

DRAFT

as of 27 Jun 2019

SHORT-TERM RENTALS

1. PURPOSE

- A. To balance the desire of property owners to rent their residential properties to short term rental (STR) guest for compensation against the desire of residents to preserve the traditional peace and quiet of their residential neighborhoods.
- B. To ensure the safety of occupants of a STR property.
- C. To limit the number of non-owner occupied STR properties in Freeport.
- D. Protect town and property owner's from fraudulent rental scams.
- E. To prevent long-term rentals from being displaced with short-term rentals

2. DEFINITION

Authorized accessory dwelling unit means a residential living unit located next to the owners primary residence. May be on same lot or adjacent lot.

Dwelling unit means one or more rooms arranged for complete, independent living, with space for sleeping and living, and provisions for sanitation.

Freeport resident means that the owner of the dwelling unit declares Freeport as their primary domicile. Primary domicile as set by the state of Maine.

Hosted home means a dwelling unit that is the owner's primary domicile or authorized accessory dwelling unit, or the owner resides at another property located within 60 miles of the township of Freeport.

Non-Hosted home means a dwelling unit that is not the owner's primary domicile or authorized accessory dwelling unit, and they do not live within 60 miles of the township of Freeport.

Short-term rental (STR) is defined as the provision of a room or space that is suitable or intended for occupancy for a dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for compensation, directly or indirectly.

3. REGISTRATION

Effective 1 April 2020 no person or entity shall operate a STR without obtaining a STR registration card from the Freeport Town Clerk. Registration packets will be completed by the owner, annually, NLT 1 April. Packet will include:

1. Application for Short-Term rental
 2. Application fee, non-refundable, of \$100.00
 3. Self-compliance Affidavit, signed by owner under penalty of perjury, certifying that the STR property is in habitable condition and complies with the health and safety standards.
 4. A Short-Term Rental Agent and Owner Authorization Form. This form appoints and provides contact information for a designated point of contact, who shall be available 24 hours per day, 7 days a week,
- A. Application will be completed prior to 1 April of each year.
- B. Registration of each dwelling unit (or authorized accessory dwelling unit) to be used for STR is required. A registration card with registration identification number will be issued by the Town Clerk Office, for each dwelling unit after completion of registration request packet and physical inspection of unit(s). Registration cards will be issued prior to 15 May of each year.
- C. All non-hosted owners will display registration card on wall by the most commonly used entrance door, in each unit.
- D. Registration identification number will be displayed in all advertising, including, but not limited to, websites, text messages, emails, printed media, television, radio.
- E. Only the owner of the property can register the dwelling unit (or authorized accessory dwelling unit) to be used for STR.
- F. Freeport residents may register no more than 3 (three) dwelling units or accessory dwellings, or combination of for maximum of (3 three) Non- Freeport resident may register no more than 1 (one) dwelling unit or 1 (one) accessory dwelling.

4. RESPONSIBLE AGENT

- A. Each owner of a STR shall designate a person or company to serve as the responsible agent. An owner may designate him/herself as the agent.
- B. The responsible agent shall have access and authority to assume management of the unit and take remedial measures. The agent shall be available 24 hours per day, 7 days a week to respond to potential issues and violations related to this Ordinance.
- C. The responsible agent must be able to affirmatively respond to complaints within one (1) hour of notification of such complaint being sent via email, text or phone.
- D. The owner will notify the Town Clerks Office in writing of any modification to the responsible agent appointment.

5. INSPECTIONS

- A. Town of Freeport reserves the right to inspect any STR unit for code/health and safety violations. Reason for inspection include but or not limited to:
- (1) legitimate complaint of health safety issue
 - (2) number of bedroom declared on advertising is greater then that listed on building permit that was issued by Freeport Code Office
 - (3) number of bedrooms advertised is greater the the On-site Wastewater System for sewer service permitted for that property
 - (4) falsifying information on application

B. Any person may file a complaint with the Code Enforcement Officer. The Code Enforcement Officer shall establish and maintain a log of all complaints for each STR received and substantiated by inspection. The Code Enforcement Officer will seek the correction of all substantiated complaints by the Permittee.

6. LENGTH OF STAY

- A. For a Hosted Home Stay rental is on a temporary basis for periods of less than 30 consecutive days.
- B. For a Non-Hosted Stay rental is on a temporary basis of *at least 7 consecutive days but less than 30 consecutive days*. Guest may stay for less than the minimum stay period *provided that the rental remains vacant until the end of the minimum stay period*. (e.g., if guest stays for four [4] nights, unit must remain unrented for the three [3] subsequent nights).

7. SIGNAGE

Short-Term Rentals are not authorized signage, either on or off site, advertising, and or providing directions to property(s). Owners may place 1 (one) sign, no less then 10 feet from edge of roadway. on owner property, with name of said property. Sign will be no bigger than 20" x 30".

8. OCCUPANCY LIMITS

- A. Maximum occupancy shall be limited to two (2) people per existing bedroom plus no more then two (2) additional children under the age of twelve (12).
- B. Number of bedrooms declared on STR application shall not exceed the number listed on the building permit that was issued by the Town of Freeport.
- C. Number of bedrooms will not exceed the approved number of sleep areas approved by the Freeport Codes Office, according to the approved septic plan for that property.

9. PARKING RULES

- A. All vehicles will be parked on-site in designated parking areas.
- B. Parking is prohibited on Town/State roads unless parking has been approved by Town Council and the road so striped.
- C. Parking is prohibited in a manner that blocks egress from adjacent residents driveways, sidewalks, alleys or mailboxes.
- D. Parking is prohibited from blocking the ability for fire/rescue from getting to adjacent properties.
- E. Parties, family reunions, weddings, fundraisers or similar gatherings that are reasonably foreseeable to involve an assemblage of vehicles greater than can be accommodated with on-site parking, must arrange off-site parking with shuttle service.

10. GENERAL RULES

- A. All fire pits, including but not limited to, metal open pit fire places, brick fireplace, will be located not less than thirty (30) feet from all neighbors property line and all structures. Owner will ensure that an active water hose, with enough hose length to reach the device(s), is available and in good working order.
- B. Owner or agent will insure that all garbage is removed from the STR structure and property within 24 hours after each renter leaves.
- C. If pets are allowed, renter will be informed of requirement to control pet on leash when outside, pet waste pick up and disposal while walking pet, and barking/noise considerations.

11. PROHIBITED ACTIVITIES

- A. Providing STR without receiving a STR Registration Card from the Freeport Town Clerk office.
- B. Providing false information on registration request form.
- C. STR are prohibited in non-residential buildings, unless a specific portion of the building is authorized per the Code Enforcement Office and the Chief of Fire/EMS for use as a one- or two- family dwelling.
- D. STR are not authorized to accept walk-ins who arrive without a reservation.
- E. STR are not authorized to provide guest with prepared food items, unless the owner has been issued a Victualers License in accordance with Freeport Town Ordinance, chapter 30, Victualers or a state eating establishment license.
- F. Registration completed under this ordinance are not transferable to a new owner.

G. STR guest shall not sublease, sublicense or assign all or any portion of the STR to another person during the rental period.

12. NOISE

A. Per section 39-103 NOISE of ARTICLE I LOITERING, CURFEW AND NOISE ORDINANCE No person shall make, continue, or cause to be made or continue any loud, profane, boisterous, unnecessary, or unusual noises which shall either annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of others. The sounding of any horn or signaling device, except as a danger warning; the playing of any radio, musical instrument, phonograph, or any other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants and passersby; the use of any loud speaker or amplifier for the purpose of commercial advertising or attention of the public to a specific building, location or business; yelling, shouting, hooting, whistling, or singing shall be considered to be loud, disturbing, and unnecessary noises and a violation of this Ordinance but such enumeration shall not be deemed exclusive except as authorized by the Town Council.

B. Per section 39-104 ENFORCEMENT of ARTICLE I LOITERING, CURFEW AND NOISE ORDINANCE : This Ordinance may be enforced by any sworn law enforcement officer of the Freeport Police Department as a civil violation.

C. Neighbors may call the home owner or agent, if they have their phone number and feel comfortable doing so. Neighbors may always call the Freeport Police Department.

D. Freeport Police Department will insure that the Town Clerk gets a copy of the complaint report completed by the responding Officer.

13. DENIAL, SUSPENSION OR REVOCATION OF REGISTRATION

A. The Town Clerk may decline to register any dwelling unit upon failure of the applicant to meet all the requirements of this Ordinance. The Town Clerk will notify the owner of the STR application in writing by certified mail, with in two (2) working days of the decision. All rental reservations will be cancelled as of the date notification is received by owner.

B. A registration may be revoked or suspended for violation of any of the provisions in this ordinance. If a violation is found to exist by the Town Clerk, the Town Clerk will notify the owner of the STR in writing by certified mail of the revocation or suspension, with in two (2) working days of the decision. All rental reservations will be cancelled as of the date notification is received by owner. All advertising of the dwelling will be canceled or removed.

C. If a STR is the subject of two (2) or more substantiated violations of any state or town applicable law during the license period, the Freeport Town Clerk may suspend the STR registration. The office of the Town Clerk will notify the owner by registered mail of the suspension and reasons for said suspension, with in two (2) working days of the decision. All rental reservations will be cancelled as of the date notification is received by owner. All advertising of the dwelling will be canceled or removed.

14. APPEAL PROCEDURE

- A. If application for STR is denied the applicant may appeal that decision, in writing, to the Town Council within twenty (20) working days of receipt of written notice of such denial, otherwise the application denial shall be final and not subject to appeal. Applicant may reapply after one (1) year from date of denial.

- B. If an STR registration is suspended or revoked the owner may appeal that decision, in writing, to the Town Council within twenty (20) working days of receipt of written notice of such suspension or revocation, otherwise the suspension or revocation shall be final and not subject to appeal. Applicant may reapply after one (2) year from date of denial.

15. VIOLATIONS AND PENALTIES

- A. In the event that the owner or the owner's guest violate the terms and conditions of this ordinance, the STR registration card shall be revoked..

- B. Violations shall also be subject to fines as set forth in this ordinance. Each day of a violation shall constitute a separate violation.

- C. For the violation of operating a STR without a STR Registration Card issued by the Freeport Town Clerk, the owner shall be penalized with a fine of \$1,000 per day for the first offense and an additional fine of \$1,500 per day for additional offense, to be recovered upon complaint to Maine District or Superior Court in Portland, Maine, for use of the Town.

- D. Violation of occupancy limits shall also be subject to fines as set forth in this ordinance. The owner shall be penalized with a fine of \$1,000 per day for the first offense and an additional fine of \$1,500 per day for additional offense, to be recovered upon complaint to Maine District or Superior Court in Portland, Maine, for use of the Town.

- E. Providing false information in the application for STR Registration packet, the owner shall be subject to a fine of \$2,000 as set forth in this ordinance, to be recovered upon complaint to Maine District or Superior Court in Portland, Maine, for use of the Town.

- F. Failure to comply with any section of this ordinance will result in a \$500 daily fine, unless otherwise specified in this ordinance or associated ordinance, to be recovered upon complaint to Maine District or Superior Court in Portland, Maine, for use of the Town