

**RANGELEY BOARD OF SELECTMEN
CHAPTER 34 (SHORT TERM RENTAL ORDINANCE) MEETING
MARCH 15, 2023, 5:00PM**

In Attendance: Cynthia Egan / Shelly Lowell / Samantha White / Ethna Thompson / Ethan Shaffer
Staff: Joe Roach, Town Manager / Traci Lavoie, Assistant Town Manager

See Sign-In for Public Attendance

1. CALL TO ORDER - OPEN MEETING – DECLARE A QUORUM – 5:00PM

The Board reviewed the working draft of Chapter 34 and made edits by consensus for final approval. (See attached draft).

**2. FORMAL VOTE TO APPROVE DRAFT CHAPTER 34 & LOCATION OF MARCH 27, 6pm
PUBLIC HEARING TO BE AT THE SCHOOL**

Selectman White motioned to approve Chapter 34 with edits as presented.

Selectman Lowell second

VOTE: 4-0-1 (Thompson Abstained)

Selectman Thompson motioned to hold March 27, 6PM Public Hearing at the School.

Selectman Shaffer second

VOTE: 5-0

3. Adjourn

Selectman Thompson motioned to adjourn at 6:09PM.

Selectman Shaffer second

VOTE: 5-0

***These minutes are not typed verbatim. Please see Townofrangeley.com for video**EJR&TJL*

CHAPTER 34. SHORT TERM RENTAL

- 34.1 Purpose
- 34.2 Definitions
- 34.3 Registrations
- 34.4 Operating Standards
- 34.5 Prohibited Activities, Violations and Enforcement
- 34.6 Limits
- 34.7 Conflict of Ordinances

Article 34.1 Purpose

The use and intent of these regulations is for the disclosure and registration of short term rentals. This is to ensure that any home-based short-term rental business operates in a manner that respects the neighborhood in which it is situated. The regulations allow short-term rental operations in residential dwelling units with the intent of protecting the quality of life of the surrounding residential neighborhood from unreasonable or unsafe intrusions and nuisances inappropriate to a residential setting.

The fact that a short-term rental registration has been issued for a property should not be taken as conclusive evidence that the property is safe for occupancy; renters are advised to make their own inspections prior to taking occupancy.

Article 34.2 Definitions

For this Ordinance, the following terms and phrases shall be defined as stated:

1. *Advertise*: any form of communication for marketing that is used to encourage, persuade, or manipulate viewers, readers or listeners into contracting for the use of the short-term rental, as may be viewed through various media including, but not limited to, newspapers, magazines, flyers, television commercials, radio, signage, direct mailers, websites, online platforms, and text messages.
2. *Dwelling*: a fixed structure containing a dwelling unit.
3. *Dwelling unit*: a room or group of rooms designated and equipped exclusively for use as permanent, seasonal, or temporary living quarters containing living, sleeping, toilet and cooking facilities. This does not include hotels, motels, rooming houses, temporary trailers, or recreational vehicles.
4. *First Time Applications*: applications from operators wishing to register their short-term rental for the first time, or after more than one year's lapse of a previously issued registration.
5. *Guest(s)*: the individual(s) occupying the short-term rental for the purpose of staying overnight.
6. *Local Contact Person*: an individual who is personally available by telephone within thirty (30) minutes and who maintains the ability to be onsite within twenty-four (24) hours and who has access and authority to assume management of the short-term rental. An agent or professional property management company that meets the

Deleted: <#> Bedroom: a room that contains a minimum of seventy (70) square feet, and otherwise defined as a bunk room or loft area, designated for sleeping and contains a window or opening that can be used for emergency egress. ¶

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availability requirements can serve as the local contact person.

7. *Operator*: any and all of the following:

- a. The person who is the legal owner of a short-term rental,
- b. A person who has the legal right to possession (owner) of a short-term rental,
- c. A person who has a legal right to receive or collect any monies as rent for the occupancy of a short-term rental (operator), and/or
- d. Any manager, agent, representative or other operator, acting under the authority or at the direction of the owner of a short-term rental.

8. *Registration Cycle*: all short-term rental certificates shall be valid for the Town of Rangeley Fiscal Year (July 01 - June 30) and applications must be submitted by May 01 of the year in which the operator is seeking the certificate.

9. *Short-term Rental (STR)*: the use, control, management or operation of an existing dwelling unit, a single-family dwelling, condominium, townhouse, duplex or cabin, in whole or in part, for dwelling, sleeping, or lodging purposes for fewer than twenty-eight (28) consecutive days and for compensation, directly or indirectly. Motels, hotels, inns, and bed and breakfasts are excluded from this Ordinance, pursuant to Title 22 M.R.S.A. § 2491 - 2501 and Maine DHHS Chapter 206, *Rules Relating to Lodging Establishments*.

Article 34.3 Registrations

As of the enactment date of this ordinance, any person(s) interested in operating a short-term rental must obtain a registration number and certificate for the short-term rental from the Rangeley Town Clerk. An applicant's status of property tax will be verified. Application forms and a self-inspection checklist will be available on the Town's website and in person at the Rangeley Town Office.

Deleted: Effective October 1, 2023.

1. Application Process: an applicant will be required to file an "application for rental registration" with the Town Clerk annually by May 01. ~~If applicable,~~ each application shall be accompanied by a non-refundable registration fee. Following a duly called public hearing, a registration fee ~~may~~ be set annually by the Select Board based upon the Town's anticipated costs in administering and enforcing the short-term rental registration program.

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Each application shall include:

- a. 24/7 contact information, including a cell phone number and/or landline, for the property owner(s) and/or manager for use by public safety personnel in the event of an emergency; and address for property at which the short-term rental is located.
- b. Rental unit type (i.e., home, condominium): if more than one residential unit is located on the property, the application must identify if the rental unit is the

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property's primary or secondary dwelling.

- c. Total number of on-site parking spaces.
- d. Affirmation that the STR complies with applicable building and fire safety codes as well as all applicable federal, state, and local statutes, laws, ordinances, rules and regulations.
- e. Period of rental availability during the calendar year.
- f. Maximum number of people staying overnight in the STR.

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Deleted: Acknowledgement that the operator has received, read and understands this ordinance chapter, and the Town's leash, noise, parking, fireworks and any additional public safety ordinances.

Deleted: Proof of rental insurance must be provided at the time of registration.

1. Registration renewals shall be required on an annual basis and must be submitted to the Rangeley Town Clerk's Office by May 01 of each year, for the fiscal year (July 01-June 30) in which the operator is seeking a registration certificate.
2. First time registration applications may be completed at any time during the year or registration cycle.
3. Registrations shall be transferrable only in the case of ownership transfer of the registered short-term rental between immediate family members. For the purposes of this section "immediate family member" is defined as a child, spouse, sibling, or parent of the original registration holder.
 - a. For purposes of this ordinance, immediate family is not intended to include trusts or corporate owners. In the case of a transfer of ownership between immediate family members or to a trust or corporation controlled by the former owner(s), the new owner shall notify the Town Clerk of the change of ownership in writing and may continue to operate the short-term rental until April 30th of the year of the transfer, at which point the operator shall be eligible to apply for a registration renewal according to the provisions of Article 34.3 subsection 5.
 - b. Any change in ownership other than a transfer between immediate family members shall require registration application as a "first time registration", in accordance with article 34.3 subsection 6.
 - c. No later than September 30 of the year following enactment of this Ordinance, the Town Manager shall provide to the Select Board a report regarding the total number of licenses issued and the status of implementation and compliance with the ordinance.

Article 34.4 Performance, Standards

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In addition to the registration requirements set forth in Article 34.3, the following performance standards shall apply, and the short-term rental shall not generate other potential disturbances which may disrupt the peace, safety, and general welfare of the neighborhoods in which they are located.

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1. The property owner(s) shall be responsible for complying with applicable building

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and fire safety codes.

2. The property owner(s) shall be responsible for complying with all applicable federal, state, and local statutes, laws, ordinances, rules and regulations.

3. ~~Local Contact Person: the operator must identify a registered agent or representative* for local contact purposes. The local contact person may be identified as the operator. The local contact person must be able to respond to complaints within thirty (30) minutes by phone and be onsite within twenty-four (24) hours to address the conditions, safety or operation of the short-term rental or the conduct of guests; and must be able to take such remedial action on behalf of the Operator, or as otherwise allowed by law, to resolve such complaints. Emergency contact information is to clearly and conspicuously posted in all rental units and shall include the names of 24-hour phone numbers and email addresses of the property owners and/or managers.~~

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4. ~~In accordance with State-mandated building and plumbing code requirements, STR's in permanent structures are required to have access to adequate bathroom facilities.~~

Deleted: <#>The property owner(s) shall be responsible for ensuring that emergency contact information is clearly and conspicuously posted in all rental units and shall include the name(s), 24-hour phone number(s), and email address(es) of the property owner(s) and/or manager(s). The property owner shall also be responsible for ensuring that the Town Clerk is given current emergency contact information for each STR.¶

5. The code enforcement officer is authorized to inspect the STR property upon receipt of any code violation complaint.

6. ~~Parking: the operator must provide sufficient off-street parking for the dwelling unit(s), as well as sufficient off-street parking for all overnight guest vehicles. The number of overnight guest vehicles allowed shall be restricted to the number of off-street parking spaces provided by the operator. Parking space(s) within a garage may be counted for this purpose. Tenants and guests of short-term rentals are prohibited from parking in a manner that impedes access by emergency vehicles to the property or any other dwelling in the neighborhood.~~

7. ~~Solid Waste Disposal: the operator shall ensure that solid waste is removed from the property upon guest departure, at minimum before next arriving guest. In no case shall solid waste remain on the property uncovered for more than forty-eight (48) hours; with the exception of trash properly deposited in trash collection receptacles, accumulation of trash and debris outside of a short-term rental at any time is prohibited.~~

Article 34.5 Prohibited Activities, Violations, Enforcement

1. ~~Prohibited short-term rentals: A short-term rental will not be registered if it is located within a structure or property subject to a recorded covenant, deed restriction or agreement restricting such use, including without limitation dwelling units with affordability restrictions.~~

2. ~~Advertising: It shall be prohibited to advertise occupancy or use of a short-term rental that is not legally registered with the Town of Rangeley, according to the~~

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provisions of this Ordinance.

- 3. Subletting: Guests are prohibited from subletting a short-term rental. Only operators with a valid short-term rental registration certificate may advertise and rent a residential unit as a short-term rental.
- 4. The Code Enforcement Officer shall have the authority to ensure compliance with this Ordinance, and to enforce violations. The Code Enforcement Officer may, with appropriate notice, make inspection of any short-term rental property to determine compliance with this Ordinance or any other law. Failure to allow a properly noticed inspection shall be deemed a violation of this Ordinance.
- 5. Violations of this Ordinance: violations of this ordinance include, but are not limited to, the following:
 - a. Intentionally providing false or misleading information on an application for a short-term rental;
 - b. Violation of any short-term ~~performance~~ standards, and violation of any statute, ordinance, or regulation applicable to the short-term rental.
- 6. Complaints concerning short-term rentals: the operator will be given the opportunity to address and take corrective measures when a substantiated complaint is registered against a short-term rental. A record of substantiated complaints will be kept on file in the Code Enforcement Officer's office.
- 7. Annually the Board of Selectman shall establish a per-day administrative penalty for violations of this Ordinance.
 - a. Failure of a violator to correct the violation and pay the assessed administrative penalty within 30 days of notice shall subject the violator to prosecution and further penalties and fees as set forth in 30-A M.R.S. 4452.
- 8. Appeal: Any operator may appeal an administrative penalty to the Rangeley Zoning Board of Appeals. The Board of Appeals shall commence a hearing on the appeal within 30 days of filing.
 - a. Any registrant aggrieved by the decision of the Board of Appeals may appeal the decision of the Board of Appeals to Superior Court, pursuant to Maine Rule of Civil Procedure 80B, within thirty (30) days of the Board of Appeals' decision.

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Article 34.6 Conflicts

In the event of a conflict between the provisions of this Ordinance and any applicable State or local law, ordinance or regulation, the more restrictive provision shall control. The issuance of registration pursuant to this Ordinance shall not relieve the operator of the obligation to comply with all provisions of any other municipal ordinances or any other applicable laws or regulations pertaining to the use and occupancy of the property on which it is located.

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5. **Violations of this Ordinance: violations of this ordinance include, but are not limited to, the following:**
 - a. **Intentionally providing false or misleading information on an application for a short-term rental;**
 - b. **Violation of any short-term performance standards, and violation of any statute, ordinance, or regulation applicable to the short-term rental.**
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