

PROPOSED DRAFT CHANGES TO CHAPTER 215

Chapter 215. Rentals, Short-Term

§215-1. Purpose.

~~While the~~ ~~The~~ Town of Camden ~~recognizes that short-term rentals contribute to the local economy, it~~ is committed to maintaining ~~it's~~ ~~the~~ small-town character, distinct neighborhoods, scenic beauty, and natural resources that are the foundation of the Town's ~~its~~ economic strength and quality of life. The purpose of this chapter is to regulate Short-Term Rentals to safeguard the public health and safety of the residents of the Town of Camden and their visitors and guests while preserving the residential character of neighborhoods, minimizing nuisances, and providing equity with other residential and commercial uses. This chapter is an attempt to protect the public's health and safety in residential neighborhoods, to ensure compliance with applicable zoning ~~ordinance code~~ requirements, ~~and to ensure~~ ensuring the orderly growth and stability of the Town's neighborhoods. The Housing Chapter of the Town's Comprehensive Plan identifies recommendations and strategies to address the ongoing housing affordability issue and specifically acknowledges that low-income and moderate-income households and seniors need the ability to rent or purchase adequate housing. The Comprehensive Plan further recognizes the need to balance the issues of "long time homeowners who because of escalating property values and associated taxes may face increasing difficulty holding onto their homes".

§215-2. Authority.

This chapter is enacted pursuant to the home rule authority granted to the Town in accordance with the provisions of Title 30-A M.R.S.A. §3001 and §4364-C. For purposes of zoning and land use, Commercial Short-Term Rentals, Residential Short-Term Rentals, and Seasonal Short-Term Rentals shall be defined and regulated as permitted uses in specific district regulations in Chapter 290 of this code.

§215-3. Administration.

The provisions of this chapter shall be administered and enforced by the Code Enforcement Officer, or their designee, herein referred to as the CEO.

§215-~~3~~ 4. Definitions.

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

COMMERCIAL SHORT-TERM RENTAL

A short-term rental where the rental is owned by the Licensee, but the licensee does not claim primary residency on the property and operates a short-term rental(s) on the property.

DWELLING

A building used as the living quarters for one or more families. The term "dwelling" shall also include manufactured housing as defined by Title 30 – A M.R.S.A. § 4358, Subdivision 1, as the same may, from time to time, be amended, and an older mobile home as further defined in Chapter 290 zoning.

~~DWELLING UNIT~~

~~A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one person or family at a time, and containing living, sleeping, toilet and cooking facilities. The term shall include mobile homes and rental units that contain cooking, sleeping and~~

~~toilet facilities regardless of the time period rented. Recreational vehicles are not residential dwelling units. A dwelling unit may not be rented for periods of less than seven consecutive days.~~

FAMILY

~~One or more persons occupying a dwelling unit and living as a single housekeeping unit, as distinguished from a group occupying a boarding home, rooming house, or hotel.~~

HOSTED SHORT-TERM RENTAL

~~A short term rental where the owner(s) of the property resides on the property where the short term rental is located and the property is the property owner's primary residence. For the purpose of this provision, "primary residence" shall mean a dwelling unit occupied by the same resident for a minimum of six consecutive months plus one day.~~

LICENSEE

Any person who maintains an unexpired license pursuant to this Chapter.

OWNER

Each natural person or entity, including, but not limited to, all partners of a partnership; officers of a corporation; members or managers of a limited liability company; trustees of a real estate trust; that is the record owner of the property.

PRIMARY RESIDENCE

The dwelling a person registers as their address for tax and government identification purposes, and where the same person resides for a minimum of six consecutive months plus one day.

RESIDENTIAL SHORT-TERM RENTAL

A short term rental where the rental is located on a lot where the owner claims primary residency, and the owner may or may not be "in residence" during the tenancy of the short-term rental by Transient Occupants.

SEASONAL SHORT-TERM RENTAL

A short term rental located within a building containing a single dwelling made up of a room or group of rooms containing facilities for eating, sleeping, bathing, and cooking, but has water service available only seasonally and is occupied only seasonally. These structures typically do not contain insulation, or whole house heating, ventilation, and air conditioning (HVAC) systems.

SHORT-TERM RENTAL

The use of a dwelling ~~unit or portion thereof for rent to a person, persons or a family for a period of less than 30 days and a minimum of seven days.~~ for rent to a transient occupant(s) for a period of no more than 28 consecutive days or one calendar month, whichever is less.

TRANSIENT OCCUPANT

A transient occupant is any person or a guest or invitee of such person, who, in exchange for compensation, occupies or is in actual apparent control or possession of residential property, which is either: 1) registered as a short-term rental property, or 2) satisfies the definition of a short-term rental property, as such term is defined in this Chapter. It shall be a rebuttable presumption that any person who holds themselves out as being an occupant or guest of an occupant of the short-term rental is a transient occupant.

UNHOSTED SHORT-TERM RENTAL

~~A short term rental property where the owner(s) of the property do not reside on-site where the short-term rental is located and the owner(s) do not claim the property as their primary residence. For the purpose of this provision, "primary residence" shall mean a dwelling unit occupied by the same resident for a minimum of six consecutive months plus one day.~~

§215-5. Transferability.

Any ~~registration~~ license issued hereunder shall not be transferable.

§215-~~4~~6. ~~Registration, procedure.~~ License Application and Procedure.

- A. All ~~unhosted short-term rentals~~ Short-Term Rentals shall be ~~registered~~ licensed with the Town of Camden on an annual basis, prior to the rental of a dwelling ~~or portion thereof.~~ Registration Application forms, along with applicable fees, shall be filed annually with the ~~Town Clerk~~ CEO.
- B. Registration Application forms and associated required documentation shall include, but not be limited to, the following information:
 1. Name and mailing address of the property owner.
 2. Physical address and Map and Lot number of the property to be rented.
 3. Local contact name and phone number for purposes of twenty-four-hour emergency contact.
 4. Identification of the dwelling ~~unit or portion thereof~~ that is to be rented.
 5. Determination of compliance with Chapter 290, Zoning, of the Code of the Town of Camden.
 6. A certificate of insurance demonstrating there is property insurance and general liability insurance on the property appropriate to cover the rental use in the aggregate of not less than \$1,000,000 or evidence that the Short-Term Rental Owner conducts short-term rental transactions through an Internet hosting platform that provides equal or greater coverage. When an Internet hosting platform provides insurance coverage to a Short-Term Rental Owner, the hosting platform shall defend and indemnify the Short-Term Rental Owner as an additional named insured, and any guest in the Short-Term Rental for any bodily injury and property damage resulting from the rental of the Short-Term Rental property.
 7. An acceptable Informational Packet as approved by the Town, or its designee, must be provided to short-term rental Transient Occupants for each stay and must be posted within the rented dwelling. This packet must include the following information:
 - i. Fire escape routes and emergency exits;
 - ii. 24-Hour Emergency Contact;
 - iii. Trash pick-up;
 - iv. Noise violation standards.
 8. Before the granting of a short term rental license, the applicant shall provide proof to the CEO that:
 - i. a notice has been provided to abutting property owners informing them that a short term rental license has been issued; and
 - ii. abutting property owners have been provided the contact information of the owner, property manager or operator of the short term rental property.
 9. If the Short-Term Rental is located in a condominium association, homeowner's association or other cooperative association, the property owner must demonstrate that

the association's Bylaws, Declaration, or other relevant governing document permits short term rentals and such documentation must legally identify the address within the association.

- C. The property shall comply with all applicable laws, codes, and ordinances.
- D. A ~~registration license~~ card with a unique licensing number shall be issued to the property owner upon submission of the completed form and payment of any fees as may be set from time to time by the Select Board. The card shall certify that the applicant has met all requirements in this article and Chapter 290, Zoning
- E. An approved ~~registration license~~ card shall be posted on the premises of the ~~vacation rental unit~~ Short-Term Rental for convenient inspection by a ~~vacation rental occupant~~ Short-Term Rental Transient Occupant; the approved ~~registration license~~ card with unique licensing number shall also be posted on any web-based online rental platform where the property is listed for rent.
- F. ~~Registration~~ A Short-Term Rental license does not relieve the property owner from the obligation to obtain any additional permits necessary for the use.
- G. Inspections. (Reserved)
- H. No person, corporation, partnership, association, unincorporated association, limited liability company, trust, or other entity shall operate a Short Term Rental without first obtaining a license from the CEO.
- I. Each Owner, Operator, Property Manager, or other entity responsible for the Short-Term Rental shall be obligated to comply with the provisions of this Chapter. Should a property licensed to operate a Short-Term Rental be acquired, transferred, or purchased by a new owner, then the new owner must file a new application to operate the Short-Term Rental within thirty (30) days of the acquisition, transfer, or purchase of the property. New owners shall be subject to the provisions of this Chapter then in effect at the time the property is acquired, transferred, or purchased.
- J. A Short-Term Rental shall not be considered licensed until all required information is provided to the Town, all applicable license fees, or any other outstanding fees owed to the Town are paid in full, and the CEO has rendered a decision and provided the unique licensing number to the applicant.
- K. The licensee shall pay any applicable lodging tax to the State of Maine for the operation of any licensed Short-Term Rental.

§215-7. License Expiration, Renewal and Issuance.

- A. All Short-Term Rental licenses shall expire on December 31st of each year.
- B. Applications for Short-Term Rental licenses are accepted year- round, or as determined by the Planning and Development Department.
- C. Applications for a Short-Term Rental license renewal shall be submitted on or before January 1st of each year.
- D. Applications for renewal of license shall include updating all changes in previously submitted licensing information. A Licensee applying for renewal may continue the Short-Term Rental operation until the CEO grants or denies the Licensee's request to renew the Short-Term Rental license.
- E. The Town shall either "Approve" a license or issue a notice of "Denial" of a license within 30 calendar days of the date of submission of an application or application for renewal.

~~§215-6. Enforcement; violations and penalties; appeals.~~

- ~~A. Enforcement authority. The provisions of this chapter shall be enforced by the Code Enforcement Officer or the Police Chief, or their designee.~~
- ~~B. Violations. Any person who violates the provisions of this chapter or fails to seek a license renewal which is required by this chapter shall commit a civil violation from which a penalty of \$50 may be adjudged, upon a complaint by the municipality to the District Court or the Superior Court. Each day of continued violation shall constitute a separate offense which subjects the violator to a penalty of \$50 for each day of violation. If found in violation by the Courts, the violator shall pay all court and legal fees as may be incurred by the Town of Camden.~~
- ~~C. Appeals. An appeal from the action of the Code Enforcement Officer or Police Chief, or their designee, may be sought through the provisions of Article VII in Chapter 290, Zoning.~~

§215-8. Inspection Required.

The CEO is required to ensure public health and safety and will conduct appropriate life safety inspections at least every three (3) years to cover a range of crucial areas that include but are not limited to:

- A. Smoke and carbon monoxide detectors;
- B. Fire escape routes and emergency exits;
- C. Fire suppression systems;
- D. Electrical safety;
- E. General property safety; and
- F. Subsurface Wastewater Disposal System verification with the State of Maine Subsurface Wastewater Disposal Rules as may be amended.

§215-9. Eligibility.

- A. Property Management companies, renters, lessees, or other parties, who are not the record Owner(s) of the proposed Short-Term Rental shall not be eligible to apply to license a dwelling as a Short-Term Rental. Renters, lessees, and other parties who are not record Owner(s) of property may not sublet a dwelling on rented or leased property as a Short-Term Rental.
- B. When the proposed Short-Term Rental is a Residential Short-Term Rental, as defined in this Chapter, and the Short-Term Rental is located in a Single-Family dwelling, the applicant must demonstrate in the application that they are the record Owner of the property and that they maintain the property as their Primary Residence.
- C. When the proposed Short-Term Rental is a Commercial or Seasonal Short-Term Rental property, the applicant must demonstrate in the application that an operator, such as a property manager, operator, or other responsible persons, shall be available 24-hours a day to respond to any on-site emergencies within 30-45 minutes.
- D. When the proposed Short-Term Rental is a Commercial Short-Term Rental, the Town shall issue no more than 150 licenses in total per year, inclusive of renewals and new licenses, with the exception of Seasonal Short-Term Rentals and Residential Short-Term Rentals, inclusive of renewals, which are not subject to a limitation in the number of licenses issued per year. The award of Short-Term Rental licenses shall apply to Commercial Short-Term Rentals and shall be made using a lottery or other mechanism intended to ensure the equitable distribution of short-term rental licenses. The Planning and Development Department shall promulgate rules and regulations to set forth the deadlines, application procedures, processes and policies governing this selection procedure and, in doing so, may adopt a weighted lottery using factors to be determined by the department. The duration of a permit may be reduced, and all corresponding fees prorated, to facilitate the implementation of the lottery/equitable distribution system.
- E. Only one (1) short-term rental is allowed per lot, unless a short term rental is located within a condominium association and the property owner provides in the application a copy of the

condominium association's bylaws or rules, and some form of attestation demonstrating that the use of the condominium as a short term rental complies with the condominium's bylaws or rules, as required in section §215-6(B)9 above.

§215-10. Fees.

- A. The applicant for a Short-Term Rental license shall pay a fee, as determined by the Town of Camden Select Board from time to time, at the time of filing for a license.
- B. The Licensee shall pay an annual Short-Term Rental renewal fee, as determined by the Town of Camden Select Board from time to time, at the time the Licensee files the application for renewal of the Short-Term Rental license. A Short-Term Rental license renewal shall not be considered complete unless and until the Short-Term Rental renewal fee is paid in full.

§215-11. Limitations on Occupancy in Short Term Rentals.

- A. All Short-Term Rentals not connected to the public sewer system must show compliance, as per the local plumbing inspector, that the existing subsurface wastewater disposal system (SSWD) is an operational and properly functioning system designed for the proposed occupancy of the short-term rental.
- B. All Short-Term Rentals not connected to a public water supply system must provide proof of access to potable water and demonstrate that the water supply is potable and acceptable for domestic use.

§215-12. Advertisements.

- A. The Licensee must upload a calendar on any website or online advertising service that the Licensee uses to advertise the Short-Term Rental. The advertisement must contain the unique licensing number assigned to that specific Short-Term Rental and the calendar must provide information concerning the dates during which the Short Term Rental is booked, and reservation cancellations for the Short-Term Rental.
- B. No advertising or identifying mechanisms, such as signage, including lawn signage, identifying a property for rent as a Short-Term Rental shall be installed on the Short-Term Rental property.

§215-13. Violations.

Specific violations of this Chapter include, but are not limited to, the following:

- A. Operating a Short-Term Rental without a valid Short-Term Rental license.
- B. Operating a Short-Term Rental after the Short-Term Rental license has expired when the Owner fails to submit a renewal application on or before January 1st of each year.
- C. Any person, corporation, partnership, association, unincorporated association, limited liability company, trust, or other business entity fails to timely file any required documentation for a Short-Term Rental, including the required application when a Short-Term Rental is acquired, transferred, or purchased by a new owner.
- D. Any Licensee of a Short-Term Rental who fails to have available 24 hours a day an Operator to respond to on-site emergencies at the Short-Term Rental.
- E. Any Licensee who fails to post the information required by this Chapter 215. Rentals, Short-Term.
- F. Any applicant who provides false information, including, but not limited to, misrepresentations and omissions, concerning the proposed Short-Term Rental sought to be licensed.
- G. Any Licensee who, without good cause, fails to timely respond to inquiries made by the Town within a forty-eight (48) hour period.

§215-14. Suspension, Revocation, or Denial of a License.

- A. The CEO may deny any application for a Short-Term Rental license if the applicant fails to comply with any of the provisions set forth in this Chapter.
- B. If a complaint, or series of complaint(s), is lodged against a licensed Short-Term Rental, then the CEO, may condition, revoke, or suspend a Short-Term Rental license if it is determined that the Licensee has failed to comply with any law, ordinance, regulation, license condition, or other applicable criteria.

§215-15. Enforcement; violations and penalties; appeals.

- A. Any Licensee of a Short-Term Rental who is found to be in violation of any applicable law, ordinance, regulation, or license condition shall, following notice by the CEO, abate such violation within the time period prescribed in the notice of the violation. Penalties for violations occurring at a licensed Short Term Rental shall be assessed per day, per violation, in accordance with 30-A M.R.S.A. §4452.
- B. Should any Licensee of one or more Short-Term Rental properties fail to abate or remedy any violation occurring at the Short-Term Rental in the time and manner described in the notice of violation, then the Town may file a complaint in Maine District Court pursuant to M.R. Civ.P. 80K and pursue all remedies and monetary penalties available to the Town.
- C. An aggrieved party may appeal a decision by the CEO to grant, deny, revoke, or suspend, a Short-Term Rental license within thirty days of the CEO's decision through the provisions of Article VII in Chapter 290.

§215-16. Additional Regulations.

The Select Board may adopt regulations implementing the provisions of this chapter.

§215-17. Effective Date.

This Chapter shall become effective on January 1, 2025. Until that time the existing Chapter 215 shall remain in effect.