

Short-Term Rental Registration Ordinance Amendment

Town of Bar Harbor

#2021-06

An Amendment to the Town Code to Enact Chapter 174: Short-Term Rental Registration Ordinance.

The Town of Bar Harbor hereby ordains that Chapter 174, Short Term Rental Registration, of the Town Code is appended as follows, effective December 2, 2021, contingent on adoption by the voters of the proposed Land Use Ordinance Amendment Article 4 at the Special Town Meeting Election November 2, 2021.

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 174. Short-Term Rental Registration

§ 174-1. Purpose. The purpose of this chapter is to ensure that the quality of short-term rentals (herein STR) within the Town of Bar Harbor is adequate for protecting the health, safety and welfare of occupants of STRs and of the community.

§ 174-2. Administration.

- A. **Authority.** The provisions of this chapter shall be administered and enforced by the Code Enforcement Officer or their designee (herein referred to as the CEO).
- B. **Text box aids.** The text boxes are **not** part of this chapter but placed there to assist the reader in understanding and complying with this chapter.
- C. **Cross-references.** Information is cross-referenced for the convenience of the reader. Any omissions or misreferences shall not preclude STRs from having to meet the requirements of other chapters of the Bar Harbor Municipal Code or other applicable regulations.

§ 174-3. Validity and severability.

If any section, subsection, clause or phrase of this chapter shall be found to be invalid or unconstitutional, such invalidity shall not affect the remaining provisions of this chapter and to that end the provisions of this chapter are hereby declared severable.

§ 174-4. Definitions.

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

Primary residence

As defined in the Land Use Ordinance § 125-109

Registration

A written permission issued by the CEO to a property owner to operate a STR.

Short-term rental

As defined in the Land Use Ordinance § 125-109

Vacation rental (VR)

As defined in the Land Use Ordinance § 125-109

Vacation rental-1 (VR-1)

As defined in the Land Use Ordinance § 125-109

Vacation rental-2 (VR-2)

As defined in the Land Use Ordinance § 125-109

§ 174-5. Requirements to operate STRs.

- A. STRs must comply (it cannot be in violation) with Chapter 125 Land Use Ordinance. Refer to Chapter 125 for information on where STRs are allowed, related definitions, and standards.
- B. No person(s) shall advertise for rent, rent, or operate a STR without a valid registration issued pursuant to this chapter.
- C. The owner of a STR shall complete and post the emergency information sheet, provided by the CEO, on or about the inside of the front or main door of the dwelling unit for convenient inspection by the occupant. The emergency information sheet shall include, but is not limited to, the following information:
 - 1. Registration number;
 - 2. Physical address of the STR and instruction on how to contact emergency responders;
 - 3. Information on how to file a complaint regarding life safety requirements with the Town of Bar Harbor;
 - 4. The name, mailing address, email address, and telephone number of the owner; and
 - 5. The name, email address, and telephone number of a local contact (if different from the owner) who will be available to respond to problems and emergencies.
- D. The registration number shall be posted on all advertising including, but not limited to, online platforms.
- E. At the time of issuance of a registration, the property taxes, town water fees, and/or town sewer fees, associated with the property to be rented as a STR, shall not be in arrears.
- F. Prior to the issuance of a registration, the dwelling unit to be used as a STR must pass the life safety inspection per §174-8. A. In between inspections cycles, the property owner shall attest in writing that the dwelling unit complies with the regulations in section §174-8. B.

- G. No person(s) shall be housed separately and/or apart from the dwelling unit in any tent, trailer, camper, lean-to, recreational vehicle, accessory structure or other structure of a similar nature.
- H. Trash shall be removed on a weekly basis while the property is being rented as a STR.
- I. To register as a VR-1, the property owner shall attest and provide reasonable documentation demonstrating that the subject property is the owner's primary residence such as tax returns and driver's license.

§ 174-6. Terms, maximum number of registrations, transfer of registration and transition from VR to VR-1 or VR-2

- A. Terms. All registrations expire on May 31 of each year, per 125-69. Y (1) (a)
- B. Maximum number of registrations. Refer to 125-69.Y.(1)
(b)
- C. Transfer of registration. Refer to 125-69.Y.(1)
(c)
- D. Transition from VR to VR-1 or VR-2. Refer to 125-69.Y.(2)
(a)

§ 174-7. Procedure for registration, renewal, and registration wait list.

- A. Applications. All applications for STR registrations shall be filed with the CEO on forms provided for this purpose.
- B. Fee. The non-refundable registration fee must be paid at the time the application is filed.
- C. Renewal. Refer to 125-69.Y.(2) (b)
- D. Registration Wait list (VR-2 9% Cap).
 - 1. The CEO shall maintain a registration wait list for VR-2s.
 - 2. To be on the registration wait list, the owner must have submitted a complete registration application.
 - 3. The CEO will determine at the start of the calendar year if registration slots are available. When registration slots are available, the CEO will inform the applicant(s) at the top of the registration wait list. The applicant(s) will have 120 days to secure the registration including but not limited to passing the required inspection.

4. If, for any reasons, the applicant does not obtain the registration within 120 days, the VR-2 slot shall be offered to the next owner on the registration wait list.
- E. The Code Enforcement Office shall issue a registration to the property owner if the dwelling unit has met all requirements of this chapter.
- F. Within 30 days of the issuance of a new registration, the CEO shall send a one-time notification of the STR to all property owners within 50 feet of the outer boundary of the property. Notice shall be deemed received if mailed to an owner's last known address according to the town tax records. This provision does not apply to registrations that are being renewed.
- G. Having secured a registration does not relieve the property owner from the obligation to obtain any additional permits necessary for the use.
- H. All issued registrations shall be filed with the building permit files under the management of the CEO.

§ 174-8. Life safety inspections and inspection schedule.

- A. The registration of a STR shall be subject to an initial inspection of life safety requirements by the CEO, and thereafter, registration renewals shall be subject to an inspection every three years.
- B. All STRs shall comply with:
 1. The following chapters of the NFPA 101 Life Safety Code, as most recently amended and edited, and as applicable:
 - (a) Chapter 4, General
 - (b) Chapter 6, Classifications of Occupancy and Hazard of Contents
 - (c) Chapter 7, Means of Egress
 - (d) Chapter 9, Building Service and Fire Protection Equipment
 - (e) Chapter 24, One- and Two-Family Dwellings
 - (f) Chapter 30/31, New and Existing Apartment Buildings
 2. Chapter 70, Electrical Installations, of the Bar Harbor Municipal Code, as it may be amended, edited and as applicable.

§ 174-9. Violations, penalties and fines

A. Violation of operating without a registration.

It shall be a violation of this chapter for any person to advertise for rent, rent, or operate a STR without a valid registration. If, after investigation, the Code Enforcement Officer finds that a STR is being advertised for rent, or is being rented without a valid registration, written notice shall be given by certified mail, return receipt requested, of such violation to the property owner. A copy of such notice shall be submitted to the Town Council and shall be

maintained as a permanent record. This violation shall prohibit the property owner from applying for a STR registration for the property in violation for 12 months from the date of the payment of the applicable fine. The fine for operating without a valid registration shall be \$250 per day for each day of operation without a valid registration as determined by the Code Enforcement Officer.

B. Violation of registration.

The Code Enforcement Officer shall investigate all alleged violations, and enforce the provisions of this chapter and the terms and conditions of the registration. If, after investigation, the Code Enforcement Officer finds that any provision of this chapter or any term or condition of any registration granted under this chapter is being violated, written notice shall be given by certified mail, return receipt requested, of such violation to the owner and to any other person responsible for such violation, indicating the nature of the violation and ordering that action necessary to correct it be taken within a reasonable time determined by the Code Enforcement Officer. A copy of such notice shall be submitted to the Town Council and shall be maintained as a permanent record.

1. If, after notice given pursuant to § 174-8 B. the violation is not abated or corrected within the specified time, the Code Enforcement Officer shall report same to the Town Council. The Code Enforcement Officer's report shall indicate the additional enforcement actions under consideration and whether the Town Attorney has been consulted or will subsequently be involved. At its next meeting, the Town Council shall vote to accept the Code Enforcement Officer's report. The Town Council shall not entertain comment from the person alleged to have violated this chapter nor shall it take any evidence relating to whether a violation has in fact occurred.

(a) Suspension and revocation of registration

- i. **Suspension – Minor Violation.** The Code Enforcement Officer shall suspend a registration for failure to correct a violation, per §174-8.B. The suspension may not exceed three months. Operation of the STR during the period of suspension shall be a violation subject to a fine of \$500.00 per day.
 - ii. **Suspension – Major Violation.** After three or more of the following: substantiated disorderly events as defined in Chapter 64 or other violations of this chapter in a 24-month period, the Code Enforcement Officer, shall suspend a registration for a minimum of three months and a maximum of 12 months. Minor and major violations can be either concurrent or cumulative. Operation of the STR during the period of suspension shall be a violation subject to a fine of \$500.00 per day.
- (a) **Revocation.** In cases of recurring major violations or in certain cases of criminal activity at the STR property, the Code Enforcement Officer may revoke a registration.

§ 174-10. Appeals

- A. In accordance with the process outlined in §125-103, the Board of Appeals may, upon written application of an aggrieved party received by the Planning Department within 30 days of any decision or enforcement action which interprets this chapter, or hear an appeal from such decision. For purposes of this section, the term "decision" is limited to an order, decision, or enforcement action made in writing.