

## **Outline of Short-Term Rental (STRs) Regulations For: Kennebunkport, Bar Harbor, Cape Elizabeth, and Falmouth, Maine**

The Planning Board has researched how other similar municipalities within Maine are regulating short-term rentals in their community. The purpose of this document is to provide the Select Board with an overview of existing short-term regulations from four of the towns selected by the Planning Board. The outline below provides the Purpose for regulating STRs, and the general structure of the ordinance for each of the above-referenced towns:

### **1. Kennebunkport Zoning Ordinance:**

[https://www.kennebunkportme.gov/sites/g/files/vyhlf3306/f/uploads/short-term\\_rentals\\_ordinance.pdf](https://www.kennebunkportme.gov/sites/g/files/vyhlf3306/f/uploads/short-term_rentals_ordinance.pdf)

**Purpose:** Require short-term rental disclosure and licensing to ensure residential neighborhoods are not unduly impacted by operation of STRs. This can be accomplished by a licensing program that enables the town to monitor and track proliferation of STRs, includes modest performance standards intended to protect property owners, renters and neighbors and to limit the number of STRs. Historic nature and long-standing tradition of STRs within Goose Rocks Beach neighborhood will not be subject to licensing limits but will be subject to all other requirements in article.

### **Ordinance Structure:**

Definitions

General Requirements

Review Procedure

- Application completeness

- Application license fee

- Town clerk authority

- Inspection

- Transitional provisions for licensing or pre-existing STR

- Issuance of rental license

Submission Requirements

- Location

- Contact person(s)

- Renewals

- Show compliance with standards

Standards

- Code compliance

- Smoke alarms

- Carbon monoxide alarms

- Portable fire extinguishers

- Floor plans

- Sanitary waste disposal

- Parking

- Good neighbor guidelines

- Occupancy limits

Suspension and revocation of license

- Providing false or misleading information

- Failure to provide registration records

Limitations on annual licenses for STR units

Violations and penalties; enforcement

Additional regulations (may adopt more)

**2. Bar Harbor Land Use Ordinance:**

<https://ecode360.com/BA1953/laws/LF1451886.pdf>

**Purpose:** Adopted ordinance to regulate STRs by creating and defining STRs, Vacation Rental-1, Vacation Rental-2 uses and establishes standards for the new uses that include provisions for transition from V-1 to V-2, and to cap the number of rental period to 2 nights, and cap number of STRs town wide to 9% of total residential dwelling units, allow V-1 and V-2 only in certain identified districts.

**Ordinance Structure:**

Land use activities and standards by districts:

- Allowed uses
- Allowed activities

Site Plan Review

- Terms
- Maximum number of V-1 registrations
- Maximum number of V-2 registrations
- Transfer of registration prohibited
- Transition to V-1 and V-2
- Transition Process
- Continuance of registration for V-1 and V-2

Definitions

**3. Cape Elizabeth Zoning Ordinance:**

<https://www.capeelizabeth.com/ShortTermRentalOrdinanceStandards>

**Purpose:** Residents prize the peace and quiet of their neighborhoods. Neighborhood residents are concerned that STRs, especially during summer months and holidays, are negatively impacting by the STR taking on the character of a business operating in a residential neighborhood. To preserve the fabric of residential neighborhoods, to minimize impacts of transient occupation on adjacent residents, to maintain housing availability for long-term residents and to protect the public safety of visitors and residents, the operations of STRs must be efficiently and effectively regulated to balance the respective interests of town residents. Purpose of this section is to balance the desire of property owners to rent their properties to STR tenants and the desire of residents to preserve the peaceful quiet and enjoyment of their residential neighborhoods.

**Ordinance Structure:**

Permitted STRs

- Primary Residence Hosted
- Primary Residence Un-hosted
- Seven acres plus STRs
- STR Adjacent

Short Term Rental Requirements

- Permit required
- Advertising
- Rental intensity
- Registration record
- Multi-family and Multiplex

Review procedure

Submission Requirements

Standards

- Code compliance

- Building excavation plan

- Sanitary waste disposal

- Parking

- Rental agreement addendum

  - Primary and secondary contact

  - Emergency responder contact information

  - Building evacuation plan

  - Maximum tenants and guests

  - Parking arrangements

  - Maximum tenants and guests allowed at the property

  - Good neighbor guidelines

  - Copy of the Miscellaneous Offenses Ordinance

- Limit on rental occupancy

- Response requirement

- Good neighbor conduct

Suspension and Revocation of Permit

- Complaint

  - First substantiated complaint

  - Second substantiated complaint

  - Third substantiated complaint

- Appeal

- Effective date

#### **4. Falmouth Ordinance:**

[https://www.falmouthme.org/sites/g/files/vyhliif556/f/uploads/ordinance\\_21-2022\\_0.pdf](https://www.falmouthme.org/sites/g/files/vyhliif556/f/uploads/ordinance_21-2022_0.pdf)

**Purpose:** To authorize and require registration for use of legally existing dwelling unit for short-term rental guests, for compensation, for periods less than 30 consecutive days. Intended to monitor the impact on residential neighborhoods by the operation of STRs and to provide a registration program that enables the Town to monitor and track short-term rentals.

#### **Ordinance Structure:**

Definitions

- ADU

- Advertising

- Bed and Breakfast Est

- Dwelling unit

- Dwelling, single family detached

- Dwelling, two family

- Dwelling, multi family

- Family

- Hotel

- Mobile Home

- Motel

- Non-owner occupied

- Owner

- Owner-occupied

Primary Residence

Short-term rental

Tenant Occupied

Applicability

Registration required

Information / Documentation Required

Nonrefundable registration fee

Street address

Name of all owners, contact information

Type of STR (Single, Two, ADU)

Whether STR occupies entire dwelling unit or two family or multifamily

If STR on property containing both single family detached and ADU, is owner in one

Is STR owner occupied, tenant occupied or non-owner occupied

Is property owner's primary residence

Street address all other STR where owner has ownership interest

Emergency contact respond w/in 60 minutes

Certificate of Insurance- property insurance, general liability insurance....

Enforcement, Penalties

Fine \$1k a day and additional \$1.5k for each additional offence, other violations \$500 day.