

ORDINANCE 2022-06

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND, A MARYLAND MUNICIPAL CORPORATION, AMENDING CHAPTER 8, ARTICLE II, SECTION 8-30, CONCERNING REGULATIONS GOVERNING SHORT TERM RENTALS OF DWELLINGS LOCATED WITHIN THE TOWN OF BERLIN

BE IT ENACTED BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN THAT CHAPTER 8, ARTICLE II, SECTION 8-30 BE AMENDED AS FOLLOWS:

§8-30. Short Term Rental Licensing.

(a) *Generally.* It is the intent of this section and the regulations stated herein to maintain the character of residential neighborhoods in the Town of Berlin and to protect the health, safety and general welfare of residents while allowing short term rentals to exist under certain conditions and circumstances.

(b) Definitions.

Permanent Residence means a dwelling unit, located within the Town of Berlin, in which the owner resides for an aggregate of at least 180 days annually and the dwelling unit carries the official designation as the owners' principal residence in accordance with the criteria governing the State of Maryland Department of Assessment and Taxation Homestead Tax Credit Program.

Short Term Residential Rental means the use of all or any part of a dwelling unit to provide accommodations, not to exceed 28 consecutive days, to guests for sleeping or lodging purposes in exchange for a monetary remuneration, including accommodations facilitated by an internet hosting platform. A Bed and Breakfast is not included in this definition.

~~(c) *Eligible Zone.* Short Term Residential rentals are permitted in the incorporated limits of the Town of Berlin in permanent residences within the R-1, R-2, R-3, R-4, B-1, B-2, and B-3 Districts,~~

~~subject to the licensing requirements and regulations contained herein.~~

(C) ELIGIBLE ZONE. SHORT TERM RESIDENTIAL RENTALS ARE PERMITTED IN THE INCORPORATED LIMITS OF THE TOWN OF BERLIN IN PERMANENT RESIDENCES WITHIN THE R-1 RESIDENCE DISTRICT AND R-2 RESIDENCE DISTRICT SUBJECT TO THE LICENSING REQUIREMENTS AND REGULATIONS CONTAINED HEREIN. RENTAL UNITS WITHIN THE R-3 APARTMENT DISTRICT, R-4 RESIDENCE DISTRICT, B-1 TOWN CENTER DISTRICT, B-2 SHOPPING DISTRICT, AND B-3 GENERAL BUSINESS DISTRICT ARE PERMITTED SUBJECT TO THE LICENSING REQUIREMENTS AND REGULATIONS CONTAINED HEREIN. RENTAL UNITS IN ANY ZONING DISTRICT MUST ALSO COMPLY WITH THE REQUIREMENTS FOR DWELLING UNITS CONTAINED IN THE CODE OF THE TOWN OF BERLIN, CHAPTER 108, "ZONING," AND CHAPTER 6, "BUILDINGS AND BUILDING REGULATIONS."

(d) *Requirements.* Any dwelling unit or portion thereof offered as a short term rental shall conform to the provisions of this Section.

(1) *License.* Prior to offering a dwelling unit or portion thereof as a short term rental, the property owner shall file an application for a short term residential rental license on forms provided by the Town. The application must be accompanied by an initial application fee in the amount of \$350.00 and the property owner must agree to make the dwelling unit available for inspection in order to verify that the dwelling unit is in compliance with all applicable building code provisions, including those of the Worcester County Fire Marshal's office. Applications must include a floorplan indicating the intended rental space and an emergency egress plan. Floorplans with an emergency egress plan are required to be posted in each rented sleeping area of a short term rental. Upon passing said inspection, the property owner will be issued an annual short term residential rental license upon the payment of an annual license fee of \$200.00.

The license must be renewed annually, and the Town of Berlin reserves the right to inspect subject properties at any time and before annual renewal. Each property owner shall provide the name and contact information for a responsible agent(s) who are available for contact twenty-four (24) hours per day and seven (7) days per week. A responsible agent(s) must be capable of responding to the property twenty-four hours per day and seven days per week and be located within a thirty (30) mile radius of the Town of Berlin's incorporated limits. The licensee is responsible for ensuring accurate emergency contact information is on file with the Town of Berlin. The rental license shall be posted in both a prominent interior location and a prominent exterior location on the addressed side and visible from the roadway. -All advertising, whether by print, electronic, audible, or in any other forms or substance designed or used to inform as to the availability of any property for rent which is the subject of the license, shall contain the valid rental license number associated with the property. A short term residential rental license is not transferable.

Short term residential units are subject to the State of Maryland lodging taxes as administered by the Worcester County Maryland Treasurer's office.

- (2) *Duration of License.* Licenses are issued for the duration of one (1) fiscal year concurrent with the Town of Berlin's fiscal year. Licenses will not be pro-rated.
- (3) *Renewal of License.* A Short Term Rental License may be renewed as long as the licensee is in compliance with this Section and other Sections of the Town Code and upon payment of the annual license fee of \$200.00.
- (4) *Lapse of License.* Short Term Rental Licenses that are not in compliance with this Section or other Sections of the Town Code for more than thirty (30) calendar days will be deemed expired and must complete a new application.

- (5) *Occupancy.* Every bedroom occupied for sleeping accommodations shall contain not less than 70 square feet of floor area unobstructed other than by furniture for each occupant. The number of occupants shall not exceed the sum total of all occupants permitted in each bedroom of the structure as per Chapter 6, Article V, "Housing Standards," Section 6-121, "Floor Space and Occupancy," of this Code.
- (6) *Parking.* One additional off-street parking space per each bedroom rented shall be required in addition to the parking required in the zoning district where the structure is located.
- (7) *Records.* A record of the names of all lodging guests who stay at the property, including their address, phone number, email address and the amount of monetary remuneration received shall be provided upon request to Town officials and to Worcester County Treasurer's Office officials.
- (8) *Signage.* On premise signage shall not be permitted on licensed property.
- (9) *Events.* The hosting of functions and events, including but not limited to wedding ceremonies, wedding receptions, family reunions, birthday and anniversary celebrations, corporate and employee parties, and other similar gatherings of persons other than the authorized lodging guests, shall be prohibited in association with any short term rentals, regardless of whether or not any form of compensation or barter has been paid or received by any individual or firm for the event.

The Mayor and Council by Resolution may establish additional standards, regulations, or require additional information as deemed necessary to enforce the provisions of this Section and protect the integrity of the community.

- (e) *Violations.* Violations and enforcement are the responsibility of the Planning Director or Housing Inspector pursuant to the Town Charter. A decision by the Planning Director to revoke a license may be appealed to the Housing Board of Review.

- (1) *Renting without a License.* Rental of a property as defined by this Ordinance without a license will result in a reoccurring fine of \$600.00.
- (2) *Other Violations.* A violation of any requirement of this Section or other Sections of the Town Code, excluding renting without a license as defined in Section (e)(l), will result in a Civil Violation of \$100.00. Repeat or continuing violations will result in a fine of \$200.00 per day and may result in revocation of the Short Term Rental License for the remainder of the licensing period plus (1) year.

THIS ORDINANCE was introduced and read at a meeting of the Town Council held on the 24th day of August, 2022, and thereafter a statement of the substance of the Ordinance having been published as required by law.

A PUBLIC HEARING was held and this Ordinance was adopted this 12th day of September, 2022, by the Mayor and Council of the Town of Berlin, Maryland by affirmative vote of 5 in favor, to 0 opposed, with 0 abstaining, and 0 absent.



Dean Burrell, Vice-President of the Council

Approved on this _____ day of _____, 2022 by the Mayor of the Town of Berlin and was therefore effective twenty (20) calendar days later on the 3rd day of October, 2022.

Zackery Tyndall, Mayor
President of the Council



ATTEST: Mary Bohlen, Town Administrator