD SECTION 12.4 TITLED "SHORT TERM RENTALS" TO PERMIT SHORT TERM RENTALS WITHIN THE TOWN OF TRAPPE AND INCORPORATE CERTAIN MINIMUM STANDARDS**

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

WHEREAS, in July of 2023, the Trappe Planning Commission recommended that the Council of Trappe establish minimum standards for the short term rental of residentially occupied property in certain Zoning Districts within the Town; and

WHEREAS, the Council of Trappe have determined that it is desirable and in the public interest to incorporate the provisions concerning short term rentals into the Town Code.

NOW, THEREFORE, the Council of Trappe hereby ordain as follows:

**Section 1.** The Trappe Town Code is hereby amended to reflect the addition of Title IV Section 12.4 as follows:

***Section 12.4 Short Term Rentals***

**Section 12.4.1 Definition and word usage.**

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

**Short Term Rental - 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**

**Section 12.4.2 Requirements for Short Term Rentals.**

**In the R-1, R-2, and R-3 zoning districts, the use of a dwelling unit for short-term rental 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 shall apply for an annual short-term rental license from the Town Office. If a property is transferred or if an annual license is not renewed, a new application is required. A short-term rental license shall be nontransferable. It may be renewed annually upon proof of current compliance with the requirements of this Chapter.**

**B. The owner of the property intended for short-term rental occupancy shall be responsible for payment of the Talbot County Accommodations Tax.**

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

- 1. Short-term rental licenses may be issued only to all holders of record title, 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. The property owner or tenant shall provide proof of appropriate liability insurance coverage for rental use in the minimum amount of \$1,000,000 per person and \$2,000,000 per occurrence as a requirement of the license.**
- 2. The property owners or tenant proposing to make short-term rental use of their property shall complete an application form provided by the Town of Trappe, together with all information required on said form; and shall pay an application/license fee of \$250.00 or a renewal fee of \$100.00. Applicant shall provide the following additional information to the Town of Trappe:**
  - a. 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 Trappe or by having made arrangements with an agent with either a principal residence in the Town of Trappe or whose home is within 30**

minutes 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.

- b. 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. Maximum occupancy shall be the lesser of 12 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 registration, on the license, and in any short-term rental agreement.
4. Subleasing of short-term rentals by the short-term rental occupant shall be prohibited.
5. During any short-term rental, no dwelling, grounds, or associated appurtenances shall be used for any reception, banquet, corporate retreat, fundraiser, or similar activity which shall exceed the maximum occupancy of the dwelling unit.
6. 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.
7. All short-term rental properties shall comply with the Town's Property Maintenance Code, as amended, with respect to those sections addressing Emergency Escape and Rescue Openings, Exits, and Smoke Alarms, and shall be equipped with fire extinguishers.
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.

9. No activity during any short-term rental occupancy shall be permitted which constitutes a public or private nuisance.
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.

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

1. Any false, inaccurate, incomplete or incorrect statement in any registration or application or renewal.
2. Any serious or repeated infraction, disturbance, nuisance, failure to monitor, or other problem or violation occurring during a short-term rental.
4. Violation of any law or ordinance of the Town of Trappe with respect to the short-term rental, or any term, condition, or restriction of the short-term rental license.
5. Failure to pay the Talbot County Accommodations Tax.

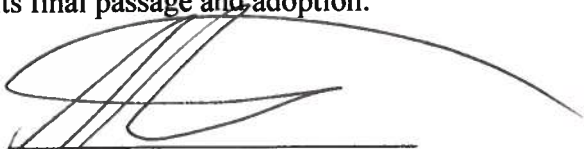
**C. The Town Office may deny a short-term rental license, or limit the number of short-term rental licenses granted, in any particular neighborhood, if, in the opinion of the Town Office, there is insufficient parking to reasonably accommodate the vehicles of existing residents, together with the number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

#### **12.4.3 Violations and Penalties.**

**Any violation of this Section 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.**

**Section 2.** This Ordinance shall take effect on the 04<sup>th</sup> day of October, 2023.

**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.

  
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Nicholas Newnam

  
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Brian Schmidt

  
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Rosalee Potter

absent  
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Michael Sullivan

  
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Walter Chase

I hereby certify that the foregoing Ordinance Number 5-2023 of the Town of Trappe was duly read and enacted in accordance with the applicable provisions of the Charter of the Town of Trappe.

Attest:

  
Erin Braband, Administrator/Clerk  
Town of Trappe

Language in **bold** reflects language added

