

Chapter 139

SHORT-TERM RENTAL REGISTRATION

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[HISTORY: Adopted by the Town Meeting of the Town of Casco 6-15-2022ATM by Art. 40. Amendments noted where applicable.]

§ 139-1. Purpose; authority.

Casco residents prize the peace and quiet of their residential neighborhoods. In recent years, a growing number of property owners are renting out their property to vacationers on a short-term basis throughout the year. In order to preserve the fabric of residential neighborhoods and to protect the safety of visitors and residents, the Town of Casco believes the operation of short-term rentals (STRs) must be efficiently and effectively regulated. This chapter was developed with an interest in balancing the desire of the property owners who wish to rent their properties to short-term tenants with the desire of residents who want to preserve the peaceful quiet and enjoyment of their residential neighborhoods.

§ 139-2. Definitions.

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

DWELLING UNIT — A room or group of rooms designed and equipped exclusively for use as living quarters by one family including provisions for living, sleeping, cooking and eating. This does not include hotels, motels, recreational vehicles, or other temporary trailers.

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.

LONG-TERM RENTAL — A dwelling unit that is rented to renters/guests for a period of more than 30 consecutive days.

SHORT-TERM RENTAL (STR) — A dwelling unit that is rented to renters/guests for a period of less than 30 consecutive days.

UNHOSTED 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.

§ 139-3. Registration; annual renewal necessary.

- A. No dwelling unit may be rented, or otherwise held out as being available for rent as a short-term rental, without first registering the same with the Town of Casco in a manner consistent with this chapter.
- B. A short-term rental registration is valid for a period of one year from the date of issue. A short-term

rental registration must be renewed annually, and must also be re-registered upon any change in ownership of the dwelling unit.

- C. Registration applications, which shall be prepared and made available by the Code Enforcement Officer, shall provide all information required to demonstrate compliance with the performance standards contained in this chapter, as well as the following materials:
- (1) Copy of plot plan. Showing the location of the short-term rental, the location of all parking spaces required by § 139-4C of this chapter, and the location of the leach field associated with the dwelling unit. Such plot plans may be hand drawn or created using the GIS data compiled and maintained by the Town.
 - (2) Floor plan drawing. Shows the general layout of the short-term rental. A property's layout can be downloaded from Town of Casco website under Tax Assessor and GIS Map. This floor plan must show bedrooms, hallways, emergency exits, and the locations of carbon monoxide detectors, smoke detectors and required fire extinguishers. Such floor plans may be hand drawn.
 - (3) Application fee in an amount consistent with the Town's fee schedule.
- D. Once submitted, all short-term rental registrations shall be reviewed by the Code Enforcement Officer for completeness. Once deemed complete, the Code Enforcement Officer shall either grant, grant with conditions, or deny each application.
- E. Upon completion of the registration, all applicants will have a copy of the following:
- (1) Town of Casco Short-Term Rental Registration Ordinance.
 - (2) Signed Town of Casco short-term rental registration application.
 - (3) Good Neighbor flyer.

§ 139-4. Performance standards.

All short-term rentals within the Town shall comply with the following performance standards:

- A. Emergency contact. The dwelling unit's owner must provide an emergency contact who is able to respond within three hours (24 hours per day) to complaints regarding the condition, 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 owner, or as otherwise allowed by law, to resolve such complaints.
- B. Occupancy limits. Occupancy within a short-term rental is limited to a maximum of two guests per legally permitted bedroom (as determined by the Code Enforcement Officer) plus an additional two guests.
- C. Parking. The dwelling unit's owner must provide off-street parking for the guests. Parking in a manner that impedes access by emergency vehicles to the property or any other dwelling in the neighborhood is prohibited.
- D. Trash disposal. The dwelling unit's owner must provide trash containers for household trash. Trash bags must be tied securely and placed in provided containers. The dwelling unit owner shall ensure that the trash is removed from the property at the end of each rental period.
- E. No serving of food by owner. No food shall be prepared for, or served to, short-term rental guests by the owner in a manner that would require a victualer's license from the Town, or an eating

establishment license from the State of Maine.

- F. Habitability of dwelling unit. A dwelling unit may not be rented as a short-term rental if the same has not received a certificate of occupancy from the Code Enforcement Officer, has been declared to be a "dangerous building" by the Selectboard, as defined by state law, or has otherwise been declared to be unfit for human habitation by the Local Health Officer.
- G. Distribution of good neighbor flyer. A copy of a "Good Neighbor Flyer" prepared and maintained by the Town shall be posted in the short-term rental.

§ 139-5. Complaints, penalties, violations and enforcement.

- A. Complaints concerning short-term rentals. 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. Any complaints that interrupt the quiet enjoyment of a resident in their home or immediate neighborhood may be reported to the Cumberland County Sheriff's Department. 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 registrant. A list of complaints and any resolutions shall be reported to the Town Selectboard by the Code Enforcement Officer annually.
- B. Suspension or revocation of a registration. If in the opinion of the Code Enforcement Officer a violation of this chapter exists and cannot be resolved within a reasonable time period, 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, and the Selectboard if necessary, for review and consideration. If the violation requires Selectboard engagement, a public hearing will be held and the Selectboard may condition, suspend, or revoke a short-term rental registration on the basis of the dwelling unit owner's noncompliance with this chapter. Any decision of the Selectboard described above may be appealed to the Maine Superior Court within 30 days of that decision, consistent with Rule 80B of the Maine Rules of Civil Procedure. Registrants who have previously had a registration(s) revoked pursuant to this chapter shall be allowed to be registered in the future only by order of the Selectboard.
- C. Violations and enforcement. Failure to comply with any requirement of this chapter shall result in the issuance of a notice of violation from the Code Enforcement Officer or other authorized official of the Town. If the violation is not addressed within the time period established in the notice of violation, the Town may bring an enforcement action in the Maine District or Superior Court. Each violation shall be subject to a minimum fine of \$100. Each day that the violation continues shall be considered a separate violation. In the event that the Town is successful in proving a violation, it shall be entitled to recover its attorney's fees and costs in bringing the enforcement action.

§ 139-6. Appeal.

Decisions of any Town official under this chapter shall be appealed to the Selectboard within 30 calendar days of the date of the decision. Appeals shall be with the Town Clerk and shall include a summary of the decision from which the appeal is taken and a summary of the issues for which review is sought.

§ 139-7. Severability.

Should any section or provision of this chapter be declared to be invalid by a court of competent

jurisdiction, such decision shall not invalidate any other section of this chapter.

§ 139-8. Conflicts with other ordinances.

This chapter shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other ordinance, rule, regulation, permit, or provision of law. Whenever the requirements of this chapter are in conflict with the requirements of any other lawfully adopted ordinance, rule, regulation, permit, or provision of law, the most restrictive shall apply.