

## **§ 190-63. Short-term rental licenses and Review Board.**

### 63.1 Short-Term Rental Review Board.

- A. **Members.** The Short-Term Rental Review Board shall consist of five permanent members with members appointed by the County Council. The Board should be composed of an attorney with experience in real estate, a representative from the vacation rental management industry, a member of a community or civic association from a community containing (a) short-term rental(s), and other persons having knowledge or interest relevant to the Board's functions. Three members shall constitute a quorum for the transaction of business. Each member shall be an adult resident of Talbot County. Members shall serve without compensation but shall be entitled to reimbursement for reasonable expenses duly approved by the Finance Officer.
- B. **Term.** Each member shall serve for a staggered term of up to four years or until a successor is appointed. Members shall be eligible for reappointment twice.
- C. **Officers.** The Board shall annually select a Chairman and any other officers deemed necessary during the first meeting of each calendar year.
- D. **Hearings.** The Short-Term Rental Review Board shall meet upon the call of the Chairman or the Planning Director. The Board shall hold a public hearing on all new license applications and for complaints in accordance with § 190-63.4. The Board shall issue a written decision of its findings for each new license application or complaint hearing.
- E. **Rules of procedure.** The Board shall adopt rules of procedure governing its proceedings, subject to approval by the County Council. The rules of procedure shall have the force and effect of law when approved by resolution of the County Council.

### 63.2 New license application process.

- A. **Who may apply.** Only the record title holder(s) of the property where the short-term rental activity will occur may apply for a short-term rental license.
- B. **When applications accepted.** Applications for a new short-term rental license will only be accepted by the Talbot County

Department of Planning and Zoning during the months of January, February, July and August.

- C. Contents of application. All applications for short-term rental licenses shall be submitted to the Talbot County Department of Planning and Zoning on a form prepared and approved by the Planning Director. The application shall include, and the applicant shall provide, without limitation, the following:
1. A statement as to whether the proposed short-term rental dwelling is the applicant's primary residence.
  2. A statement whether the property is or is not located within a homeowners' association, property owners' association and/or is governed by any type of covenants, conditions and restrictions specifically related to the rental of properties or short-term rentals.
  3. Proof that the applicant(s) can satisfactorily monitor or has retained the services of a resident agent capable of monitoring the short-term rental property. The applicant or resident agent shall have a home or office within 30 miles of the short-term rental unit and be available to respond from this location during periods of short-term rental.
  4. An address and telephone number where the applicant or, if applicable, their resident agent, may be contacted 24 hours a day during any short-term rental period.
  5. Statement of where and how the applicant will be advertising the short-term rental, including printed, on-line and audio or video material. All advertising must include the short-term rental license number.
  6. A copy of the standard lease agreement and house rules.
  7. A plan, to scale, with the use of each room labeled, including locations of structures, areas to be rented, expected use of specific rooms, decks, patios, porches, swimming pools, outdoor entertainment areas, garages, fencing, screening, roads, paved areas, walkways and parking spaces.
  8. A satisfactory inspection report from a licensed inspector as to water quality and, if applicable, septic system operation.

9. Notarized signature of the applicant representing that all of the contents of the application are true and accurate to the best of the applicant's knowledge and belief and acknowledging that any material misrepresentations or omissions are grounds for denial, revocation, or suspension of the license.
  10. Any other information as determined by the Planning Director to demonstrate the ability to comply with this section and other provisions in this Chapter 190 related to short-term rentals.
- D. Inspection of property. Upon receipt of an application for a short-term rental license, the applicant shall schedule an on-site inspection of the property with the Planning Director or a Code Enforcement Officer in order to: 1) verify that the property complies with the International Residential Building Code adopted by Talbot County, as amended, with respect to emergency escape and rescue openings, exits and smoke alarms; 2) determine that the plan submitted is accurate; and 3) make note of any special conditions.
  - E. Fees. The fee for a short-term rental license shall be the amount determined in the fee schedule adopted annually by the County Council. No short-term rental license will be issued until all fees are paid.
  - F. Notice of application. The applicant must provide notice of the short-term rental application as provided herein.
    1. The applicant shall provide proof that the short-term rental application information has been provided to the following:
      - a. Owners of properties contiguous to the short-term rental property;
      - b. Owners of properties across a roadway, easement or right-of-way from the short-term rental property;
      - c. Owners of all other properties with a property line within 1,000 feet, including in line of sight<sup>1</sup> within 1,000 feet across waterways of the short-term rental dwelling; and

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1. Editor's Note: With the permission of the County, the typographical error "site" was corrected to read "sight."

- d. If applicable, a homeowners' association, property owners' association or covenant administrator for the development where the short-term rental property is located.
  2. Notification shall be by certified mail, return receipt requested or other shipping carrier with adult signature required, to the address provided on the annual Talbot County tax bill or any other written means, such as e-mail or regular mail, provided receipt is confirmed in writing.
  3. The notice shall include, at a minimum, information as listed in the example short-term rental notification letter in the application package. This information shall include: the applicant's name, contact information, including address, e-mail, and telephone number; twenty-four hour contact information in the event of any problem at the short-term rental property; contact information for the Code Compliance Officer or other designated County official; statement that a short-term rental application has been filed with the Talbot County Department of Planning and Zoning and that such application is available for public inspection; and state, if applicable, that a public hearing on the application will be held by the Short-Term Rental Review Board.
  4. The notices required by this section shall be sent out within 21 days of filing the short-term rental application with the Talbot County Department of Planning and Zoning.
  5. The applicant shall file a certificate of service with the Talbot County Department of Planning and Zoning promptly after sending out the required notices on a form prepared and approved by the Planning Director. The certificate shall be signed by the applicant; certify that the required notices were sent out in accordance with this section; and include a list of all recipients and a copy of the notice that was sent out.
- G. Duration of new license. A new license shall be issued for a period of up to one year, expiring 12 months from the date of issuance unless otherwise specified by the Short-Term Rental Review Board.
- H. Review by governmental entities and officials. License applications are reviewed by Talbot County Planning and

Zoning, Talbot County Health Department, Talbot County Office of Permits and Inspections, and any other reviewing agencies the Planning Director deems appropriate.

I. Hearing and decision.

1. The Short-Term Rental Review Board shall hold a public hearing on all new license applications.
2. The hearing for new license applications shall be no sooner than 21 days from the date set forth in the certificate of service required under § 190-63.2.F.5<sup>2</sup> above.
3. The meeting shall be advertised through posting the property in accordance with § 190.54.5.B. The Code Compliance Officer shall be responsible for posting the property.
4. The meeting notice shall be sent by certified mail to the list of property owners who received the notice of the application.
5. The Planning Director and the Code Compliance Officer shall be authorized, but not required, to provide the Board with a recommendation on new license applications, including conditions, limitations, and restrictions to ensure that the short-term rental complies with applicable law. The Board shall consider these recommendations before making a decision on the application.
6. The Board may impose conditions, restrictions, and limitations on the issuance of a new license that are reasonably related to addressing impacts of the proposed short-term rental. Such conditions may address without limitation the following:
  - a. Location and design of site features such as landscaping, screening, fencing or parking;
  - b. Design of outdoor lighting such as height, intensity or shielding of lighting fixtures;
  - c. Procedures and facilities for waste disposal;

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2. **Editor's Note: At the direction of the County, the reference to "§ 190-63.1.D.5" was corrected to read "§ 190-63.2.F.5."**

- d. Restrictions on hours of use for outdoor area on the property;
  - e. Distance of outdoor recreation areas to neighboring property lines; and
  - f. Duration of time prior to license renewal.
7. The Board shall approve an application for a new short-term rental license unless the Board finds that:
- a. The license application is incomplete;
  - b. The applicant has made false, inaccurate, incomplete or incorrect statements in connection with the application;
  - c. The applicant has not complied with the application notice requirements;
  - d. Issuance of the license would unduly disturb the peace of the residents of the neighborhood in which the short-term rental will be located; and/or
  - e. There are other substantial reasons in the discretion of the Board why the license should not be issued, in which event the Board shall deny the license.
8. All of the Board's decisions shall be in writing and the hearings shall be recorded so as to allow transcription.
- J. Appeals. Any party that participated in the hearing and is aggrieved by the Board's decision may file an appeal to the Talbot County Board of Appeals within 30 days of the issuance of the written decision. Such appeal shall be on the record.

### 63.3 Renewal.

- A. Applications. A license renewal application must be submitted by the record title holder(s) of the property to the Talbot County Department of Planning and Zoning on a form prepared and approved by the Planning Director at least 60 days prior to expiration. The application shall include without limitation the following:
- 1. Proof of compliance with the Talbot County accommodation tax;
  - 2. The number of days that the dwelling was rented during the effective short-term rental license period documented

by appropriate receipts or reservation forms, if requested by the Planning Director;

3. The renewal application shall include, and the applicant shall provide, without limitation, any document required under § 190-63.2.C<sup>3</sup> above that has been revised or amended, to include; house rules, plan to scale, etc.;
  4. The applicant must provide notice of the short-term rental renewal application as required for a new license under § 190-63.2.F<sup>4</sup> above and,
  5. If applicable, the Code Compliance Officer shall provide information on the application, including any written or verified complaints and zoning enforcement investigations applicable to the subject short-term rental property.
- B. Timing. If the renewal application is not received 60 days prior to expiration, the application shall be treated as and comply with initial application requirements.
- C. Administrative approval. Renewal applications shall be processed administratively by the Planning Director without a hearing by the Short-Term Rental Review Board unless the Planning Director or Code Compliance Officer determines that substantial reasons exist to refer the application to the Short-Term Rental Review Board, in which case the application shall be processed in the same manner as a new license application pursuant to § 190.63.2 above. Substantial reasons for referring a renewal application to the Board include without limitation:
1. Material changes in the character of the neighborhood where the short-term rental is located that may affect the short-term rental's impact on surrounding properties;
  2. Discovery of any potential false, inaccurate, incomplete or incorrect statements by the licensee in the original or renewal license application; or
  3. Violations of the Talbot County Code related to the operation of the short-term rental on the property or violations of any conditions imposed on the license.

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3. Editor's Note: At the direction of the County, the reference to "§ 190-63.2.B" was corrected to read "§ 190-63.2.C."

4. Editor's Note: At the direction of the County, the reference to "§ 190-63.2.D" was corrected to read "§ 190-63.2.F."

- D. Conditions. The Planning Director may impose conditions on the license renewal if necessary to address impacts of the use related to the requirements for short-term rentals.
- E. Grounds for denial. The Planning Director may decline to issue, decline to renew or revoke a short-term rental license based on the following:
  - 1. False, inaccurate, incomplete or incorrect statement in any application or renewal;
  - 2. Any infraction, disturbance, nuisance, failure to monitor, or other problem or violation occurring during a short-term rental;
  - 3. Violation of any law or ordinance with respect to the short-term rental, or any term, condition, or restriction of the short-term rental license; and/or
  - 4. Failure to pay the Talbot County accommodations tax.
- F. Waiver. If unable to meet license application requirements listed herein a property owner in possession of a short-term rental license at the time of adoption of these regulations may apply for a waiver or variance as required by this chapter.
- G. Duration. A renewal license may be issued for a period of up to two years if the Planning Director determines that the rental activity was in compliance with the Code and any conditions of approval imposed on the short-term rental permit during the prior term. All renewal licenses shall expire two years from the date of issuance unless otherwise specified by the Planning Director.
- H. Fees. The fee for a short-term rental renewal license shall be established in the fee schedule adopted annually by the County Council.
- I. Written decision and appeals. The Planning Director shall issue a written decision approving or denying the renewal application. Any party aggrieved by the Planning Director's decision may file an appeal to the Board of Appeals.

#### 63.4 Complaints.

- A. Filing and hearing process.
  - 1. In addition to any other remedies that may be available, a person alleging that a licensee has violated any provision

of this Chapter 190 as it relates to the operation of a short-term rental that remains unresolved by the property owner or resident agent, may file a complaint on a form prepared and approved by the Planning Director with the Department of Planning and Zoning. The Planning Director or the County Attorney shall serve a copy of the complaint on the licensee at the address of the short-term rental by certified mail, return receipt requested, or other shipping carrier with adult signature required. The complaint shall be signed by the complainant, set forth the allegations in a clear and concise manner, and contain a certificate of service. The complainant shall include any relevant evidence establishing the violation with the complaint.

2. Once filed with the Department of Planning and Zoning, copies of the complaint shall promptly be forwarded to the Short-Term Rental Board and the Talbot County Office of Law.
3. The licensee shall file a response to the complaint with the Board's Secretary within 21 days of service on a form prepared and approved by the Planning Director. The response shall set forth any rebuttal to the allegations in the complaint and may include any relevant evidence. The licensee shall also serve a copy of the response on the complainant by certified mail, return receipt requested, or other shipping carrier with adult signature required, at the address identified in the complaint. Failure to file a response shall be deemed an admission to any allegations contained in the complaint.
4. The Board shall schedule a hearing date at least 10 days after the time for filing a response has elapsed. The Board shall provide notice of the hearing to the complainant and the licensee by certified mail, return receipt requested, or other shipping carrier with adult signature required. At the hearing, the complainant shall be given the opportunity to present evidence of the violation and the licensee shall be given the opportunity to respond with evidence of its own. The Planning Director, the Code Compliance Office, and any other party may participate in the hearing as well.
5. Board authority.

- a. If the Board determines that a violation has occurred, the Board shall be authorized to suspend the licensee for any period of time the Board deems appropriate or to revoke the license. In addition, the Board may impose a fine on the licensee of up to \$1,000 per violation. Each day that a violation exists or continues constitutes a separate violation.
  - b. The Board's authority in this section shall be in addition to and does not limit the County's enforcement authority under Chapter 58 of the Talbot County Code.
6. Following the hearing, the Board shall vote on whether a violation has occurred. If a violation is confirmed, they shall also determine whether the license should be suspended, revoked, and/or a fine imposed. The Board may impose conditions, restrictions and limitations on licenses for short-term rentals that are found to be in violation. Such conditions may include without limitation, the requirement that the owner retain the services of an agent who is a licensed realtor or similarly qualified professional with experience in managing short-term rentals.
  7. The Board shall issue a written decision setting forth its decision and applicable findings.
- B. Any party that participated in the hearing and is aggrieved by the Board's decision may file an appeal to the Talbot County Board of Appeals within 30 days of the issuance of the written decision. Such appeal shall be on the record.

#### 63.5 Additional restrictions on licenses.

- A. A short-term rental license shall be nontransferable. If a property is transferred a new application is required.
- B. If a short-term rental license expires without being renewed as provided in this chapter, the property shall not be used for short-term rental unless and until a new license application is submitted and approved in accordance with § 190-63.2 above.