

REGULATION NO. Reg-4-19

ADOPTION OF REGULATIONS FOR SHORT-TERM RENTALS
LOCATED WITHIN THE INCORPORATED CITY LIMITS OF
GAITHERSBURG AS PROVIDED BY CHAPTER 2 OF
THE CITY CODE ENTITLED "ADMINISTRATION"

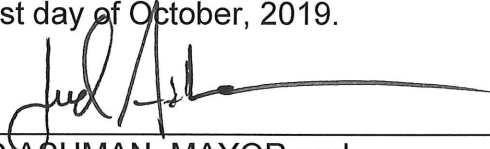
WHEREAS, Chapter 2 of the Gaithersburg City Code, entitled "Administration," authorizes the City Council to enact regulations to implement or carry out the provisions of any law or ordinance on any subject matter provided for in the City Charter, the City Code of Gaithersburg or laws of Maryland; and

WHEREAS, the Mayor and City Council have determined that regulations for short-term rental accessory uses in residential dwellings within the incorporated City limits is in the public interest; and

WHEREAS, Chapter 2, Article II, Section 2-10 requires approval of said rules and regulations by the Gaithersburg City Council:

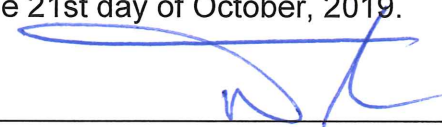
NOW, THEREFORE, BE IT RESOLVED by the Mayor and the City Council of the City of Gaithersburg, that the Regulations for Short-Term Rentals within the incorporated City limits of Gaithersburg as attached hereto, are hereby adopted by the Mayor and City Council and shall be effective on October 21, 2019.

ADOPTED by the City Council this 21st day of October, 2019.



JUD ASHMAN, MAYOR and
President of the Council

THIS IS TO CERTIFY, that the foregoing Resolution was adopted by the City Council, in public meeting assembled on the 21st day of October, 2019.



Tony Tomasello, City Manager

Short-Term Rental Regulations

I. Purpose.

It is the intent of these regulations to recognize the desire of some property owners to rent their dwelling on a short-term basis and establish appropriate regulations to mitigate the disruption that short-term rentals may have on a community. Chapter 24, Zoning, of the City Code defines short-term rentals as:

“The offering of lodging accommodations in a residential dwelling unit or accessory building for periods of less than 30 consecutive days to transient guests. A short-term rental must be accessory and secondary to the primary use of a dwelling unit for residential household living purposes and shall conform to all applicable requirements set forth in the short-term rental regulations adopted pursuant to section 2-10 of the city code.”

These regulations shall govern the interpretation and operation of short-term rentals. These regulations are not intended to prevent a common ownership community's ability to enforce the community's covenants, by-laws and rules. These regulations do not supersede more restrictive individual rental lease, Home Owners Association, or condominium association agreements, covenants or bylaws that further limit or prohibit short-term rentals.

II. License Required.

Any person desiring to rent their dwelling unit as a short-term rental shall make an application for a license (License) pursuant to these regulations and pay the administrative fee established by the City Council by resolution. A License obtained under these regulations shall be effective for one year (365 days), and shall expire one-year from the date established by the License issuance. The License is applied for and must be renewed annually. Proof of common ownership community documents or lease terms permitting short-term rentals is required at License application when applicable.

Upon annual License approval by the City to operate as a short-term rental, the licensee is to provide, in writing, neighbor notification to adjoining and confronting properties or dwelling units of the approval. Copies of the notifications sent are to be provided to the City within ten (10) business days of License issuance. The City Manager or designee may suspend or revoke such license at any time for confirmed violations of these regulations or verified community complaints.

Short-term rentals are prohibited from operating in any City or Montgomery County, including Housing Opportunity Commission, approved and administered affordable housing units.

III. Regulations for Operations.

The following conditions shall apply to approved License applications for short-term rentals:

Short-Term Rental Regulations

A. The applicant for a License must be a permanent resident (resides there for at least 185 days during each year) and/or owner of the property hosting the short-term lodging use. Permanent residency must be demonstrated at the time of License application. The permanent resident and/or property owner must designate an Authorized Agent who shall be available 24 hours per day, seven days per week, for the purposes of:

(a) Responding within one hour to complaints regarding the condition, operation, or conduct of occupants of the short-term rental; and

(b) Taking remedial action to resolve any such complaints.

The name, address, and telephone contact number of the permanent resident and/or property owner and the local Authorized Agent shall be kept on file with the city and posted in the short-term rental. The failure to provide the contact information, failure to keep the contact information current, failure to respond in a timely manner to complaints, or the occurrence of repeated verified complaints may result in the suspension or revocation of the License and/or civil penalties.

B. It is prohibited for any short-term rental to rent, or offer to rent, by the hour or for any period fewer than an overnight stay.

C. A short-term rental property may not accommodate more than one rental contract per unit at any one time.

D. A short-term rental may not host more than two adult (18+) guests per bedroom.

E. A short-term rental property's annual rentals cannot exceed 120 days total during the License term.

F. An operator shall not permit any other individuals to utilize the short-term rental other than registered/contracted short-term rental guests.

G. A rental guest(s) may not use a short-term rental for a purpose not commonly incidental to its use for lodging or sleeping purposes. Private and/or commercial events and activities including but not limited to luncheons, banquets, parties, weddings, meetings, fund raising or any other gathering of persons other than the authorized guests are prohibited in association with any short-term rental.

H. Short-term rentals must comply with all applicable laws, codes, ordinances, and regulations including, but not limited to, those related to Noise Regulations and Nuisances.

I. A short-term rental unit is required to provide one (1) off-street parking space per rental contract unless the online listing indicates that vehicle parking is prohibited.

J. No outdoor advertising signs related to the short-term rental shall be allowed on the property.