**TOWN OF FRYEBURG**

**SHORT-TERM RESIDENTIAL RENTAL ORDINANCE**

**SECTION 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 adopt appropriate controls that allow the Short-Term Rental of legally existing dwelling units to short term tenants while minimizing the impacts that Short-Term Rentals pose to neighboring property owners. The intent of this Ordinance is to adopt reasonable Short-Term Rental regulations to monitor the proliferation of Short-Term Rentals in the Town of Fryeburg, and to ensure that Short-Term Rentals do not adversely impact the public health, safety, and general welfare of the community

**SECTION 2. DEFINITIONS**

**Dwelling Unit:**

A room or group of rooms designed and equipped exclusively for use as permanent, seasonal or temporary living quarters and that contains 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, yurts, cabins, cottages, town approved campgrounds or similar rental facilities. A Short-Term Rental does not include legally existing residential properties that are rented for less than a total of 14 days in a calendar year.

**SECTION 3. REGISTRATIONS**

1. The Code Enforcement Officer shall have the authority to issue Short-Term Rental registration numbers and certificates. Effective January 01, 2025 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.
2. A proposed Short-Term Rental may only be registered by the legal owner of the proposed Short-Term Rental.
3. Non-refundable registration 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.
4. All first time Short-Term Rental registrants and Short-Term Rental registrants seeking to renew their Short-Term Rental Registration 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 including a self-inspection checklist provided by the Code Enforcement Officer.
5. A Short-Term Rental shall not be considered registered until all information and fees are provided to the Code Enforcement Officer, a registration number has been assigned, and a registration certificate has been issued.
6. Short-Term Rental registrations shall be valid for the calendar year for which the Short-Term Rental registration is issued. Short-Term Rental registrations shall expire on December 31st of each year. Short-Term Rental registrants may renew Short-Term Rental registrations by filing a “Application for Short-Term Rental Registration” on an annual basis.

On June 30, 2024, the Code Enforcement Officer shall begin accepting Short-Term Rental registration applications for the following calendar year beginning on January 1, 2025. For each calendar year thereafter, the Code Enforcement Officer will accept Short-Term Rental registration applications for the renewal of a Short-Term Rental registration for the following calendar year beginning on September 1 of the year prior. Any renewal applications received after a license has expired will be considered late and will be subject to a late fee determined by the Town of Fryeburg Select Board or application denial.

1. 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 registration 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. First time registration applications shall be valid from the date the registration number and certificate issues until the end of the calendar year in which the registration number and certificate issued.
2. Short-Term Rental registrations issued by the Code Enforcement Officer shall not be transferable to a new owner or location when a registered Short-Term Rental is transferred, by any means, to any person or entity other than the Short-Term Rental registrant. Any change of ownership of a Short-Term Rental shall require a new registration application, and such application shall be treated as a first-time registration application.
3. 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.

**SECTION 4. OPERATING STANDARDS**

In addition to the registration requirements set forth in section 3, the operating standards listed in section 4(A)-(H) of this Ordinance shall apply to all Short-Term Rentals. Failing to meet any of the standards listed in section 4(A)-(H) of this Ordinance shall constitute a violation of the Ordinance.

1. Emergency Contact: The Short-Term Rental owner must identify, and file with the Code Enforcement Office, an emergency contact who is available to respond to complaints concerning and emergencies at the Short-Term Rental. The emergency contact may be a registered agent(s) of the Short-Term Rental owner, a representative(s) of the Short-Term Rental owner, or the Short-Term Rental owner. The Emergency Contact Person(s) must be able to respond within 3 hours to complaints regarding the condition, safety, operation of the Short-Term Rental, or the conduct of Short-Term Rental guests. The Emergency Contact Person(s) must be able to take remedial action on behalf of the Short-Term rental owner, or as otherwise allowed by law, to resolve such complaints.
2. Occupancy Limits: Guests shall be limited to a maximum of two guests (age 2 or above) per legally permitted bedroom, plus no more than two additional overnight guests (age 2 or above). Occupancy limits for a Short-Term Rental shall be established based upon the number of bedrooms listed on the building permit, and/or the approved septic system design for the Short-Term Rental. No room may be used or counted as a bedroom unless the room has 2 legal means of egress.
3. Parking: The owner must provide sufficient off-street parking to meet the parking requirements of the LUO for the Short-Term Rental(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 Short-Term Rental owner. Parking space(s) within a garage may be counted for this purpose. Renters and guests of Short-Term Rentals are prohibited from parking in a manner that impedes access by emergency vehicles to the property on which the Short-Term rental is located or any other dwelling unit.
4. Evacuation Plans: All Short-Term owners are required to create an evacuation plan and must post the evacuation plan in a visible location in the Short-Term Rental property in case of emergency.
5. Safety: All Short-Term Rental units shall comply with the following requirements:
6. Short-Term Rentals shall be properly identified with their legal street number and in accordance with the Town of Fryeburg Street Addressing Ordinance.
7. Short-Term Rentals 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).
8. Short-Term Rental units contained in structures constructed prior to December 1, 2010 shall comply with the following current standards:
9. The "2013 Egress Policy" issued by the Office of the State Fire Marshal;
10. State of Maine Title 25, §2464: Smoke detectors;
11. State of Maine Title 25, §2468: Carbon monoxide detectors; and
12. State of Maine Title 25, §2469: Fuel gas detectors (if so equipped)
13. Solid Waste Disposal: The Short-Term Rental owner and renters shall ensure that solid waste is removed from the Short-Term Rental 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.
14. Noise: The Short-Term Rental owner and Short-Term Rental guests must adhere to the applicable sound pressure limits in Section 16(H) of the Town of Fryeburg Land Use Ordinance.
15. Posting of Short-Term Rental Registration Certificate: The Short-Term Rental registration certificate issued by the Code Enforcement Officer, must be posted inside the Short-Term Rental, in plain sight, near the entrance to the dwelling unit.

**SECTION 5. PROHIBITED ACTIVITIES, VIOLATIONS AND ENFORCEMENT**

1. The following activities are prohibited:
2. The Short-Term Rental of property that is not in compliance with this Ordinance.
3. Offering a Short-Term Rental in a structure that was not permitted by the Town for human habitation.
4. The preparation or serving of food to Short-Term Rental guests by the Short-Term Rental owner or their agent that would require a food license from the State of Maine.
5. The operation of a Short-Term Rental without a valid registration number and certificate issued by the Code Enforcement Officer.
6. Violations of this ordinance include but are not limited to the following:
7. Providing false or misleading information on an application for a Short-Term Rental;
8. Failure to comply with the parking provisions of Section 4(C) of this Ordinance;
9. Failure to comply with the occupancy limits of Section 4(B) of this Ordinance;
10. Violation of any Short-Term Rental registration condition, restriction or other criteria;
11. Violation of any statute, ordinance, or regulation applicable to the Short-Term Rental.
12. Complaints Concerning Short-Term Rentals: In an emergency, call 9-1-1. Complaints regarding Short-Term Rentals may be submitted to the Code Enforcement Officer by submitting a Citizen Complaint Form. The Code Enforcement Officer shall establish and maintain a record of all complaints received for each Short-Term Rental and shall expeditiously investigate such complaints. The Code Enforcement Officer shall seek to obtain voluntary compliance from Short-Term Rental registrants through the correction of all substantiated complaints.
13. Suspension or Revocation of a Registration: When, in the judgment of the Code Enforcement Officer, one or more violations of this Ordinance exist at a Short-Term Rental, or the nature and/or number of complaints warrants further review of the Short-Term Rental registration, the Code Enforcement Officer shall prepare and provide a report concerning such Short-Term Rental to the Select Board. After notice and a public hearing, the Select Board may condition, suspend, or revoke a Short-Term Rental registration on the basis of the property owner's non-compliance with this ordinance, any applicable law, ordinance, or regulation, or any condition or criteria imposed on the Short-Term Rental registration. Short-Term Rental owners who have previously had a registration(s) revoked pursuant to this section shall be allowed to be registered in the future only by order of the Select Board.
14. Failure or Refusal to Obtain Short-Term Rental Registration: 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 the fines and penalties set forth in a penalty 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 section 5(D).

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.

1. Appeal Procedures: Any person who is aggrieved by the Select Board’s decision to condition, suspend or revoke a Short-Term Rental registration may appeal such decision to the Superior Court, pursuant to Rule 80B of the Maine Rules of Civil Procedure, within thirty (30) days of the Select Board’s decision.

**SECTION 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.