

**TOWN OF NEWRY
TAXATION OF TIME SHARES ORDINANCE**

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1. PURPOSE

The purpose of this Taxation of Time Shares Ordinance (“Ordinance”) is to facilitate the collection and payment of property taxes on Time-share Estates.

2. AUTHORITY & SCOPE

This Ordinance is enacted by the municipal officers in accordance with Title 33 M.R.S.A., Chapter 10-A, Time Shares §§591-595. This section governs the taxation of any Time-Share Estates in the Town of Newry.

3. DEFINITIONS

As used in this section, the following terms shall have the meanings indicated:

3.1 Escrow Account. An account established and maintained by the Managing Entity in accordance with 33 M.R.S.A. §593(5).

3.2 Managing Entity. The time-share association responsible for management of Time-Share Estates, or if the association has designated, by Project Instrument or Time-share Instrument, a manager or an agent responsible for the obligations imposed by this Ordinance, such manager or agent.

3.3 Project. Means real property subject to a project instrument containing more than one Unit. A project may include units that are not time-share Units.

3.4. Project instrument. Means one or more recordable documents by whatever name denominated, applying to the whole of a project and containing restrictions or covenants regulating the use, occupancy or disposition of units in a project, including any amendments to the document, but excluding any law, ordinance or governmental regulation.

3.5 Time-share Estate. Any interest in a Unit or any of several Units under which the exclusive right of use, possession or occupancy of the Unit circulates among the various Time-

Share Owners of the unit in accordance with a fixed time schedule on a periodically recurring basis for periods of time established by the schedule coupled with a freehold estate or an estate for years in a time-share property or a specified portion thereof.

3.6 Time-share Instrument. Means one or more documents, by whatever name denominated, creating or regulating Time-share Estates.

3.7 Time-share Owner or Owner. A person who is an owner or co-owner of a Time-Share Estate other than as security for an obligation.

3.8 Time-share Unit. "Time-share unit" means a unit in which Time-shares Estates exist.

3.9 Unit. Means real property or a portion thereof designated for separate use.

4. TAX BILL; COLLECTION OF FUNDS

4.1 The Town of Newry shall send the Managing Entity a tax bill for the time-share Project, which shall include the information necessary to identify the assessed value of and the amount of tax owing for each Time-share Unit.

4.2 The Managing Entity shall collect and receive funds from Time-share Owners for the purpose of paying the real estate taxes assessed on each Time-share Estate.

5. ESCROW ACCOUNT

5.1 The Managing Entity shall establish and maintain an Escrow Account with a financial institution licensed by the State and deposit any money collected or received for taxes in the Escrow Account within ten (10) days after collection or receipt. The Escrow Account shall be established in the name of both the Managing Entity and the Town of Newry.

5.2 No withdrawal may be made from the Escrow Account without the written agreement of the Town of Newry.

5.3 Prior to the delinquency date established by the Town of Newry at its Annual Town Meeting, the Managing Entity shall pay to the Newry Tax Collector all money deposited in the Escrow Account for the purpose of tax payment. If the amount paid from the Escrow Account is not sufficient to discharge all taxes and tax-related costs due and owing, the Managing Entity shall place a lien on those Time-share Estates whose Owners have not contributed to the Escrow Account as provided in 33 M.R.S.A. § 594, and pay the outstanding amount no later than 30 days after the date it has collected the taxes and costs from the delinquent Owner or has foreclosed the lien and sold the Time-share Estate requested to a new Owner or 10 months from the date of commitment, whichever is earlier. If requested by the Town of Newry, the Managing Entity shall provide a list identifying those Owners and their interests, including the period of ownership, to the Newry Tax Collector, who may then, if he or she so elects, proceed to collect the taxes on those interests as allowed by law.

5.4 If the Newry Tax Collector and Treasurer use the lien procedure described in 36 M.R.S.A. §§ 942, 942A and 943 to collect delinquent taxes on Time-share Estates, whatever notice is called for in §§ 942, 942A and 943 shall be sent to the Time-share Owner as required by law. The Newry Tax Collector and Treasurer shall also give to the Managing Entity or leave at the Managing Entity's last and usual place of abode or send to the Managing Entity by certified mail return receipt requesting either a copy of the notice sent to the Time-share Owner or a notice that lists all the Time-share Owners to whom notices have been delivered.

6. **VIOLATIONS & PENALTIES**

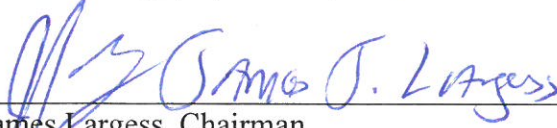
6.1 When a violation of any provision of this Ordinance shall be found the Newry Tax Collector shall inform the Managing Entity, the Municipal Officers and the Town Administrator of the violation. If the notice does not result in the correction of the violation, the Board of Selectmen may institute any and all actions and proceedings, either legal or equitable, including seeking to enjoin the violation and the imposition of civil penalties, that may be appropriate or necessary to enforce this Ordinance.

6.2 Any Managing Entity that fails to comply with the provisions of this Ordinance shall be punished by a civil penalty of at least \$100 and not more than \$200 per day payable to the Town of Newry and for court costs and reasonable attorney fees incurred by the Town of Newry. Each day the violation continues after the Town of Newry gives notice thereof shall constitute a separate violation.

7. **EFFECTIVE DATE**

This Ordinance shall become effective upon enactment by the municipal officers, and shall apply to real property taxes assessed on April 1, 2021 and billed for the Fiscal Year 2021-2021 which commences July 1, 2021 and to real property taxes assessed and billed thereafter.

Enacted this __ day of June, 2020


James Largess, Chairman


Gary Wight


Virgil Conkright

Town of Newry Board of Selectmen