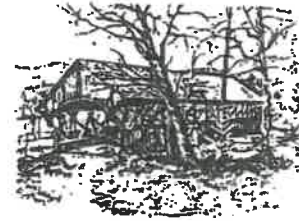




TOWN OF NEWRY

422 BEAR RIVER ROAD
Newry, Maine 04261

Incorporated June 15, 1805



207-824-3123

Vacation Rental Registration Ordinance

Section 1	Purpose
Section 2	Authority
Section 3	Definitions
Section 4	Applicability
Section 5	Types of Registrations
Section 6	Registration Requirements
Section 7	Performance Standards
Section 8	Complaints, Penalties, Violations and Enforcement
Section 9	Appeal
Section 10	Severability
Section 11	Conflicts with Other Ordinances

1. Purpose

Single and multi-family dwellings, once used solely by their owners as second homes, are being utilized more frequently as vacation rental properties. In some cases, these dwellings are simply business ventures existing solely for their income producing potential. In other cases, property owners are using accessory dwelling units as vacation rentals. While vacation rentals play a vital role in the economy and well-being of the area, they generally remain unregulated.

These unregulated vacation rentals contribute to a variety of serious issues, some of which are:

- health and safety concerns,
- noise, light, trash, and parking nuisances,
- additional stresses on municipal infrastructure and
- endangering the Town's groundwater by stressing subsurface wastewater disposal systems beyond their designed capacities.

In order to preserve the fabric of our neighborhoods and to protect the safety of visitors and residents, the Town of Newry believes the operation of vacation rentals must be efficiently and effectively regulated. This ordinance was developed with an interest in balancing the desire of the property owners who wish to use their properties as vacation rentals with the desire of residents who want to preserve the peaceful quiet and enjoyment of our Town.

2. Authority

This ordinance is adopted pursuant to the Home Rule Powers as provided for in Article VIII-A of the Maine Constitutions and Title 30-A MRSA §3001.

3. Definitions

Unless otherwise specified in this Ordinance, all terms used in this Ordinance shall be as defined within the definitions section of the Town of Newry's Unified Development Review Ordinance (UDRO). For example, the definition of "Dwelling Unit" shall be the same as the definition contained in the UDRO. In addition, the following terms which are not defined in the UDRO are defined as follows for the purposes of this Ordinance:

Accessory Dwelling Unit (ADU): A self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same parcel of land.

Bunkroom: A room providing temporary sleeping quarters, as for guests or travelers, typically with stacked beds, usually found in a Vacation Rental or non-primary residence.

Residential Property: Real property which contains one or more dwelling units.

Short Term Rental (STR): See *Vacation Rental*.

Subsurface Wastewater Disposal System (SSWW): Any system designed to dispose of waste or wastewater on or beneath the surface of the earth; including, but not limited to the following: septic tanks, disposal fields, legally existing non-conforming cesspools, holding tanks, pretreatment filter, piping or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 MRS §414, any surface wastewater disposal system, or any municipal or quasi-municipal sewer or wastewater treatment system.

Transient Rental Platform: An electronic or other system, including an Internet-based system, that allows the owner or occupant of living quarters in this State to offer the living quarters for rental and that provides a mechanism by which a person may arrange for the rental of the living quarters in exchange for payment to either the owner or occupant, to the operator of the system or . to another person on behalf of the owner, occupant or operator

Vacation Rental: A Residential Property that is rented for vacation, leisure or recreation purposes for a day, a week or a month, and typically under 30 days but not for more than 60 days, to a person who has a place of permanent residence to which the person intends to return.

Vacation Rental Unit: A dwelling unit used as a vacation rental.

4. Applicability

- a. All Vacation Rentals within the Town must be registered in accordance with this Ordinance.(excluding licensed hotels, motels, and bed & breakfasts)
- b. The Town Code Enforcement Office shall administer the registration system and enforce this Ordinance.

5. Types of Registrations

- a. There shall be no fee for any Vacation Rental registration where the lease period and /or the cumulative rental or lease period is 14 days or less per calendar year.
- b. Any Vacation Rental where the lease period and /or the cumulative rental or lease period is 15 days or more per calendar year shall be charged a registration fee.
- c. All registrations shall expire one year from the date of issue.
- d. Registration fees shall be established by the Town of Newry Select Board.
- e. Registration shall grant the Code Enforcement Officer the right to inspect the Vacation Rental Unit upon request.
- f. All registrations and renewals shall be completed yearly between October 1 and December 31 of any calendar year. The registration date will be the annual registration date.

6. Registration Requirements

The following documents shall be required as part of the registration application:

- a. A copy of the plot plan showing the location of the Vacation Rental, the location of all parking spaces as required by Section 7.E. of this Ordinance, and the location of the leach field associated with the Dwelling Unit. Such plot plans may be hand drawn or created using the GIS data compiled and maintained by the Town.
- b. A floor plan drawing showing the general layout of the Vacation Rental. A property's layout can be downloaded from Town's website under GIS Tax Maps. The floor plan must show bedrooms, hallways, emergency exits, and the locations of carbon monoxide detectors, smoke detectors and required fire extinguishers. Such floor plans may be neatly hand drawn on graph paper.
- c. Emergency contact information showing the address and phone number for the owner or designated emergency contact person. The secondary contact person must live within 30 minutes of the Vacation Rental. The contact number

registered must be answerable at all times. This information shall also be filed with the Oxford County Sheriff and Newry Fire Department and must be prominently displayed within the Vacation Rental Unit.

- d. The property owner shall submit a notarized affidavit attesting that each vacation rental unit is in compliance with the following Performance Standards:
 - i. Section 7.a. – Health and Safety,
 - ii. Section 7.b. – Notification Requirements,
 - iii. Section 7.c. – Occupancy Limits
 - iv. Section 7.d. – Septic System Maintenance
- e. If the Vacation Rental Unit is located in a condominium, then some form of attestation demonstrating that the use of the condominium as a Vacation Rental Unit complies with the condominium association’s bylaws or rules.
- f. Fireworks are not permitted at any vacation rental without following the HOA by-laws and/or State law.

7. Performance Standards

- a. Each Vacation Rental Unit shall meet the following health and safety standards:
 - i. Street-side emergency numbers shall be displayed (proper 911 signage) in accordance with the Town’s 911 Ordinance.
 - ii. Working Smoke Alarms shall be located on each level, including one in each sleeping area. Working Carbon Monoxide alarms shall be located in accordance with required life safety codes
 - iii. Each open flame chimney shall be cleaned within one year of the registration date and shall be cleaned during the period of any registration renewal.
 - iv. Working fire extinguishers shall be located in each kitchen area and by each fireplace.
 - v. The Vacation Rental Unit shall be required to meet the State of Maine building and NFPA 101 Life Safety codes for emergency egress.

- vi. Electrical panels shall be accessible at all times with at least 36 inches of clearance maintained in front of such panels. The electrical panels shall be clearly labeled.
- b. Each Vacation Rental Unit shall conspicuously post in the Vacation Rental Unit and notify each individual or group leasing the Vacation Rental Unit of:
 - i. The location of on-site parking,
 - i. The trash control plan.
 - ii. A copy of a *Good Neighbor Flyer* prepared and maintained by the Town. The *Good Neighbor Flyer* shall be posted in the Vacation Rental Unit.
- c. Occupancy within a Vacation Rental Unit is limited to a maximum of two (2) guests per legally permitted bedroom (as determined by the Code Enforcement Officer) plus an additional two (2) guests. Bunkrooms are allowed with a disposal plan expanding the disposal field to accommodate the extra beds per Table 5C, Bunkhouse under type of facility of the 2023 State of Maine Subsurface Wastewater Disposal Rules or as amended.
- d. A Vacation Rental Unit that is serviced by a SSWW shall have such system inspected and maintained at an interval not greater than every three (3) years.
- e. Each Vacation Rental Unit shall provide adequate off-street parking for the guests. Parking is prohibited in a manner that impedes access by emergency vehicles to the property or to any other dwelling in the neighborhood, or along Town, County, and State roads and ways.
- f. The Vacation Rental Unit's owner must provide trash containers for household trash. Trash bags must be tied securely and placed in provided containers screened from public view. The Vacation Rental Unit owner shall ensure that the trash is removed from the property at the end of each rental period.
- g. No food shall be prepared for or served to Vacation Rental guests by the owner in a manner that would require an eating establishment license from the State of Maine.
- h. A Dwelling Unit may not be rented as a Vacation Rental if the same has been declared to be a "dangerous building" by the Select Board, as defined by state

law, or has otherwise been declared to be unfit for human habitation by the Local Health Officer.

- i. Accessory Dwelling Units used as a Vacation Rental must have an approved building permit on file with the Code Enforcement Officer and the subsurface wastewater disposal system sized to handle the permitted number of bedroom(s).
- j. Portable outdoor fireplaces are prohibited. A permanent and clean fire ring measuring no greater than 3 feet in diameter is allowed for wood burning only. Smokeless stoves and propane burning outdoor stoves are allowed with proper setbacks from combustible materials.

8. Complaints, Penalties, Violations and Enforcement

- a. Advertising a Dwelling Unit as a Vacation Rental is presumptive evidence of renting the Dwelling Unit.
- b. Failure to obtain a permit is considered non-compliance and a violation of this Ordinance.
- c. All complaints regarding Vacation Rentals shall be brought to the attention of the Code Enforcement Officer through the completion of a written complaint (letter or email). Any complaints of conduct or incidents that interrupt the quiet enjoyment of a resident in their home or immediate neighborhood may also be reported to the Oxford County Sheriff's Department. The Code Enforcement Officer shall establish and maintain a record of all alleged complaints received and investigated by the Code Enforcement Officer for each Vacation Rental. The Code Enforcement Officer shall seek to obtain voluntary compliance through education or the correction of all violations by the Vacation Rental owner. A list of complaints and any resolutions shall be reported to the Town Select Board by the Code Enforcement Officer at a Select Board meeting no less than once a year.
- d. If, in the opinion of the Code Enforcement Officer, a violation of this Ordinance exists and cannot be resolved within a reasonable time period, and if the nature and/or number of complaints warrants further review of the registration, the Code Enforcement Officer shall provide a report to the Select Board for review and consideration. If the Code Enforcement Officer submits such report to the Select Board, a public hearing shall be scheduled and held with at least seven (7) days'

notice to the Vacation Rental Unit owner and the Select Board may condition, suspend, or revoke a Vacation Rental registration on the basis of the Dwelling Unit owner's non-compliance with this Ordinance. Any decision of the Select Board described above may be appealed to the Maine Superior Court within thirty (30) days of that decision, consistent with Rule 80B of the Maine Rules of Civil Procedure. Owners who have previously had a registration(s) revoked pursuant to this article shall be allowed to be registered in the future only by review and order of the Select Board.

- e. Failure to comply with any requirement of this Ordinance shall result in the issuance of a notice of violation from the Code Enforcement Officer or other authorized official of the Town. If the violation is not addressed within the time period established in the notice of violation, the Town may bring an enforcement action in the Maine District or Superior Court. Each violation shall be subject to a minimum fine of \$100.00 and up to a maximum of \$2500.00 for each offense, to be recovered on complaint for use of the Town per Title 30-A MRS §4452. Each day that the violation continues shall be considered a separate violation. In the event that the Town is successful in proving a violation, it shall be entitled to recover its attorney's fees and costs in bringing the enforcement action.

9. Appeal

Decisions of any town official, other than the Select Board, under this ordinance shall be appealed to the Board of Appeals within thirty (30) calendar days of the date of the decision. Appeals shall be submitted to the Town Clerk and shall include a summary of the decision from which the appeal is taken and a summary of the issues for which review is sought on a form provided by the Town.

10. Severability

Should any section or provision of this ordinance be declared to be invalid by a court of competent jurisdiction, such decision shall not invalidate any other section of this Ordinance.

11. Conflicts with Other Ordinances

This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other ordinance, rule, regulation, permit, or provision of law.

Whenever the requirements of this ordinance are in conflict with the requirements of any other lawfully adopted ordinance, rule, regulation, permit, or provision of law, the most restrictive shall apply.

