



# City of Havre de Grace

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711 PENNINGTON AVENUE, HAVRE DE GRACE, MARYLAND 21078  
WWW.HAVREDEGRACEMD.COM

410-939-1800

## **Notice of Public Work Session**

### **Ordinance No. 1098 amending City Code 147: Rental Property**

**The Mayor and City Council will conduct a Public Work Session to discuss Ordinance No. 1098.**

**An ordinance by the Mayor and City Council of Havre de Grace, Maryland, adopted pursuant to the authority of Article XI-E of the Maryland constitution, the local government article of the Annotated Code of Maryland, and sections 33 and 34 of the Havre de Grace City Charter to amend City Code Chapter 147 Rental Property.**

**PLACE OF MEETING: City Council Chambers, City Hall  
711 Pennington Avenue  
Havre de Grace, Maryland 21078**

**TIME: 6:00 p.m.**

**DATE: Wednesday, March 15, 2023**

A copy of Ordinance No. 1098 is available for review at City Hall and on the website at [www.havredegracemd.com](http://www.havredegracemd.com).

The public is invited to attend and observe the meeting.



## **CITY COUNCIL PUBLIC WORK SESSION AGENDA**

March 15, 2023

6:00 p.m.

711 Pennington Avenue  
Havre de Grace, Maryland

### **1. Call to Order**

### **2. Roll Call**

### **3. Ordinance No. 1098 concerning Amending City Code 147 Rental Property**

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND SECTIONS 33 AND 34 OF THE HAVRE DE GRACE CITY CHARTER TO AMEND CITY CODE CHAPTER 147 RENTAL PROPERTY

### **4. Adjournment**

The public is invited to attend and observe the meeting. The meeting will not be live-streamed or videotaped for the City's YouTube channel, but there will be minutes of the meeting.

# CITY COUNCIL

## READ FILE COVER SHEET

Subject: **Ordinance 1098 concerning Amending City Code 147**  
**Rental Property**

(2nd Reading)

Date: **3/7/2023**

**Notice:** Any comments made after 5:00 p.m. on the Thursday before the Council Meeting will not be seen in the agenda packet.

Purpose:

- FYI
- Read and Comment as Needed**
- Action Required by March 20, 2023**
- In Confidential File Drawer

Approve:

Casi Boyer  Yes  No  No Comment

Comment: \_\_\_\_\_

Dave Martin  Yes  No  No Comment

Comment: \_\_\_\_\_

Jim Ringsaker  Yes  No  No Comment

Comment: \_\_\_\_\_

Jason Robertson  Yes  No  No Comment

Comment: \_\_\_\_\_

Tammy Lynn Schneegas  Yes  No  No Comment

Comment: \_\_\_\_\_

Carolyn Zinner  Yes  No  No Comment

Comment: \_\_\_\_\_

Note: N/A

CITY COUNCIL  
OF  
HAVRE DE GRACE, MARYLAND

ORDINANCE NO. 1098

Introduced by Council Member Schneegas

**AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND SECTIONS 33 AND 34 OF THE HAVRE DE GRACE CITY CHARTER TO AMEND CITY CODE CHAPTER 147 RENTAL PROPERTY**

On: 2/21/2023

at: 7:00 p.m.

Ordinance introduced, read first time, ordered posted and public hearing scheduled.

**PUBLIC HEARING**

Having been posted and notice of time and place of hearing and title of Ordinance having been published according to the Charter, a public hearing was held on 3/6/2023 at 7:05 p.m., and concluded on 3/6/2023 at 7:18 p.m.

EXPLANATION

Underlining indicates matter added to existing law.

**[Bold Brackets]** indicate matter deleted from existing law.

Amendments proposed prior to final adoption will be noted on a separate page with line references or by handwritten changes on the draft legislation.

31  
32

33 **BE IT DETERMINED, DECIDED, AND ORDAINED, AS FOLLOWS:**

34  
35 Chapter 147 Rental Property shall be amended as follows, with words shown underlined to be  
36 added and those shown **[bold brackets]** to be deleted.

37  
38 Article I Registration of Long-Term Residential Rental Property

39  
40 § 147-2 Definitions.<sup>1</sup>

41  
42 **BEDROOM**

43 A room or space designed to be used for sleeping purposes with two means of egress (one of which  
44 may be a window acceptable under the building code) and in close proximity to a bathroom. Space  
45 used for eating, cooking, bathrooms, toilet rooms, closets, halls, storage or utility rooms and  
46 similar uses are not considered “bedrooms”. Space used or intended for general and informal  
47 everyday use such as a living room, den, and sitting room or similar is not considered to be a  
48 “bedroom”.

49  
50 **BOOKING TRANSACTION**

51 A reservation transaction between a host and a prospective transient guest for a short-term rental.

52  
53 **HOST**

54 The owner of a dwelling or Accessory Dwelling Unit who provides or offers to provide all or part  
55 of the dwelling unit for short-term residential rental use in exchange for a fee.

56  
57 **HOSTING PLATFORM**

58 An internet-based entity that, in exchange for a fee:

- 59 1. Facilitates reservations of short-term rentals;
- 60 2. Serves as a conduit of communication between hosts and transient guests; or,
- 61 3. Otherwise facilitates booking transactions for short-term rentals.

62  
63 **PERMANENT RESIDENCE**

64 A permanent residence is a dwelling unit where the owner resides for at least 180 total days  
65 annually and the owner can furnish a driver’s license, voter registration card or official State  
66 Homestead Tax Credit designation. For purposes of this article, an owner can only have one  
67 permanent residence.

68  
69 **SHORT-TERM RENTALS**

70 Any dwelling or portion thereof that is available for use or is used for accommodations or lodging  
71 of guests, paying a fee or other compensation for a period of less than thirty consecutive days.  
72 Short-term rentals must occur within a dwelling or accessory dwelling unit as defined in the City  
73 Code. Tents, sheds, shelters, gazebos, pavilions, recreational vehicles (RVs), boats, or other  
74 similar, non-permanent living spaces shall not be deemed a “dwelling or portion thereof” for  
75 purposes of this definition.

76

<sup>1</sup> To be added in the appropriate alphabetical order.

77 **TRANSIENT GUEST**

78 A person who uses a hosting platform to facilitate a short-term residential rental or other person  
79 who contracts directly with the owner or owner’s agent to arrange for a short-term rental of a  
80 dwelling, bedroom, or Accessory Dwelling Unit.

81  
82 Article II Registration and Licensing of Short-Term Rental Property

83  
84 § 147-13 Applicability.

85 This Chapter shall apply to all short-term rentals as defined herein. This Chapter does not apply  
86 to hotels, motels, inns, bed and breakfasts or group homes as defined in the City Code.

87  
88 § 147-14 License required.

89 No person may operate a short-term residential rental without a currently effective license to do  
90 so from the Director of Planning. An application will be made available and it will contain the  
91 requirements and documentation set forth by the Department of Planning.

92  
93 § 147-15 License Term, Renewal and Fees.

- 94 (1) Each license shall expire annually from the date of issuance;
- 95 (2) Before a license expires, the host may submit a renewal application within thirty (30) days  
96 of the expiration date;
- 97 (3) The annual fee for a short-term residential rental license is \$100 per unit;

98  
99 § 147-16 Short-Term Rental District.

100 Short-term rentals are only allowed within the Short-Term Rental District (STRD) as shown in  
101 Appendix 1, except as provided herein. The boundaries of the STRD are Pulaski Highway to the  
102 north, North and South Juniata Street to the west and the Susquehanna River to the south and east.  
103 Short-term rentals are not allowed at marinas as defined in the City Code.

104  
105 § 147-17 STRD Location Exceptions.

106 Properties located outside of the STRD are allowed if the following criteria are met:

- 107 (1) The property outside of the STRD was active on a hosting platform for at least 90 days  
108 within the year prior to the enactment of this ordinance, or;
- 109 (2) A property was purchased for the purpose of being utilized as a short-term rental and  
110 improvements were being made to the property within one year prior to the enactment of  
111 this ordinance.

112 The Department of Planning will require documentation from the owner that sufficiently indicates  
113 one of the above criteria were met, which determination shall be made in the Director of Planning’s  
114 sole discretion. If any property subject to this provision ceases to be used as a short-term rental for  
115 a period of one-year, then such property will no longer be permitted to be used as a short term  
116 rental and the balance of this Code provision shall apply.

117  
118 § 147-18 Ownership and Tax Registration.

119 All applicants for an initial or a renewal license that are hosting four or more short-term rentals:

- 120 (1) Shall provide proof of owner’s permanent residence or registered corporate address;

- 121 (2) The owner must be registered with the State Comptroller and Harford County for the  
122 collection of sales and use tax as required under County law.

123  
124 § 147-19 Short-term rental maximum license cap

- 125 (1) The City Council shall set a cap for the number of short-term rental licenses allowed in the  
126 STRD to not exceed 60 units.
- 127 (2) The Department of Planning shall provide the City Council with an annual report that  
128 examines the effect short-term rentals have on neighborhoods within the STRD. The  
129 examination will look at changes in the neighborhood character, safety, traffic, noise, and  
130 other matters deemed important to the Department of Planning and City Council.
- 131 (3) The City Council will make a decision annually to adjust the number of short-term rentals  
132 allowed within the STRD, to change the boundaries of the STRD and/or to adjust use taxes  
133 as appropriate.
- 134 (4) Owners that are interested in utilizing their property as a short-term rental where the  
135 maximum cap has been met will be placed on a waiting list. As the cap number is increased  
136 or licenses become available, those on the waiting list will be informed of available license  
137 on a first-come, first-served basis.

138  
139 § 147-20 Host compliance.

- 140 (1) The dwelling unit must be maintained in compliance with the City's Building, Fire,  
141 Property Maintenance, Zoning and other appropriate laws and codes, as well as the  
142 County's Health Department regulations, including a Certificate of Occupancy from the  
143 City of Havre de Grace;
- 144 (2) The Host must complete a Life Safety Compliance verification, which indicates the  
145 location of smoke alarms, carbon monoxide detectors and fire extinguishers;
- 146 (3) During the term of any rental, the host must prominently display in an area of the dwelling  
147 unit that is readily accessible to the transient guests, emergency contact information for a  
148 representative of the host. The emergency contact must be located within 15 miles of the  
149 short-term rental and be accessible 24-hours a day and for the entire term of the rental;
- 150 (4) At all times during the term of a short-term rental, the host must prominently display the  
151 license issued by the City;
- 152 (5) The host must include the license number in any advertisement or listing of the dwelling  
153 unit on a hosting platform.

154  
155 § 147-21 Local Designated Responsible Party

156 The property owner, or his/her designee, must be capable of being on the property within two  
157 hours of being notified. The owner's or his/her designee's contact information must be made  
158 available to the City when applying for a license and the contact information must be posted on  
159 the exterior of the short-term rental unit.

160  
161 § 147-22 Occupancy

162 Occupancy of short-term rentals shall not exceed two people per bedroom, plus one person.  
163

164 § 147-23 Inspections

165 The Department of Planning with 48 hours notice to the property owner or designee, and posted  
166 on the property, can require an inspection of the short-term rental unit. If the Department is denied  
167 an inspection, the Department may immediately revoke the short-term rental license.

168  
169 § 147-24 Homeowners’ Associations

170 The owner must inform the City if the property proposed for a short-term rental is governed by a  
171 Condominium or Homeowners’ Association. Properties within such Associations are required to  
172 submit to the City proof that short-term rentals are allowed or must provide an official letter from  
173 the governing Association demonstrating that the property can be used as a short-term rental in the  
174 respective community.

175  
176 §147-25 Denial, suspension or revocation of license.

177 The Director of Planning can deny, suspend or revoke a short-term rental license or renewal license  
178 under the following conditions:

- 179 (1) The Director informs the host of a problem with the short-term rental unit in writing and  
180 the issue is not abated within 15 calendar days;
- 181 (2) In situations deemed an emergency by the Director, the license can be suspended  
182 immediately by posting the subject property;
- 183 (3) Making any material false statement in an application for an initial or renewal license;
- 184 (4) Fraudulently or deceptively obtaining the license for oneself or another;
- 185 (5) Fraudulently or deceptively using the license;
- 186 (6) Failing to comply with any provision of this Chapter or of any rule or regulation adopted  
187 in the City Code.

188  
189 § 147-26 Licenses under special exception approval.

190 The Board of Appeals may consider a Special Exception for a short-term rental license under the  
191 findings stated in Chapter 25, Article IV of the City Code for locations outside of the STRD, but  
192 east of Pulaski Highway.

193  
194 § 147-27 Appeals of licensing decisions.

195 All appeals of administrative decisions will be heard by the Board of Appeals per Chapter 25,  
196 Article IV of the City Code.

197  
198 § 147-28 Penalties.

199 All violations of this code may lead to a suspension, revocation or denial of a license. Any person  
200 who violates any provisions of this Chapter may be guilty of a misdemeanor and/or receive a fine  
201 of \$100 for each offense. Each day a violation continues is a separate offense.

202  
203 This ordinance becomes effective on June 1, 2023. All Hosts must apply for a license to their  
204 property within 10 days of the effective date.

205



206 ADOPTED by the City Council of Havre de Grace, Maryland this \_\_ day of \_\_\_\_\_, 2023.

207

208 SIGNED by the Mayor and attested by the Director of Administration this \_\_\_\_\_ day of \_\_\_\_\_,  
209 2023.

210

211

212 ATTEST:

MAYOR AND CITY COUNCIL  
OF HAVRE DE GRACE

213

214

215

216 \_\_\_\_\_  
Stephen J. Gamatoria

216 \_\_\_\_\_  
William T. Martin

217 Director of Administration

217 Mayor

218

219

220 Introduced/First Reading: 2/21/2023

221 Public Hearing: 3/6/2023

222 Second Reading/Adopted:

223

224 Effective Date:

225

226

227

228 Legislative History

229 Ordinance No. 886, adopted 5/21/2007

230 Ordinance No. 853, As Amended, adopted 3/1/2004

Second Reading

# Appendix 1

