TOWN OF Fryeburg

SHORT-TERM RESIDENTIAL RENTAL ORDINANCE

1. **Purpose**

The Town of Fryeburg seeks to balance the desire of property owners to rent their properties to short-term tenants and the desire of residents to preserve the character of their residential neighborhoods. The purpose of this ordinance is to protect public health, safety, and general welfare of the community.

1. **Definitions**

**Dwelling Unit:**

A room or group of rooms designed and equipped exclusively for use as permanent, seasonal or temporary living quarters for only (1) family at a time, and containing cooking, sleeping and toilet facilities. The term shall include manufactured housing, mobile home and rental units that contain cooking, sleeping and toilet facilities regardless of the time period rented. The term shall not include recreational vehicles or so-called park model mobile homes provided they are registered with the State Division of Motor Vehicles and have all tires placed on the ground and are not used as a dwelling on the same lot for more than 120 days per year.

**Short-Term Rental (STR):**

The use, control, management or operation of a legally-existing dwelling unit, in whole or in part, for dwelling, sleeping or lodging purposes for fewer than thirty (30) consecutive days and for compensation, directly or indirectly. Short-term rentals do not include motels, hotels, hostels, bed and breakfast inns, and town approved campgrounds. A short-term rental does not include legally existing dwelling units that are rented no more than twice per calendar year and for less than a total of 14 days in a calendar year.

**Un-Hosted Short-Term Rental:**

A dwelling that is not occupied by the owner when any part of the dwelling unit is rented as a short-term rental.

**Hosted Short-Term Rental:**

A dwelling that is occupied by the owner when any part of the dwelling unit is rented as a short-term rental.

**3. Registrations**

A. Effective [Date of Approval] no person shall operate a short-term rental without first receiving a registration number and certificate for the short-term rental from the Fryeburg Code Enforcement Officer. Application forms and a self-inspection checklist will be available on the Town's website and at the Fryeburg Town Office.

B. A proposed short-term rental may only be registered by the legal owner of the proposed short-term rental.

C. Non-refundable fees for a short-term rental shall be adopted, by order of the Fryeburg Select Board, and may be amended from time to time. Such fee(s) must be submitted with the registration form at the time of registration and/or renewal.

D. All first time and renewal owners will be required to file an "Application for Short-Term Rental Registration" with the Code Enforcement Officer. The applicant shall provide all the information requested on the short-term rental registration application form provided by the Code Enforcement officer, including, but not limited to, the following information: owner, application, Self-Inspection Checklist

E. A Short-Term Rental shall not be considered registered until all information and fees are provided to the satisfaction of the Town Office, a registration number has been assigned, and a registration certificate has been issued.

F. Beginning on {Date of Approval], registration cycles will run for a one-year period from January 1st to December 31st. Registration renewals shall be required on an annual basis. Applications for renewals will be accepted from September 1st to December 31st of each calendar year. Any renewal applications received after that date will be considered late and will be subject to a late fee determined by the Town of Fryeburg Fee Schedule or application denial.

G. First time registration applications may be completed at any time during a calendar year or registration cycle. For the purposes of this Ordinance "first time applications" shall include property owners wishing to register their short-term rental units for the first time, or after more than one year's lapse of a previously issued registration.

H. All first-time registration applications, and any renewal applications for which there have been changes over the previous year, will be reviewed by the Code Enforcement Officer prior to the issuance of the registration number and certificate by the Town Office.

I. Any change in ownership shall require a registration application as a "first time" registered owner.

J. All renewal registration applications (including late renewal applications as described in section (F) above) shall be reviewed and approved annually by the Fryeburg Code Enforcement Officer prior to the issuance of the registration number and certificate by the Code Enforcement Officer. The Code Enforcement Officer shall provide a summary of all complaints and any resolution to said complaints filed during the previous registration cycle to the Town Manager for their review along with the registration renewal applications.

**4. Operating Standards**

In addition to the registration requirements set forth in Article III of this document, the following operating standards shall apply, and shall constitute violations of this ordinance if not followed:

A. Emergency Contact. The owner must identify a registered agent(s) or representative(s) for emergency contact purposes, who may be the owner. The Emergency Contact Person(s) must be able to respond within 60 minutes (24 hours per day/7 days a week) to complaints regarding the condition, safety, operation of the short-term rental, or the conduct of guests. The Emergency Contact Person(s) must be able to take such remedial action on behalf of the owner, or as otherwise allowed by law, to resolve such complaints.

B. Occupancy limits. Guests shall be limited to a maximum of two guests per legally permitted bedroom, plus no more than two additional overnight guests. Limits will be based on the number of bedrooms listed on the building permit, approved septic system design. In the case of a dwelling legally existing without any of the information listed above, the number of bedrooms shall be based upon the historic and traditional use of the structure as represented by the property owner.

C. Parking. The owner must provide sufficient off-street parking to meet the parking requirements of the LUO for the STR(s), as well as sufficient off-street parking for all overnight guest vehicles. The number of overnight guest vehicles allowed shall be restricted to the number of off-street parking spaces provided by the owner. Parking space(s) within a garage may be counted for this purpose. Tenants and guests of short-term rentals are prohibited from parking in a manner that impedes access by emergency vehicles to the property or any other dwelling in the neighborhood.

D. Evacuation Plans. All property owners are required to create an evacuation plan and post in a visible location in the short-term rental property in case of emergency.

E. Safety. All short-term rental units shall comply with the following requirements:

1) Be properly identified with their legal street number and in accordance with the Town of Fryeburg Street Names and Numbering Ordinance.

2) Shall have at least one portable type A/B/C fire extinguisher mounted in a prominent location within the Short-Term Rental (5 lb. recommended).

3) Short-term rental units contained in structures constructed prior to December 1, 2010 shall comply with the following current standards:

a) The "2013 Egress Policy" issued by the Office of the State Fire Marshal;

b) State of Maine Title 25, §2464: Smoke detectors;

c) State of Maine Title 25, §2468: Carbon monoxide detectors.

d) State of Maine Title 25, §2469: Fuel gas detectors (if so equipped)

F. Solid Waste Disposal. The property owner and renters shall ensure that solid waste is removed from the property or securely stored prior to the new guests entering the property. In no case shall solid waste remain on the property for more than a week after each rental period.

G. Noise. The owner and renters must adhere to the standards located in the Fryeburg LUO Section 16. H.

H. Insurance. At the time of registration, the owner must provide a certificate of insurance that expressly acknowledges that the property may be used for short term rental business activity and evidencing general liability insurance appropriate to cover the short-term rental use in the aggregate of not less than $1 million, or proof that the owner conducts short term rental transactions through a hosting platform that provides equal or greater coverage. The owner must maintain such insurance coverage while rented. If insurance lapses, short term rental registration is revoked.

I. Posting of Short-Term Rental Registration Certificate. The short-term rental registration certificate issued by the town of Fryeburg, must be posted inside the short-term rental, in plain sight, near the entrance to the dwelling unit.

**5. Prohibited Activities, Violations and Enforcement**

A. The following activities are prohibited:

1) The short-term rental of property that is not in compliance with this ordinance.

2) Offering a short-term rental in a structure that was not permitted by the town for human habitation.

3) The preparation or serving of food to short-term rental guests by the owner or their agent that would require a food license from the State of Maine.

B. Violations of this ordinance include but are not limited to the following:

1) Providing false or misleading information on an application for a short-term rental;

2) Failure to comply with the parking provisions of Section 4.C. of this Ordinance;

3) Failure to comply with the occupancy limits of Section 4.B. of this Ordinance;

4) Violation of any short-term rental condition, restriction or other criteria;

5) Violation of any statute, ordinance, or regulation applicable to the short-term rental; and/or,

6) Violations discovered through normal monitoring by the Town of Fryeburg.

C. Complaints Concerning Short-term rentals. In an emergency, call 9-1-1. All complaints regarding short-term rentals shall be brought to the attention of the Code Enforcement Officer through the completion and submission of a Citizen Complaint Form. The Code Enforcement Officer shall establish and maintain a record of all complaints received for each short-term rental and investigated by the Code Enforcement Officer. The Code Enforcement Officer shall seek to obtain voluntary compliance through the correction of all substantiated complaints by the short-term rental owner.

D. Suspension or Revocation of a Registration. If a violation of this Ordinance exists and cannot be resolved between the Code Enforcement Officer and the owner, and if the nature and/or number of complaints warrants further review of the registration, the Code Enforcement Officer shall provide a report to the Town Manager for review and consideration. The Code Enforcement Officer may condition, suspend, or revoke a short-term rental registration on the basis of the property owner's non-compliance with this ordinance. Any decision of the Code Enforcement Officer described above may be appealed to the Board of Appeals. Owners who have previously had a registration(s) revoked pursuant to this article shall be allowed to be registered in the future only by order of the Select Board or Appeals Board.

E. Failure or Refusal to Obtain Short-Term Rental Registration; Enforcement. Failure or refusal to obtain a short-term rental registration prior to operating and/or advertising a short-term rental as required by this Ordinance shall be considered a violation of this ordinance and may be subject to fines and penalties as set forth in The Fryeburg Town Fee Schedule established by the Select Board. Each day that a violation continues shall constitute a separate violation. For the violation of operating and/or advertising a short-term rental without a valid registration, the violator shall be penalized with a per day fine equal to the yearly registration fee for the first offense and an additional per day fine equal to three times the yearly registration fee for each additional offense. Any such fines or penalties may be in addition to any suspension or revocation imposed in accordance with the provisions of this Article.

The Town may institute or cause to be instituted any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this Ordinance. In any court action, the Town may seek injunctive relief in addition to or instead of fines/penalties. The Town shall be entitled to recover its costs of enforcement, including its reasonable attorneys' fees.

F. Appeal. Procedures. Any applicant who has requested a permit and has been denied, or whose certification has been revoked or suspended, may appeal the decision to the Fryeburg Board of Appeals within thirty (30) days of the denial, suspension, or revocation. The Board of Appeals may grant or reinstate the certification if it finds that the permitted activities would not constitute a detriment to the public health, safety or welfare, or violate the Town's ordinances or regulations; or the denial, revocation or suspension was arbitrary or capricious. Appeals from decisions of the Board of Appeals shall be taken within thirty (30) days to the Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

**6. Conflicts with other Ordinances**

In the event of a conflict between the provisions of this Ordinance and any applicable State or local law, ordinance, or regulation, the more restrictive provision shall control. The issuance of any registration pursuant to this Ordinance shall not relieve the owner of the obligation to comply with all provisions of any other municipal ordinances or any other applicable laws or regulations pertaining to the use and occupancy of the property on which it is located.