



# **TOWN OF KITTERY**

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## **KITTERY TOWN COUNCIL WORKSHOP TITLE 5 - SHORT TERM RENTALS ORDINANCE**

**July 20, 2020**

**6:00PM**

**Due to the Declaration of a State of Emergency for the State of Maine and Town of Kittery, this meeting will be held remotely in accordance with LD 2167. The meeting will be broadcast on Channel 22, Facebook, and live broadcast from the Town's website.**

**ADD 5.12 SHORT TERM RENTAL as follows:**

1 §5.12.1 Purpose

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

7  
8 §5.12.2 Definitions

9 **Owner** means a person who is the owner of record of real property as documented by deed or  
10 other document evidencing ownership recorded at the York County Registry of Deeds.

11 **Owner Occupied** means the owner is domiciled at the property for no less than 183 days in a tax  
12 year, as documented by a State of Maine Income Tax Return or other document evidencing  
13 owner occupancy.

14 **Short-term rental** means the use, control, management or operation of a dwelling unit or  
15 accessory dwelling unit, in whole or in part for dwelling, sleeping or lodging purposes for  
16 periods of fewer than 30 consecutive days; for compensation, directly or indirectly.

17 § 5.12.3 Applicability

18 A. This Chapter applies to any residential dwelling unit, room within a dwelling unit, or  
19 accessory dwelling unit that is rented, in whole or in part, for a period of less than thirty  
20 consecutive days, for compensation, directly or indirectly.

21 B. Exclusions. Excluded from this chapter are:

- 22 (1) Dwelling units used, in whole or in part, for dwelling, sleeping or lodging purposes for  
23 periods 30 consecutive days or more.  
24 (2) Lodging establishments such as hotels, motels, bed and breakfasts, inns, boarding or  
25 rooming houses.

26 C. Nothing contained in this Chapter supersedes any condominium, homeowner, or restrictive  
27 deed covenants that apply to the dwelling unit.

28 § 5.12.4 License Required

29 A. No person may advertise or operate a short-term rental unit without a license issued by the  
30 Code Enforcement Officer.

31 B. Non-refundable fees for the license are set forth in Appendix A.

32 C. Short-term rental licenses must be renewed on an annual basis. Each license issued under  
33 this chapter expires one year from issuance.

34 D. Each licensee will receive a certificate issued by the Code Enforcement Officer stating the  
35 license number, valid license period, occupancy limit for the unit, the name and emergency

36 contact information of the operator of the short-term rental unit, and the name and contact  
37 information of the property owner if different than the operator.

38 E. A license is not transferrable to any other person, or from location to location, and is valid  
39 only at the location and for the person designated. Any change in ownership of the dwelling unit  
40 will require a new license.

41 § 5.12.5 License Limits

42 No more than 120 licenses will be available for issuance between January 1, 2021 and December  
43 31, 2021. The total number of licenses available for issuance will increase by 10% each calendar  
44 year thereafter.

45 If a license is cancelled by the license holder or revoked by action of the CEO, it will be counted  
46 towards the available licenses for issuance in the calendar year it is cancelled or revoked .

47 § 5.12.6 Standards

48 A. Owner: Only the owner of the property can apply for the dwelling unit to be used for short-  
49 term rental.

50 B. Occupancy limits.

51 (1) No more than one short-term rental contract is allowed per dwelling unit at any one  
52 time.

53 (2) No more than two ~~guests~~adults per bedroom are allowed, unless otherwise approved by  
54 the Code Enforcement Officer and the Fire Chief or their respective designees.  
55 Increased occupancy limits may be granted upon application to the Code Enforcement  
56 Officer and inspection of the dwelling unit.

57 F. Property Taxes Current. No property may be licensed for short-term rental if the property is  
58 subject to an existing foreclosure or lien from the Town for non-payment of taxes.

59 G. Emergency Contact. The owner must provide emergency contact information or identify a  
60 person who will serve as an agent or representative for emergency contact purposes. The  
61 emergency contact person must be able to respond within sixty minutes or less to complaints  
62 regarding the condition, safety or operation of the dwelling unit as a short-term rental, or the  
63 conduct of guests, and take remedial action to resolve such complaints. The owner must  
64 notify the Town and provide updated contact information if the contact person or information  
65 changes.

66 H. License number. Licenses will be issued with a unique license number. The license number  
67 must be displayed within the dwelling unit and in all advertising for the short-term rental of  
68 the dwelling unit.

69 I. Parking.

70 (1) The owner must provide sufficient on-site parking to serve the residential dwelling unit(s)  
71 and the short-term rental unit(s) on the property. The total number of on-site parking spaces

72 will be the calculated as the number of spaces required for the dwelling unit per Chapter  
73 16.8.9.4 plus one parking space for each short-term rental unit on the property.

74 (2) Required on-site parking may be satisfied at off-site locations, provided such parking is  
75 on other property owned by the applicant or is under the terms of a contractual agreement  
76 that will ensure such parking remains available for the uses served. Applicant must present  
77 evidence of a parking location and a contractual agreement indicating the availability of the  
78 parking to the Code Enforcement Officer for review and approval prior to issuance of a  
79 license.

80 § 5.12.7 Complaints

81 Complaints of criminal or ordinance violations associated with the operation of short-term  
82 rentals brought to the attention of the Code Enforcement Officer or Police Department will be  
83 logged and investigated.

84  
85 § 5.12.8 Denial, Suspension, or Revocation of License

86 A. Denial. The Code Enforcement Officer may deny a license or license renewal upon failure of  
87 the applicant to meet all of the requirements of this Chapter, or for three or more  
88 substantiated criminal or ordinance violations associated with the property within the prior  
89 twelve months.

90 B. Suspension or revocation. The Code Enforcement Officer may suspend or revoke a license  
91 for violation of any provisions of this Chapter, or for three or more substantiated criminal or  
92 ordinance violations associated with the property within a twelve-month period.

93 a. A license may be suspended for no longer than six months, during which time the  
94 dwelling unit may not be used as a short-term rental.

95 b. A license may be revoked and cannot be reissued for twelve months. The Code  
96 Enforcement Officer may authorize the reissuance of a license if they find sufficient  
97 corrective action has been taken to prevent violations in the future.

98 § 5.12.9 Appeal

99 A Code Enforcement Officer decision on denial, suspension, or revocation of a license may be  
100 appealed to the Board of Appeals as provided in §16.6.4A.

101 § 5.12.10 Violations

102 A. Any violation of this Chapter will be assessed a penalty of \$250 ~~500~~. Each day any violation  
103 of this Chapter continues constitutes a separate offense.

104 **AMEND Appendix A as follows:**

105 **Chapter 5.12 SHORT TERM RENTAL**

106 **Owner Occupied** **\$50/annually**

107 **Non-Owner Occupied –** **\$100/annually**

108 Increased occupancy limit application \$100/one time

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