

ADD 5.12 SHORT TERM RENTAL as follows:

1 §5.12.1 Purpose

2 The use and intent of these regulations is to ensure that any home-based short-term rental
3 business operates in a manner that respects the neighborhood in which it is situated. The
4 regulations allow short term rental operations in residential dwelling units with the intent of
5 protecting the quality of life of the surrounding residential neighborhood from unreasonable or
6 unsafe intrusions and nuisances inappropriate to a residential setting.

7
8 §5.12.2 Definitions

9 **Owner** means a person who is the owner of record of real property as documented by deed or
10 other document evidencing ownership recorded at the York County Registry of Deeds.

11 **Owner Occupied** means the owner is domiciled at the property for no less than 183 days in a tax
12 year, as documented by a State of Maine Income Tax Return or other document evidencing
13 owner occupancy.

14 **Short-term rental** means the use, control, management or operation of a dwelling unit or
15 accessory dwelling unit, in whole or in part for dwelling, sleeping or lodging purposes for
16 periods of fewer than 30 consecutive days; for compensation, directly or indirectly.

17 § 5.12.3 Applicability

18 A. This Chapter applies to any residential dwelling unit, room within a dwelling unit, or
19 accessory dwelling unit that is rented, in whole or in part, for a period of less than thirty
20 consecutive days, for compensation, directly or indirectly.

21 B. Exclusions. Excluded from this chapter are:

- 22 (1) Dwelling units used, in whole or in part, for dwelling, sleeping or lodging purposes for
23 periods 30 consecutive days or more.
24 (2) Lodging establishments such as hotels, motels, bed and breakfasts, inns, boarding or
25 rooming houses, or temporary housing.

26 C. Nothing contained in this Chapter supersedes any condominium, homeowner, or restrictive
27 deed covenants that apply to the dwelling unit.

28 § 5.12.4 License Required

29 A. No person may advertise or operate a short-term rental unit without a license issued by the
30 Code Enforcement Officer. Short-term rental units in operation prior to the adoption of this
31 ordinance must be licensed no later than December 31, 2020.

32 B. Non-refundable fees for the license are set forth in Appendix A.

33 C. Short-term rental licenses must be renewed on an annual basis. Each license issued under
34 this chapter expires one year from issuance.

35 D. Each licensee will receive a certificate issued by the Code Enforcement Officer stating the
36 license number, valid license period, occupancy limit for the unit, the name and emergency

37 contact information of the operator of the short-term rental unit, and the name and contact
38 information of the property owner if different than the operator.

39 E. A license is not transferrable to any other person, or from location to location, and is valid
40 only at the location and for the person designated. Any change in ownership of the dwelling unit
41 will require a new license.

42 § 5.12.5 License Limits

43 A The baseline number of short-term rental licenses available for issuance will be equal to the
44 total number of licensed short-term rental units as of December 31, 2020 in accordance with
45 §5.12.4(A).

46 B. The number of licenses issued in calendar year 2021 may not exceed the starting number as
47 determined by 5.12.5(A) plus 8%.

48 C. The number of licenses issued in calendar year 2022 may not exceed the total number of valid
49 licenses as of December 31, 2021 plus 8%.

50 D. No later than September 30, 2022, the Kittery Town Council will receive a report from the
51 Town Manager, regarding the total number of licenses issued and the status of implementation
52 and compliance with the ordinance, to determine if the total number of available licenses for
53 issuance per year should adjusted for the ensuing calendar year.

54 E. If a license is cancelled by the license holder or denied or revoked in accordance with §5.12.8,
55 it will become an available license for issuance in the calendar year it is cancelled, denied or
56 revoked.

57 F. Owners will have the right to renew their license each year, unless the license is otherwise
58 denied, revoked or suspended in accordance with §5.12.8.

59 § 5.12.6 Standards

60 A. Owner: Only the owner of the property can apply for the dwelling unit to be used for short-
61 term rental.

62 B. Occupancy limits.

63 (1) No more than one short-term rental contract is allowed per dwelling unit at any one
64 time.

65 (2) No more than two adults per bedroom are allowed, unless otherwise approved by the
66 Code Enforcement Officer and the Fire Chief or their respective designees. Increased
67 occupancy limits may be granted upon application to the Code Enforcement Officer
68 and inspection of the dwelling unit.

69 F. Property Taxes Current. No property may be licensed for short-term rental if the property is
70 subject to an existing foreclosure or lien from the Town for non-payment of taxes.

71 G. Emergency Contact. The owner must provide emergency contact information or identify a
72 person who will serve as the agent or representative for emergency contact purposes.

73 Multiple emergency contact people may be identified. One of the emergency contact people
74 must be able to respond within sixty minutes or less to complaints regarding the condition,
75 safety or operation of the dwelling unit as a short-term rental, or the conduct of guests, and
76 take remedial action to resolve such complaints. The owner must notify the Town and
77 provide updated contact information if a contact person or information changes.

78 H. License number. Licenses will be issued with a unique license number. The license number
79 must be displayed within the dwelling unit and in all advertising for the short-term rental of
80 the dwelling unit.

81 I. Parking.

82 (1) The owner must provide sufficient on-site parking to serve the residential dwelling unit(s)
83 and the short-term rental unit(s) on the property. The total number of on-site parking spaces
84 will be the calculated as the number of spaces required for the dwelling unit per Chapter
85 16.8.9.4 plus one parking space for each short-term rental unit on the property. Tandem
86 parking is permitted.

87 (2) Required on-site parking may be satisfied at off-site locations, provided such parking is
88 on other property owned by the applicant or is under the terms of a contractual agreement
89 that will ensure such parking remains available for the uses served. Applicant must present
90 evidence of a parking location and a contractual agreement indicating the availability of the
91 parking to the Code Enforcement Officer for review and approval prior to issuance of a
92 license.

93 § 5.12.7 Complaints

94 Complaints of criminal or ordinance violations associated with the operation of short-term
95 rentals brought to the attention of the Code Enforcement Officer or Police Department will be
96 logged and investigated.

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98 § 5.12.8 Denial, Suspension, or Revocation of License

99 A. Denial. The Code Enforcement Officer may deny a license or license renewal upon failure of
100 the applicant to meet all of the requirements of this Chapter, or for three or more
101 substantiated criminal or ordinance violations associated with the property within the prior
102 twelve months.

103 B. Suspension or revocation. The Code Enforcement Officer may suspend or revoke a license
104 for violation of any provisions of this Chapter, or for three or more substantiated criminal or
105 ordinance violations associated with the property within a twelve-month period.

106 a. A license may be suspended for no longer than six months, during which time the
107 dwelling unit may not be used as a short-term rental.

108 b. A license may be revoked and cannot be reissued for twelve months. The Code
109 Enforcement Officer may authorize the reissuance of a license if they find sufficient
110 corrective action has been taken to prevent violations in the future.

111 § 5.12.9 Appeal

112 A Code Enforcement Officer decision on denial, suspension, or revocation of a license may be
113 appealed to the Board of Appeals as provided in §16.6.4A.

114 § 5.12.10 Violations

115 A. Any violation of this Chapter will be assessed a penalty of \$250. Each day any violation of
116 this Chapter continues constitutes a separate offense.

117 **AMEND Appendix A as follows:**

118 **Chapter 5.12 SHORT TERM RENTAL**

119 <u>Owner Occupied</u>	<u>\$50/annually</u>
120 <u>Non-Owner Occupied –</u>	<u>\$100/annually</u>
121 <u>Increased occupancy limit application</u>	<u>\$100/one time</u>