

[Note of explanation: This Ordinance seeks to require disclosure and licensing of short-term rentals operated within the Town of Raymond and ensure that residential neighborhoods are not unduly impacted by the operation of short-term rentals within the Town.]

## **Raymond Short-term Rental Ordinance**

### **A. Purpose:**

The purpose of this ordinance is to require the disclosure and licensing of all short-term rentals (STR(s)) operating for more than 30 days/year within the Town of Raymond. Furthermore, this Ordinance is intended to ensure that residential neighborhoods are not unduly impacted by the operation of STRs and to encourage neighborly behavior. This will be accomplished through a licensing program, described herein, that enables the Town to monitor and track the proliferation of STRs within its borders. This includes modest performance standards intended to protect the peaceable enjoyment of all property owners, renters, citizens, neighbors, waterways, wildlife, the environment and all shared assets. It also includes limits to the numbers of STRs within the community as well as measures to ensure accountability of STR owners to the community.

### **B. Applicability:**

1. Permitted Short Term Rentals. Legally existing residential dwelling units may be used as STRs upon the issuance of an STR license for the premises in accordance with the requirements of this Ordinance.
2. Prohibited STRs. No person may offer for rent, operate, or otherwise use any dwelling unit in the Town of Raymond for short-term rental if the accommodations are a recreational vehicle, trailer, yurt, tent or similar temporary structure.
3. Lodging Establishments Exempt. The following lodging establishment uses are exempt from the licensing requirements and standards of this Ordinance: Hotels, Motels, Bed and Breakfast Inns, Long Term Rentals, Traditional Rental Residences, Campgrounds and similar establishments currently operating under a Special Permit.
4. Density Limits- No more than two abutting properties (including two or more properties on opposite sides of a road and/or private way) may be licensed for Short Term Rental, and no more than 10% of properties within or with deeded access to the Shoreland Zone in the Town of Raymond shall be licensed for short-term rental.

### **C. Definitions:**

**Advertising:** Any form of communication for marketing that is used to encourage, persuade or manipulate viewers, readers or listeners into contracting for goods and/or services as may be viewed through various media, including, but not limited to, newspapers, magazines, flyers, handbills, television commercials, radio, signage, direct mail, websites, electronic social media, third-party booking agents, realtors or text messages.

**Dwelling Unit:** One or more habitable rooms designed, intended or used for living quarters by one or more persons living together as a family, with living, sleeping, sanitary and cooking facilities, including within the meaning of "cooking facilities" a stove, hot plate, microwave oven or other device for heating or cooking food. The term shall include manufactured houses and rental units that contain cooking, sleeping and toilet facilities, regardless of the time period rented. Recreational vehicles are not residential dwelling units.

(a) PERMANENT OR YEAR-ROUND A dwelling unit so constructed as to be suitable for occupancy 365 days of the year.

(b) SEASONAL A dwelling unit so constructed as to be suitable for occupancy during the warmer months of the year only.

**Good Neighbor Guidelines:** A document prepared by the town that summarizes the general rules of conduct, consideration, and respect, including, without limitation, provisions pertaining to the use and occupancy of a dwelling unit used or occupied as an STR.

**Owner:** An individual person or persons or an entity that is the owner of record of real property as documented by deed or other document evidencing ownership recorded at the Cumberland County Registry of Deeds.

**Operator:** An owner or their agent charged with managing the day-to-day operations of the STR.

**Short Term Rental:** The use of any legally existing dwelling, accessory apartment, tiny home or dwelling unit offered for rent for transient occupancy for more than thirty days in a calendar year, by STR guests for a tenancy of less than 30 consecutive days for compensation, directly or indirectly. For the purposes of this ordinance this definition shall exclude Motels, Hotels, Bed and Breakfast Inns, Long Term Rentals, Traditional Rental Residences, Campgrounds and similar establishments operating under a special permit.

**Short Term Rental Guest:** Any person who rents, licenses, occupies or has the right to occupy a dwelling unit for less than 30 consecutive days.

~~**Short Term Rental Resort:** A residentially zoned, STR with an occupancy limit of 8 persons/night or more or 4 or more bedrooms, whether owner-occupied or not, used in this manner for more than 30 days/calendar year. Must be licensed to operate~~

~~Short Term Rental Residence: A residentially zoned, STR with an occupancy limit of 7 or fewer persons/night or fewer than 4 bedrooms, whether owner-occupied or not, used in this manner for more than 30 days/calendar year. Must be licensed to operate~~

**Traditional Rental Residence:** A residentially zoned property offered for rental, for compensation or not, whether owner-occupied or not, and used in this manner for fewer than 30 days/calendar year. Such uses are exempt from this ordinance.

**D. General Requirements:**

1. License Required: No STR shall be advertised, rented, or operated except in conformity with this Ordinance. An STR license shall be valid for the calendar year for which the license is issued. The property must remain in compliance with the STR license for the calendar year in which the license is issued.

a. STR license renewal. STR licenses shall expire on December 31st of each calendar year, and an STR license holder may renew such license by submitting a renewal application, via a renewal process established by the Town.

After the effective date of this Ordinance, any duly licensed STR may continue operating as long as the license is current, in good standing and renewed on or before the annual renewal deadline established by the Town. Any renewal application received after the advertised deadline for submission shall be considered late and deemed a new application.

2. Fees: The Board of Selectmen shall establish fees for the licensure of STRs annually  
Licensing fees for STRs shall be assessed based upon the following criteria:

**\$500.00 per bedroom as determined by the Occupancy Rate.**

3. Non-transferability; STR licenses issued under this Ordinance shall not be transferable to a new Owner or location. Any Change of Ownership shall require a new license, except transfers of the real estate and related license in a Permitted Transfer. A "Permitted Transfer" is a transfer of the subject real estate and the related license to a Permitted Transferee. A "Permitted Transferee" includes (1) another current Owner of the subject real estate; (2) the spouse, child(ren) and/or grandchild(ren) of a current Owner; (3) a trust for the benefit of a current Owner, a current Owner's spouse, a current Owner's child(ren) and/or grandchild(ren) of a current Owner; or (4) for estate planning purposes, a trust, limited liability company ("LLC"), corporation or other entity, as long as the beneficiaries of the trust or owners of the entity, as applicable, are a current Owner, a current Owner's spouse, a current Owner's child(ren) and/or

grandchild(ren) of a current Owner. In the case of a transfer to a Permitted Transferee, the Permitted Transferee shall become a "Licensee" and an "Owner", and the definition of "Permitted Transferee" shall apply to the new Licensee/Owner.

Licensees/Owners shall be required to certify that they comply with the provisions of this section annually and that they have not engaged in any transfers, or been transferees in any transfers, that are not Permitted Transfers. See Section F.5 herein.

Licenses are limited to the dwelling unit(s) for which they are issued and shall not be transferable to a different dwelling unit.

4. Advertising: STR advertising must be consistent with the terms of the STR license, and all advertisements of the STR must include the current STR license number.

5. Subletting and Event Hosting: It shall be unlawful to sublet an STR. In addition, it shall be unlawful to host events that include guests beyond the property's maximum occupancy rate, interfere with parking of neighbors or create a nuisance for neighbors.

6. Registration record: The STR owner must (a) maintain accurate, up-to-date records of all rental transactions involving the STR, including the number of tenants and the length of their stays, and upcoming reservations; and (b) present said information to Town inspection officials upon request. Failure of the STR owner to provide this information within 5 business days of a Town request for the same shall be considered a violation of this section.

7. Notice: The STR license holder must post, in plain sight, near the entrance to the STR, the original town-issued license. (not a copy)

8. Minimum Stay and Maximum Turnover: A Short Term Rental may not be rented for fewer than three days in a week (7-day period), and not more than once in a week (7-day period).

#### **E. Review Procedure:**

1. Application submission completeness; STR license applications shall be submitted to the CEO. Applications for licenses for the upcoming calendar year may be submitted beginning in October of the current license year. The CEO or CEO's designee shall review all applications for completeness and accuracy and in the order that they are received.

2. The CEO or CEO's designee shall be the issuing authority for STR licenses and shall determine if the application has been properly completed before any license is issued.

3. Inspection. The STR applicant shall certify on each application that the proposed STR complies with the standards in section G and with all building code requirements.

The CEO shall inspect upon first application, upon transfer, upon any substantive change, upon change of ownership, and at his/her discretion, to ensure compliance with the standards in Section G.

The CEO shall determine an occupancy rating for each STR and record it on the license.

4. Transitional Provisions for Licensing of Pre-Existing STRs. Persons or entities who operated a legally-existing residential dwelling unit as an STR and receive reservations for short-term rentals at the same premises prior to the Effective Date of this Ordinance shall be required to obtain an STR license for said premises by submitting an application to the CEO by the advertised date which application must contain an affidavit or other sworn statement by the Owner, along with documented evidence, certifying that the premises were previously used for short-term rental use by one or more tenants for a period of less than thirty days per tenancy and for at least fourteen (14) total days in a calendar year in any one of the following years: 2021, 2022, 2023 or 2024.

Upon review and approval of a timely application submitted for a license containing sufficient evidence of previous STR use as required above, CEO shall issue a license for each such premises, without the need for a prior inspection of said premises by the CEO or designee as is otherwise required in section E (4). However, all short-term rental properties that exist on the date of adoption of this Ordinance will require a license and inspection for the next Calendar year and STRs in general will be subject to all density limitations and regulations herein.

5. Issuance. If the CEO determines that the proposed STR application complies with the STR standards, the CEO or CEO's designee shall issue the applicant an STR license provided the town has not reached its annual limit and all required fees and/or fines have been paid.

#### **F. Submission Requirements:**

The STR license application shall include the following information:

1. Location. The street address and map/ block/lot number of the STR property.
2. Contact Person/Owner Responsibility. The name of the owner of the STR property and contact information, including address and telephone number. If the owner is anything other than a natural person, then the following information must also be included: the name of each individual person who has an ownership interest in any entity that is the owner of record, including, without limitation, all beneficiaries of any trust, and all members and shareholders of a limited liability company, corporation or other entity. In addition, if someone other than the owner is acting as the local contact person, contact information for that person shall also be provided. Regardless of who enters the STR agreement or who may be designated as the owner's contact person, the property owner shall be responsible for
3. All information needed to demonstrate compliance with the standards listed below.

4. Owner will indicate whether the property is in a protective zone, the Shoreland Zone or has deeded access crossing the Shoreland Zone.
5. For renewal applications, Licensees/Owners shall be required to certify annually that they have not engaged in any transfers of the licensed premises, or been transferees in any transfers, that are not Permitted Transfers under Section D.2 of this Ordinance.

### **G. Standards:**

Short Term Rental licenses will be available on a first come, first served basis up to the allowable density limits established herein.

The CEO shall issue an STR license upon the applicant satisfying the above requirements if the following standards are met:

1. Code compliance. An applicant's property, without limitation, shall comply with the requirements set forth by any Authority Having Jurisdiction (AHJ).

~~(Note; the CEO, at his/her discretion, may require additional inspections to ensure compliance with health and safety standards.)~~

2. The applicant shall provide floor plans of the dwelling unit that show the location of the alarms and fire extinguisher(s), updated annually on an illustrated fire escape plan.

3. Sanitary waste disposal. The applicant shall submit information demonstrating that adequate sanitary waste disposal is available in compliance with the Maine Subsurface Wastewater Disposal Rules, or that the property is served by public sewer. This shall include the total number of bedrooms included in the property, any additional sleeping space, and the total number of occupants that the property accommodates. The total number of occupants used to determine adequacy of sanitary waste disposal shall not be less than the total number of occupants approved for the property. For the purpose of evaluating the adequacy of a subsurface disposal system, every two occupants shall be equivalent to one bedroom.

4. Parking. The applicant shall include a depiction designating parking spaces that will be provided for tenants and guests on the same lot where the STR is located. Guest parking at the STR shall occur in parking spaces designated by the applicant, and the number of guest vehicles allowed at the STR shall be limited to the number of onsite parking spaces designated by the applicant. Garage parking spaces not allowed for tenant use shall not be used to meet the STR parking requirement. Tenants and guests of STRs are prohibited from parking in a manner that impedes access by emergency vehicles to the property or any other dwelling in the neighborhood. Overflow parking that impedes neighboring properties or creates unsafe conditions on rural roads will be considered a nuisance.

5. Good Neighbor Guidelines shall be provided by the town and shall be posted within the dwelling and shall include, but not be limited to guidance on dog noise, nuisance

and pet waste, quiet hours, proper waste management, fishing without a license, boating requirements, trespass, creating a nuisance, disturbing wildlife and unattended fires. In addition, contact information for the Police and Fire Departments shall be clearly posted. \*A model version is provided as an attachment to this Ordinance.

6. Occupancy limits- The applicant shall comply with the occupancy limit established by the CEO. The occupancy limit of the property will be determined per the Residential Code currently adopted by the Town of Raymond and shall be recorded on the license. The maximum tenant occupancy of an STR shall be limited to no more than 2 tenants per bedroom. This number can only include the number of occupants that the dwelling can support and shall not exceed the rating of the septic system. Occupants on the property that do not sleep within the structure are prohibited. Occupancy limits shall not exceed 12 occupants under any circumstance. (Events such as but not limited to parties and weddings with more than the occupancy limit are strictly prohibited).

7. Signage- all signage shall comply with the Town of Raymond Land Use Ordinance and all sign lighting shall be Dark-sky compliant including full-cut-off fixtures, so as not to affect abutting properties.

8. Garbage- Garbage storage containers will be made available, and pick-up will be scheduled at least weekly in accordance with the Raymond Curbside Trash and Recycling Program or a private contractor.

9. Exterior Lighting. All new or replacement exterior lighting of STRs must be Dark-sky compliant and include full-cut-off fixtures, to minimize impacts on neighboring properties.

10. Quiet Hours. All STRs in the Town of Raymond shall observe quiet hours between 11 pm and 7am Friday and Saturday and 9 pm and 7 am Sunday through Thursday, during which no nuisance noise or excessive noise levels shall be allowed. (For the purposes of this ordinance, nuisance or excessive noise shall be any noise that disrupts the peaceable enjoyment of any resident on any property up 1,000 ft. away from the offending STR property)

#### **H. Suspension and Revocation of License:**

A license for an STR may be conditioned, suspended, or revoked by the CEO if the CEO determines that a violation of this ordinance, any applicable statute, ordinance, or regulation, or STR certification, condition, or criteria has occurred.

1. Violations of this Ordinance. Violations of this ordinance may include, but are not limited to, the following:

a. Providing false or misleading information on an application, or renewal application, for an STR license;

- b. Failure to provide the registration records as provided in Section D(6) within 5 business days of a Town request for such records;
- c. Failure to comply with the parking provisions of Section G(4) of this Ordinance;
- d. Failure to comply with the rental Occupancy Limits of Section G(6) of this Ordinance;
- e. Failure to acquire and/or display the required STR license number at the property or include the license number in any advertising of the licensed premises;
- f. Violation of any STR license certification, condition, or criteria;
- g. Violation of any statute, ordinance, or regulation applicable to the STR property.
- h. Good neighbor conduct. The CEO shall consider any complaints received about behavior at the STR that diminishes the peaceful quiet enjoyment of property by residents within one thousand feet (1,000') of the STR property line. Disruptive outdoor behavior may include but not be limited to swearing, lewd gestures or conduct, excessive noise during Quiet Hours, pet control, substance use, parking and speeding. The CEO may deny issuance of the license based on complaints that the STR owner, tenants or guests have diminished the peaceful quiet enjoyment of neighborhood residents. An appeal of the CEO's decision to issue, suspend, revoke or deny an STR license based on this standard shall be heard by the Select Board.

i. Repeated, unremedied violations of the Good Neighbor Guidelines, which results in an impediment to the peaceable enjoyment of others, including neighbors due to disorderly conduct (Maine Title 17A ss 501-A), trespass or creating unreasonable noise and nuisance.

2. Complaints Concerning STRs. The CEO shall establish and maintain a log of all complaints received by the Town for each STR. The CEO shall seek the correction of all substantiated complaints by the STR license holder.

3. Those STRs whose licenses have been revoked or suspended must cease advertising and booking immediately.

4. Appeal Process. Any person aggrieved by the decision of the CEO may appeal to the Select Board, at which time the Select Board shall call a public hearing to review evidence and make a determination.

5. Any person aggrieved by the decision of the Select Board to suspend or revoke a STR license may appeal the decision to Superior Court, pursuant to Maine Rule of Civil Procedure 80B, within thirty (30) days of the Board of Selectmen's decision.

#### **I. Limitations on Density and Annual Licenses for STR Units:**

The CEO shall issue STR licenses on an annual basis.



1. The total number of licenses available for issue in any given year shall be set by the Board of Selectmen.

2. Effective Date. This Ordinance and all the licensing standards contained herein shall go into effect upon adoption of this Ordinance.

#### **J. Penalties for Violations; Enforcement**

In the event the CEO or Select Board or any AHJ (Authority Having Jurisdiction) finds that the Owner(s) have violated this Ordinance or the terms and conditions of the license, or that the Owner has been negligent in policing their customers to ensure the peaceable enjoyment of others, including neighbors, the Town shall prohibit the Owner from licensing the property for 12 months following the current licensing expiration date, after which the owner may submit a new application for licensure.

Violations shall also be subject to fines and penalties as set forth in this section and in a Penalty Schedule established by the Board of Selectmen.

Any such fines or penalties may be in addition to any suspension or revocation imposed in accordance with the provisions of Section H of this Ordinance.

Repeated violations of this ordinance, any applicable statute, ordinance, or regulation, or STR license certification, condition, or criteria may result in a finding by the CEO, Select Board or AHJ that the Owner(s) shall be prohibited from obtaining a license to use the property as an STR.

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.

#### **K. Additional Regulations**

The Board of Selectmen may adopt regulations implementing the provisions of this Ordinance.