

Article I: Purpose

No Change

Article II: Definitions

- 1) Dwelling: A fixed structure containing one or more dwelling units
- 2) Dwelling unit; A room or group of rooms used as living quarters containing living, sleeping, toilet and cooking facilities. This does not include hotels, motels, rooming houses, trailers or recreational vehicles registered with the MBMV (Add B&B?)
- 3) Hosted Home stay: A dwelling unit that is controlled or monitored by the owner or his registered agent during the short term rental period. A dwelling unit is controlled or monitored if the owner or his registered agent respond to a complaint by the CEO or a police officer within thirty minutes. There is no minimum night stay required for hosted home short stay short term rentals.
- 4) Non Hosted Home stay. A dwelling unit that is not controlled or monitored by the owner or his registered agent within thirty minutes of a complaint issued by the CEO or a police officer.
- 5) Short Term Rental: The rental, use control, management or operation of a registered dwelling unit for fewer than 30 consecutive days for compensation, except dwelling units rented or used no more than twice and for less than a total of 14 days per calendar year. .

Art III Registrations

- 1) No dwelling unit shall be operated as a short term rental unless it is registered with the Freeport Town Clerk
- 2) A short term rental shall be registered by the owner of the dwelling unit for which registration is applied
- 3) The fee established by the Town Council shall be submitted to the Town Clerk with the completed registration form .
- 4) When the registration fee has been paid and all required information has been submitted to the satisfaction of the clerk, the clerk shall issue a short term rental certificate for the dwelling unit
- 5) Initial registration applications for short term rentals may be submitted to the Town Clerk from April 1 2021 to June 1 2021. Certificates will be issued by the Town Clerk on a space available basis and shall remain effective until March 1 2022.
- 6) Application for renewal of short term rental certificates will be accepted from Dec 1 – March 1 of each calendar year and a short term rental certificate will be issued if the registration fee has been paid and all required information has been submitted to the satisfaction of the Town clerk to be effective from March 1 to March 1 of the following year.
- 7) Applications for short term rental registration may be submitted to the Town Clerk any time after the effective start date of the registration cycle and may be granted by the clerk on a space available basis if the annual fee and all required information is submitted, to be effective to March 1 next.
- 8) Short term Rental registration certificates shall be transferrable only in case of the transfer of ownership of the registered dwelling unit between members of immediate family which shall include the child spouse or parent of the original applicant.
- 9) All applications except renewal applications without changes shall be reviewed by the CEO before issuance of the short term rental registration certificate by the Town Clerk.

10) All renewal applications for short term rental registration certificates shall be reviewed and approved annually by order of the Town Council prior to issuance of said certificate by the Town Clerk. The Council shall review any complaints submitted by the CEO before approving said applications for renewal.

Registration Applications:

A. Applications for short term rentals will be made on forms provided by the Town Clerk. At a minimum the applications will include:

- 1) The name, address and contact information for the owner of the dwelling unit and the registered agent (if any)
- 2) The building permit or certificate of occupancy for the dwelling unit displaying the permitted number of bedrooms.
- 3) The number and location of offstreet parking spaces provided for the dwelling unit.
- 4) A plan for evacuation from the dwelling unit
- 5) The legal street number for the dwelling unit
- 6) Certificate of Owner that an appropriately sized portable fire extinguisher is mounted in an appropriate location within the dwelling unit.
- 7) If the dwelling unit was constructed prior to Dec 1, 2010

Certificate of owner that the dwelling unit complies with the following standards:

- a) Maine Uniform Building and Energy Code effective at the time a building permit was issued
- b) The 2013 Egress Policy (State Fire Marshall)
- c) Smoke Detectors 9 State of Maine Title 25 sec. 2464
- d) Carbon Monoxide detectors State of Maine Title 25 sec. 2468
- e) Certificate of Insurance for use of dwelling as a short term rental including property insurance and general liability coverage in the amount of one million dollars (\$1,000,000) for each separate claim. Alternatively the owner may provide proof that said insurance is provided through a hosting program which includes the short term rental of the dwelling unit.

B. Certificates for short term rental registration shall be made by the Town Clerk. The total number of certificates issued annually shall be limited to 300

- 1) First priority for issuance of certificates shall be given to renewal applicants.
- 2) After all qualifying renewal applicants are issued certificates the Town clerk shall issue remaining certificates to late renewal applicants, first time applicants and lapsed certificate applicants. If more than 300 total applications are received the remaining certificates will be issued on a lottery basis.

3) The Town Council may refuse to renew or issue certificates for short term rental registration on the basis of complaints filed and actions taken regarding the owners prior violations of the ordinance.

Violations:

Include but are not limited to the following:

- 1) Short term rentals that do not comply in whole or part with this ordinance
- 2) Short term rental in a dwelling unit condemned for human habitation
- 3) Sublease or assignment of a dwelling unit during the term of a short term rental.
- 4) The preparation or serving of food in a dwelling occupied as a short term rental if it would require a victualer's license from the Town of Freeport or a food license from the State of Maine.
- 5) Operation of a short term rental for a dwelling unit not registered as a short term rental with the Town of Freeport
- 6) Advertising (Using) a short term rental that is not issued a STRC by the Town of Freeport.
- 7) Advertising (Using) the dwelling unit for more occupants than certified by owner in the Application for registration.
- 8) Advertising (using) the dwelling unit or contiguous property for large scale events including but not limited to weddings, corporate events, clambakes, cookouts
- 9) Certifying or providing false or misleading information on an application for short term rental
- 10) Parking by occupants or guests in areas outside the parking locations certified in the owners application for STRC.
- 11) Occupancy of the short term rental that exceeds the limits certified in the application for registration,
- 12) Violation of any statute, ordinance, or regulation applicable to the short term rental.
- 13) Noise caused or created by the owner, occupant or guest of a short term rental that violates the standards of the Freeport Loitering, Curfew, and Noise Ordinance.
- 14) Failure to post the STRC issued by the Town Clerk inside the dwelling unit in plain sight near the entrance to the unit.
- 15) Disposal of solid waste by owner, occupant or guest that violates the standards of Freeport Solid Waste Disposal Ordinance.
- 16) Owner's failure to dispose of solid waste from the dwelling unit prior to start of a short term rental.

Enforcement;

A Police Complaint:

Violations of the ordinance shall be reported to the Freeport Police Department for investigation and enforcement. When violations are established The Freeport Police shall

- 1) Order compliance with the ordinance and/or mitigation of the consequences of the ordinance violation by the violator or owner of the registered dwelling unit

- 2) Impose on the owner or violator a fine of \$100 for a first violation ;and a fine of \$300 per day for each day the violation continues.
- 3) Issue a report of its investigation and its disposition to the Freeport CEO on a timely basis.

B. Citizen Complaint

Complaints by residents regarding violations of this shall be brought to the attention of the Freeport Codes Enforcement Officer through submission of a citizen complaint form .The Codes Enforcement Officer shall investigate all resident complaints and issue a report of all complaints received and investigative findings to the Town Council annually.

C. Town Council

1) If in the opinion of the Codes Enforcement Officer a violation of the STR ordinance cannot be resolved ,and the nature of the complaint warrants review of the short term rental registration the CEO shall issue a report to the Town Council recommending suspension or revocation of the short term rental registration .

2) Legal Action:

b) The town council may institute or cause to be instituted any and all actions ,legal and equitable,that may be appropriate or necessary for the enforcement of this ordinance including actions seeking remedies for fines, suspension,revocation and injunctive relief.If successful the Town shall be entitled to recover its cost of enforcement ,including reasonable attorney's fees.

3) After receiving a report by the CEO recommending suspension or revocation and after holding a public hearing ,if the owner requests one,the Council may condition,suspend or revoke the registration if it determines that a violation of the ordinance has occurred which has caused or will cause an unreasonable disruption or interference with the well-being of the community. Any owner of a dwelling unit aggrieved by a Council decision to suspend or revoke a short term rental registration may appeal the decision of the Town Council to the Maine Superior Court pursuant to Rule 80B of the Maine Rules of Civil procedure.