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2 Cape Elizabeth residents prize the peace and quiet of their residential  
3 neighborhoods. Some property owners have capitalized on the desirability of  
4 their neighborhood by renting out their property, especially during the summer  
5 months and holidays. Neighborhood residents are concerned that short term  
6 rentals take on the character of a business operating in a residential  
7 neighborhood. The purpose of this section is to balance the desire of property  
8 owners to rent their properties to short term tenants and the desire of residents to  
9 preserve the peaceful quiet and enjoyment of their residential neighborhoods.

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11 **B. Applicability**  
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13 A Short Term Rental is permitted only after the issuance of a Short Term Rental  
14 permit. Notwithstanding the preceding sentence, a permit is not required for a  
15 Short Term Rental which, with any prior Short Term Rental of the property, does  
16 not exceed in the aggregate fourteen (14) days in any calendar year. For the  
17 purpose of determining whether a permit is required, each rental of the property  
18 shall be deemed for a period of not less than seven (7) days regardless if the  
19 actual number of days the property is occupied is less than seven (7) days.  
20 Further, not more than one Short Term Rental agreement shall be entered for any  
21 given property for any consecutive seven-day period.  
22

23 **C. Review Procedure**  
24

- 25 1. The Code Enforcement Officer shall have the authority to issue a  
26 Short Term Rental permit.  
27
- 28 2. The Code Enforcement Officer shall provide a Short Term Rental  
29 application to be completed by the applicant and submitted to the  
30 Code Enforcement Officer accompanied by the Short Term Rental  
31 permit fee as established by the Town Council. The form shall  
32 include a non-exclusive checklist of code requirements that the  
33 property owner shall demonstrate compliance with.  
34
- 35 3. The code Enforcement Officer shall determine if the form has been  
36 properly completed before any permit is issued.  
37
- 38 4. The first time that a Short Term Rental permit is submitted for a  
39 property, no permit shall be issued until the Code Enforcement  
40 Officer has inspected the proposed Short Term Rental property for  
41 compliance with the Short Term Rental Standards and compliance  
42 with building code requirements. Thereafter, renewal of a Short  
43 Term Rental permit shall require inspection by the Code

1 enforcement Officer of the Short Term Rental property no less than  
2 once every five years. When the Code Enforcement Officer does  
3 not conduct an annual inspection, the Short Term Rental owner  
4 shall certify that there have been no material changes since the last  
5 inspection by the Code Enforcement Officer. Any third party  
6 inspection information submitted with the completed form shall  
7 have been conducted within the twelve months prior to the permit  
8 being issued.  
9

- 10 5. The Code Enforcement Officer shall review the permit application  
11 for compliance with the Short Term Rental Standards.  
12
- 13 6. If the Code Enforcement Officer determines that the proposed  
14 Short Term Rental application complies with the Short Term Rental  
15 Standards, a Short Term Rental permit shall be issued. A permit  
16 shall be valid for one (1) year from date of issuance. The permit  
17 may be subject to suspension by the Code Enforcement Officer if  
18 the Short Term Rental property becomes non-compliant with the  
19 Short Term Rental Standards, and may be revoked as provided in  
20 19-8-14.(F).  
21

22 **D. Submission Requirements**  
23

24 The Short Term Rental permit application shall include the following  
25 information:  
26

- 27 1. Location. The street address and map/lot number of the Short  
28 Term Rental property. If the property is not located on a public  
29 road, the form shall include directions to the property from a public  
30 road.  
31
- 32 2. Contact Person/Owner Responsibility. The name of the owner of  
33 the Short Term Rental property and contact information, including  
34 address and telephone number. In addition, if someone other than  
35 the owner is acting as the local contact person, contact information  
36 for that person shall also be provided. If there will be different  
37 contact persons for different time periods during the year, the form  
38 shall include the applicable contact person for each time period.  
39 Regardless of who enters the Short Term Rental agreement, or who  
40 may be designated as the owner's contact person, the property  
41 owner shall be responsible for compliance with the Short Term  
42 Rental Ordinance provisions.  
43

- 1           3.     Availability. The registration form shall include when, during the  
2 calendar year, the Short Term Rental will be available for rental. If  
3 this changes, the owner shall notify the Code Enforcement Officer.  
4  
5           4.     All information needed to demonstrate compliance with the  
6 standards listed in Subsection E below.  
7

8     **E.     Standards**  
9

10 The Code Enforcement Officer shall issue a Short Term Rental permit upon the  
11 applicant satisfying the above requirements if the following standards are met:  
12

- 13           1.     Code compliance. An applicant's property, without limitation,  
14 comply with the following building code sections of the  
15 International Residential Code ("IRC") and the International  
16 Building Code ("IBC"):  
17  
18                 a.     IRC Section R 314, Smoke Alarms;  
19                 b.     IRC Section R 315, Carbon Monoxide Alarms;  
20                 c.     IBC Section 906, Portable Fire Extinguishers. The building  
21 shall be considered to be an R-1 Occupancy (Boarding  
22 House) for the purpose of determining the type and location  
23 of portable fire extinguishers;  
24                 d.     IBC Section 1006.2. 1006.3 and 1006.4. Means of Egress  
25 Illumination.  
26

27           The applicant shall provide floor plans of the dwelling unit that  
28 shows the location of the alarms, fire extinguisher(s) and  
29 emergency lighting.  
30

- 31           2.     Building evacuation plan. A building evacuation plan shall be  
32 prominently posted in the Short Term Rental property during the  
33 rental period.  
34  
35           3.     Sanitary waste disposal. The applicant shall submit information  
36 demonstrating that adequate sanitary waste disposal is available in  
37 compliance with the Town of Cape Elizabeth Subsurface  
38 Wastewater Disposal Ordinance, as determined by the Code  
39 Enforcement Officer, or that the property is served by public sewer.  
40

41           The information shall include the total number of bedrooms  
42 included in the property, any additional sleeping space, and the  
43 total number of tenants that the property accommodates. The total

1 number of tenants used to determine adequacy of sanitary waste  
2 disposal shall not be less than the total number of tenants that the  
3 property is advertised to accommodate. For the purpose of  
4 evaluating the adequacy of a subsurface disposal system, every two  
5 tenants shall be equivalent to one bedroom.  
6

7 4. Parking. The applicant shall include a depiction of how parking  
8 will be provided on the same lot, and/or include a written  
9 agreement for off-site parking at a specified location, to comply  
10 with the Off-Street Parking Standards, Sec. 19-7-8. Garage parking  
11 spaces not allowed for tenant use shall not be used to meet the  
12 Short Term Rental parking requirement. No bus shall be parked at  
13 the Short Term Rental property during any rental period.  
14

15 5. Rental Agreement Addendum. The Short Term Rental permit  
16 application shall be submitted with an addendum to be attached to  
17 Short Term Rental agreement between owner and tenant that shall  
18 be provided to all tenants. The Town shall not be responsible for  
19 enforcement of the rental agreement of addendum. The rental  
20 agreement addendum shall include the following:  
21

- 22 a. Contact person;
- 23 b. Emergency responder contact information;
- 24 c. Building evacuation plan;
- 25 d. Maximum number of tenants and guests;
- 26 e. Parking arrangements, including a prohibition of tenants  
27 and guests parking in a manner that impedes access by  
28 emergency vehicles to the property or any other dwelling in  
29 the neighborhood;
- 30 f. Maximum number of tenants and guests allowed at the  
31 property;
- 32 g. Good neighbor guidelines;
- 33 h. Copy of the Miscellaneous Offenses Ordinance.

34  
35 6. Limit on rental intensity. If a Short Term Rental property is  
36 operated on a lot of 30,000 sq. ft. or less in size and property owner  
37 is not either living on an abutting lot or in a separate dwelling in  
38 the same lot, the Short Term Rental permit shall not allow more  
39 than two tenants per bedroom, shall not allow use of non-bedroom  
40 areas for sleeping, and shall not allow occupancy by more than  
41 eight tenants at any time. The number of short term Rental  
42 guests shall be limited to eight at any time. On site parking shall be  
43 limited to four parking spaces.

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3 **F. SUSPENSION AND REVOCATION OF PERMIT**  
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5 In addition to the provisions of Sec. 19-3-6. Violations, a permit for a Short Term  
6 Rental may be suspended or revoked if the Code Enforcement Officer determines  
7 that one or more substantiated complaints regarding Short Term Rentals of a  
8 property have been made in a three-year period.  
9

- 10 1. Complaint. Any individual or town official may file and/or initiate  
11 a complaint against a Short Term Rental permit holder. If the  
12 Police Department or the Code Enforcement Officer receives a  
13 complaint, they shall visit the property. The Police Department  
14 shall generate a report of the facts its officers have observed upon a  
15 visit, and statements made to them regarding the Short Term  
16 Rental. The Police Department shall then forward the report to the  
17 Code Enforcement Officer.  
18

19 When the Code Enforcement Officer receives a report from the  
20 Police Department, or the Code Enforcement Officer has responded  
21 to a complaint or independently investigated, the Code  
22 Enforcement Officer shall inspect the property and shall collect  
23 information related to the complaint, including notifying the  
24 property owner and requesting information regarding the  
25 complaint. Within five days of receiving a Police Report or  
26 complaint, the Code Enforcement Officer shall determine if the  
27 complaint is substantiated. A complaint is substantiated when the  
28 Code Enforcement Officer concludes that one or more violations of  
29 the Short Term Rental provisions occurred.  
30

- 31 2. First Substantiated Complaint. Once the Code Enforcement Officer  
32 has made a finding of a substantiated complaint, the Code  
33 Enforcement Officer shall notify the property owner in writing.  
34 The notification shall require the property owner to meet with the  
35 Code Enforcement Officer within five (5) business days from the  
36 date of the written notification, or such other time as is agreed  
37 upon by the Code Enforcement Officer, to identify ways in which  
38 the violation(s) will be corrected. The owner will agree to take  
39 all necessary measures to correct the violation(s), which measures  
40 shall be memorialized in a written agreement at the conclusion of  
41 the meeting and shall be fully implemented within one (1) week of  
42 said meeting unless another date is agreed to by the Code  
43 Enforcement Officer. Failure of the property owner to enter into

1 such an agreement at the conclusion of the meeting will be deemed  
2 a second violation of the Short Term Rental provisions. In addition,  
3 the Code Enforcement Officer may suspend the Short Term Rental  
4 permit for a term not to exceed thirty days.  
5

- 6 3. Second Substantiated Complaint. Once the Code Enforcement  
7 Office has made a finding of two (2) substantiated complaints, the  
8 Code Enforcement Officer shall notify the property owner in  
9 writing that the Short Term Rental permit shall be suspended for a  
10 period of not less than thirty days, nor more than one hundred  
11 twenty days.  
12

13 The notification shall require the property owner to meet with the  
14 Code Enforcement Officer within five (5) business days from the  
15 date of the written notification, or such other time as is agreed  
16 upon by the Code Enforcement Officer, to identify ways in which  
17 the violation(s) will be corrected. The owner will agree to take all  
18 necessary measures to correct the violation(s), which measures  
19 shall be memorialized in a written agreement at the conclusion of  
20 the meeting and shall be fully implemented within one (1) week of  
21 said meeting unless another date is agreed to by the Code  
22 Enforcement Officer. Failure of the property owner to enter into  
23 such an agreement at the conclusion of the meeting will be deemed  
24 a violation of the Short Term Rental provisions.  
25

- 26 4. Third Substantiated Complaint. Once the Code Enforcement  
27 Officer has made a finding of three substantiated complaints, the  
28 Code Enforcement Officer shall notify the property owner in  
29 writing that the Short Term Rental permit has been revoked for one  
30 calendar year.  
31

- 32 5. Appeal. An appeal to the zoning Board of Appeals as an  
33 Administrative Appeal may be taken by any person aggrieved by a  
34 determination of the Code Enforcement Officer pursuant to Section  
35 19-5-2.(A).  
36

- 37 6. Effective Date. The Short Term Rental provisions of the ordinance  
38 shall be fully effective as to all contracts for short Term Rentals  
39 executed on or after 30 days from date of enactment, and shall  
40 further apply to all contracts in effect on such date to the extent the  
41 application of these provisions would not result in a substantial  
42 impairment of such existing contracts.  
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