



To whom it may concern,

There are several different perspectives to Short Term Rentals. The Ordinance Review Committee has reviewed STR ordinances in several Maine towns and has determined that they are beneficial for families who cannot afford multiple hotel rooms, home-owners supplementing income with on-site STRs, owners of local hospitality businesses, bars, restaurants, entertainment venues, property management, cleaning services, and real estate agencies, among others.

STRs can also be challenging to registered lodging establishments, local businesses and their employees (or lack of), wells, septic systems, parking, first responders, municipal employees, first time home buyers, local housing stock, long-term renters, mortgage pricing, and neighbors.

The purpose of this community forum is to provide the opportunity for a dialogue in order to produce an ordinance on STRs that will best serve our community.

The 130th Maine Legislature established a Commission to Increase Housing Opportunities in Maine by Studying Land Use Regulations and Short-term Rentals with the passage of Resolve 2021, chapter 184. The study was completed and recommendations were made available in November 2022.

We are drafting this ordinance to help comply with other Bethel town ordinances and Maine state lodging regulations. It will also help to protect public health, safety, and general welfare of the community. In addition, it should help with mass occupancy, commercial endeavors, influx in renters, and housing stability in the area.

Please note that this is a draft version of the STR Ordinance that the ORC has been working on. This is for public review before the ORC meeting/Community forum that will be held **Tuesday, February 21st, at 6:00 pm at the Telstar Auditorium**. We have provided additional information that we have collected while doing research on the topic, including some of the other Maine towns who have enacted a STR ordinance.

In order to provide a timely and equitable meeting, we plan to have a moderator. Please review the draft ordinance and write down any questions or concerns that you may have so they are ready to go on the 21st.

If you are not able to attend, please write out your questions/concerns and email, mail, or drop off at the town office. Email to ceo@bethelmaine.org, they will be printed and shared with the ORC and possibly the public as time allows.

Thank you for your time and consideration,

Town of Bethel, Ordinance Review Committee
Jim Bennett, Chair

DRAFT

Bethel Short Term Rental Ordinance Working Document Last Updated Feb 15, 2023

TOWN OF BETHEL SHORT-TERM RESIDENTIAL RENTAL ORDINANCE

Article I: Purpose

The Town of Bethel seeks to balance the desire of property owners to rent their properties to short-term tenants and the desire of residents to preserve the character of their residential neighborhoods. The purpose of this ordinance is to protect public health, safety, and general welfare of the community.

Article II: Definitions

Dwelling Unit:

Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multi-family housing, condominiums, apartments, and time-share units.
[Amended 6-13-2012]

Short-term Rental (STR):

The use, control, management or operation of a legally-existing dwelling unit, in whole or in part, for dwelling, sleeping or lodging purposes for fewer than thirty (30) consecutive days and for compensation, directly or indirectly. Short-term rentals do not include motels, hotels, hostels, bed and breakfast inns, and town approved campgrounds. A short-term rental does not include legally existing dwelling units that are rented no more than twice per calendar year and for less than a total of 14 days in a calendar year.

Un-hosted Short-Term Rental:

A dwelling that is not occupied by the owner when any part of the dwelling unit is rented as a short-term rental.

Hosted Short-Term Rental:

A dwelling that is occupied by the owner when any part of the dwelling unit is rented as a short-term rental.

Article III: Registrations

(a) Effective [Date of Approval] no person shall operate a short-term rental without first receiving a registration number and certificate for the short term rental from the Bethel Town Office. Application forms and a self-inspection checklist will be available on the Town's website and at the Bethel Town Office.

(b) A proposed short-term rental may only be registered by the legal owner of the proposed short-term rental.

(c) Non-refundable fees for a short-term rental shall be adopted, by order of the Bethel Select Board, and may be amended from time to time. Such fee(s) must be submitted with the registration form at the time of registration and/or renewal.

(d) All first time and renewal owners will be required to file an "Application for Short-Term Rental Registration" with the Town Office. The applicant shall provide all the information requested on the short-term rental registration application form provided by the Town of Bethel, including, but not limited to, the following information: owner, application, Self-Inspection Checklist

(e) A Short-Term Rental shall not be considered registered until all information and fees are provided to the satisfaction of the Town Office, a registration number has been assigned, and a registration certificate has been issued.

(f) Beginning on [Date of Approval], registration cycles will run for a one-year period from July 1st to June 30th of the following year. Registration renewals shall be required on an annual basis. Applications for renewals will be accepted from March 1st to June 1st of each calendar year. Any renewal applications received after that date will be considered late and will be subject to a late fee determined by the Town of Bethel Fee Schedule or application denial.

(g) First time registration applications may be completed at any time during a calendar year or registration cycle. For the purposes of this Ordinance "first time applications" shall include property owners wishing to register their short-term rental units for the first time, or after more than one year's lapse of a previously issued registration. First time registrations will be issued on a space available basis subject to the limits and process described in Article VI (c).

(h) All first-time registration applications, and any renewal applications for which there have been changes over the previous year, will be reviewed by the Code Enforcement Officer prior to the issuance of the registration number and certificate by the Town Office.

(i) Any change in ownership shall require a registration application as a "first time" registered owner.

(j) All renewal registration applications (including late renewal applications as described in section (f) above) shall be reviewed and approved annually by order of the Bethel Select Board prior to the issuance of the registration number and certificate by the Town Office. The Code Enforcement Officer shall provide a summary of all complaints and any resolution to said complaints filed during the previous registration cycle to the Town Manager for their review along with the registration renewal applications.

(k) A unique registration number for each Short-Term Rental shall be assigned by the Town Office at the time of registration, which shall not be transferable to any other Short-Term Rental.

Article IV: Operating Standards

In addition to the registration requirements set forth in Article III of this document, the following operating standards shall apply, and shall constitute violations of this ordinance if not followed:

(a) Emergency Contact. The owner must identify a registered agent(s) or representative(s) for emergency contact purposes, who may be the owner. The Emergency Contact Person(s) must be able to respond within 60 minutes (24 hours per day/7 days a week) to complaints regarding the condition, safety, operation of the short term rental, or the conduct of guests. The Emergency Contact Person(s) must be able to take such remedial action on behalf of the owner, or as otherwise allowed by law, to resolve such complaints.

(b) Occupancy limits. Guests shall be limited to a maximum of two guests per legally permitted bedroom, plus no more than two additional overnight guests. Limits will be based on the number of bedrooms listed on the building permit, approved septic system design, or sewer district connection information. In the case of a dwelling legally existing without any of the information listed above, the number of bedrooms shall be based upon the historic and traditional use of the structure as represented by the property owner.

(c) Parking. The owner must provide sufficient off-street parking to meet the parking requirements of §75-23 through §75-34 for the STR(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 owner. 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. Guest parking on any public street must adhere to §75-33 Winter Parking.

(d) Evacuation Plans. All property owners are required to create an evacuation plan and post in a visible location in the short-term rental property in case of emergency.

(e) Life safety. All short-term rental units shall comply with the following requirements:

1) Any dwelling unit(s) must comply with all applicable National Fire Protection Association (NFPA) codes and standards that have been adopted by the Town and State.

2) Be properly identified with their legal street number and in accordance with the Town of Bethel Street Names and Numbering Ordinance §146-7.

3) Shall have at least one portable type A/B/C fire extinguisher mounted in a prominent location within the Short-Term Rental (5 lb. recommended).

4) Short-term rental units contained in structures **constructed prior to December 1, 2010** shall comply with the following current standards:

- i) The "2013 Egress Policy" issued by the Office of the State Fire Marshal;
- ii) State of Maine Title 25, §2464: Smoke detectors;
- iii) State of Maine Title 25, §2468: Carbon monoxide detectors.

(f) Solid Waste Disposal. The owner and renters must adhere to the standards of the Bethel Solid Waste Disposal Ordinance. In addition, the property owner shall ensure that solid waste is removed from the property or securely stored prior to new guests entering the property. In no case shall solid waste remain on the property for more than a week after each rental period. Transfer Station stickers must be obtained with the STR application from the Bethel Town Office. Each STR dwelling unit must have its own Transfer Station sticker.

(g) Noise. The owner and renters must adhere to the standards contained in Chapter 375.10C, Sound level limits, of the Maine Department of Environmental Protection Rules and as amended to make a determination of "adversely affected."

(h) Insurance. At the time of registration, the owner must provide a certificate of insurance that expressly acknowledges that the property may be used for short-term rental business activity and evidencing general liability insurance appropriate to cover the short-term rental use in the aggregate of not less than \$1 million, or proof that the owner conducts short-term rental transactions through a hosting platform that provides equal or greater coverage. The owner must maintain such insurance coverage while rented. If insurance lapses, STR registration is revoked.

(i) Advertising. It shall be prohibited to advertise occupancy or use of a short-term rental that is not legally registered with the Town of Bethel according to the provisions of this Ordinance. For the purposes of this Article, the term "advertise" shall mean 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, included, but not limited to newspapers, magazines, flyers, television commercials, radio, signage, direct mail, websites, online platforms, telemarketing, robo-calls, and/or text messages. The short-term rental advertising shall be consistent with the requirements of this Ordinance and shall include the municipal registration number and clearly note the number of permitted bedrooms for the short-term rental unit. The advertising shall not include offering the property for non-residential uses such as corporate events, weddings, or other similar events. Any and all signage must adhere to the Sign Ordinance §136.

(j) Posting of Short-Term Rental Registration Certificate. The Short-Term Rental Registration Certificate issued by the Town Office, must be posted inside the Short-Term Rental, in plain sight, near the entrance to the dwelling unit.

Article V: Prohibited Activities, Violations, and Enforcement

(a) The following activities are prohibited:

- 1) The short term rental of property that is not in compliance with this Ordinance.
- 2) Offering a short-term rental in a structure that was not permitted by the Town of Bethel for human habitation.
- 3) The preparation or serving of food to short term rental guests by the owner or their agent that would require a victual's license from the Town of Bethel and/or a food license from the State of Maine.

(b) Violations of this ordinance include, but are not limited to, the following:

- 1) Providing false or misleading information on an application for a short-term rental;
- 2) Failure to comply with the parking provisions of Article IV (c) of this Ordinance;
- 3) Failure to comply with the occupancy limits of Article IV (b) of this Ordinance;
- 4) Violation of any short term rental condition, restriction or other criteria;
- 5) Violation of any statute, ordinance, or regulation applicable to the short-term rental; and/or,
- 6) Violations discovered through normal monitoring by the Town of Bethel.

(c) Complaints Concerning Short-term rentals. In an emergency, call 9-1-1. All complaints regarding short-term rentals shall be brought to the attention of the Code Enforcement Officer through the completion and submission of a Citizen Complaint Form. The Code Enforcement Officer shall establish and maintain a record of all complaints received for each short-term rental and investigated by the Code Enforcement Officer. The Code Enforcement Officer shall seek to obtain voluntary compliance through the correction of all substantiated complaints by the short-term rental owner.

(d) Suspension or Revocation of a Registration. If a violation of this Ordinance exists and cannot be resolved between the Code Enforcement Officer and the owner, 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 Town Manager for review and consideration. The Code Enforcement Officer may condition, suspend, or revoke a short-term rental registration on the basis of the property owner's non-compliance with this ordinance. Any decision of the Code Enforcement Officer described above may be appealed to the Board of Appeals. Owners who have previously had a registration(s) revoked pursuant to this article shall be allowed to be registered in the future only by order of the Select Board.

(e) Failure or Refusal to Obtain Short-Term Rental Registration; Enforcement. Failure or refusal to obtain a short-term rental registration prior to operating and/or advertising a short-term rental as required by this Ordinance shall be considered a violation of this ordinance, and may be subject to fines and penalties as set forth in The Bethel Town Fee Schedule established by the Select Board. Each day that a violation continues shall constitute a separate violation. For the violation of operating and/or advertising a short-term rental without a valid registration, the violator shall be penalized with a per day fine equal to the yearly registration fee for the first offense and an additional per day fine equal to three times the yearly registration fee for each additional offense. Any such fines or penalties may be in addition to any suspension or revocation imposed in accordance with the provisions of this Article.

The Town may institute or cause to be instituted any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this Ordinance. In any court action, the Town may seek injunctive relief in addition to or instead of fines/penalties. The Town shall be entitled to recover its costs of enforcement, including its reasonable attorneys' fees.

(f) Appeal. Any owner aggrieved by the decision of the Board of Appeals to suspend or revoke a short-term rental registration 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.

Article VI: Conflicts with other Ordinances

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 any registration pursuant to this Ordinance shall not relieve the owner 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.

End of draft