COUNTY COUNCIL

OF

TALBOT COUNTY, MARYLAND

2019 Legislative Session, Legislative Day No. : August 27, 2019

Bill No.: 1434

Expiration Date: October 31, 2019

Introduced by: Mr. Callahan, Mr. Divilio, Mr. Lesher, Mr. Pack

A BILL TO AMEND SECTION 190-33.20 OF THE TALBOT COUNTY CODE TO ALLOW FOR THE ISSUANCE OF PROVISIONAL LICENSES TO CERTAIN SHORT-TERM RENTAL APPLICANTS WHOSE LICENSES HAVE EXPIRED BUT WHO ARE DILIGENTLY PURSUING RENEWAL UNDER THE REVISED SHORT-TERM RENTAL PROVISIONS ESTABLISHED AS A PART OF THE NEXT STEP 190 ZONING ORDINANCE UPDATE

By the Council: August 27, 2019

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, September 24, 2019 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By Order Susan W. Moran

Susan W. Moran, Secretary

A BILL TO AMEND SECTION 190-33.20 OF THE TALBOT COUNTY CODE TO ALLOW FOR THE ISSUANCE OF PROVISIONAL LICENSES TO CERTAIN SHORT-TERM RENTAL APPLICANTS WHOSE LICENSES HAVE EXPIRED BUT WHO ARE DILIGENTLY PURSUING RENEWAL UNDER THE REVISED SHORT-TERM RENTAL PROVISIONS ESTABLISHED AS A PART OF THE NEXT STEP 190 ZONING ORDINANCE UPDATE

WHEREAS, the Talbot County Council updated regulations governing short-term rentals ("STRs") as part of the Next Step 190 zoning ordinance update, which regulations became effective on November 10, 2018 following the adoption of Talbot County Bill 1401; and,

WHEREAS, the new STR regulations included the creation of an STR Board to hear and decide license applications and new application and renewal procedures, the effect of which have been to create a renewed focus on ensuring compliance with all applicable STR operating requirements; and,

WHEREAS, in addition, the new STR regulations included § 190-33.20 A., which reads as follows:

> License required. A license issued pursuant to § 190-63 of this chapter is required for all short-term rentals. Short-term rentals without such license are prohibited. Anyone operating or advertising an unlicensed short-term rental on or after six months from November 10, 2018 shall be subject to a fine of not less than $500 and shall not be entitled to apply for a short-term rental license for a period of 12 months from the date of such violation.

WHEREAS, following the adoption of Next Step 190, the time it takes to secure a new license and/or renewal has increased substantially as the STR Board, County staff, and applicants are learning to navigate the new application and renewal procedures; and,

WHEREAS, strict enforcement of § 190-33.20 would potentially lead to unjust results in light of the longer-than-expected application/renewal process, particularly for certain applicants who previously held a valid STR license and are diligently pursuing a new license or renewal under the new regulations; and,

WHEREAS, the County Council desires to amend § 190-33.20 to avoid unjust results from strict enforcement as previously described.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, as follows:

SECTION ONE: Chapter 190 of the *Talbot County Code* is hereby amended as follows:

KEY	
Boldface	Heading or defined term
Underlining	Added by Bill
~~Strikethrough~~	Deleted from law by Bill
* * *	Existing law unaffected

* * *

190-33.20 Short-term rental.

A. License required. A license issued pursuant to § 190-63 of this chapter is required for all short-term rentals. Short-term rentals without such license are prohibited. Anyone operating or advertising an unlicensed short-term rental on or after six months from November 10, 2018 shall be subject to a fine of not less than $500 and shall not be entitled to apply for a short-term rental license for a period of 12 months from the date of such violation. The Planning Director shall issue provisional short-term rental licenses valid until renewal of the license is approved or one year from the date of application, whichever occurs first, to applicants who meet the following criteria: (1) the applicant held a validly-issued short-term rental license for the year 2018; (2) the applicant's 2018 license was not suspended or revoked due to a violation of the County's short-term rental code; (3) the applicant is diligently pursuing renewal of such license to operate in 2019; (4) the applicant filed the renewal application before March 1, 2019; and, (5) the applicant has passed Talbot County Health Department potable water and sanitary facility inspections, as applicable, for the property.

* * *

SECTION TWO: If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Ordinance which can be given effect without the invalid provision or application, and for this purpose the provisions of this Ordinance are declared severable.

SECTION THREE: The Publishers of the Talbot County Code, the Talbot County Office of Law, or the Talbot County Department of Planning and Zoning, in consultation with and subject to the approval of the County Manager, shall be authorized to make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any internal or external reference or citation to the Code that is incorrect or obsolete, with no further action required by the County Council. All such corrections shall be adequately referenced and described in an editor's note following the section affected.

SECTION FOUR: This Ordinance shall take effect sixty (60) days from the date of its passage.

PUBLIC HEARING

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. _____ having been published, a public hearing was held on _____ at ____ p.m. and on _____ at ____ p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

BY THE COUNCIL

Read the third time.

ENACTED: _____

By Order _____
Susan W. Moran, Secretary

Pack -

Divilio -

Callahan -

Price -

Lesher -

EFFECTIVE DATE: _____