

Town of Tremont
Short-Term Rental Licensing Ordinance

I. Purpose

The purpose of this ordinance is to establish a licensing program to enable the Town of Tremont to monitor and track the number of short-term rentals in the Town and to institute performance standards intended to protect property owners, renters, and neighbors from potential negative impacts.

II. Applicability

- A. Permitted short-term rentals. Legally existing residential dwelling units may be used as short-term rentals, but only upon the issuance of a short-term rental license for the said units in accordance with the requirements of this Article.
- B. Short-term rentals prohibited without a license. No person may offer for rent, operate, or otherwise use any residential dwelling unit in the Town of Tremont for short-term rentals if such person has not first secured and maintained from year-to-year a valid short-term rental license for the dwelling unit.
- C. Lodging establishments exempt. The following lodging establishment uses are exempt from the licensing requirements and standards of this ordinance: hotels, motels, bed-and-breakfasts, boarding houses, and inns.

III. Validity and Severability

If any section, subsection, clause or phrase of this chapter shall be found to be invalid or unconstitutional, such invalidity shall not affect the remaining provisions of this chapter and, to that end, the provisions of this chapter are hereby declared severable.

IV. Definitions

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

OWNER — Person(s) or an entity(ies) that is/are owners of record of real property as shown by documents recorded at the Hancock County, Maine, Registry of Deeds.

RESIDENTIAL DWELLING UNIT — As defined in the Town of Tremont Land Use Ordinance.

SHORT-TERM RENTAL — The rental of a dwelling unit, or portion thereof, for occupancy for dwelling, sleeping or lodging purposes for fewer than twenty-eight (28) consecutive nights, for compensation, directly or indirectly, excluding motels, hotels, bed-and-breakfasts, boarding houses, and inns. Additionally, a short-term rental does not include: dwelling units that are

rented for less than a total of 15 days in a calendar year; or when relatives and friends stay for no monetary compensation.

SHORT-TERM RENTER — Any person who rents, licenses, occupies or has the right to occupy a dwelling unit as a short-term rental.

V. Requirements

- A. License required. No short-term rental shall be advertised, rented, or operated without the owner first obtaining a short-term rental license. No short-term rental license shall be issued to an owner unless and until the short-term rental is in compliance with the requirements of this ordinance.
- B. A short-term rental license shall be valid only for the calendar year in which the license is issued (i.e. all short-term rental licenses expire on December 31 of each year).
 1. First time license applications may be completed at any time during a calendar year. For the purposes of this Ordinance “first time applications” shall include property owners wishing to license their short-term rental units for the first time, or after more than one year’s lapse of a previously issued license.
 2. Short-term rental license holders may renew such license by submitting a renewal application, via a renewal process established by the Town. Applications for renewals will be accepted from December 1 – March 1 of each calendar year. Any renewal applications received after that date will be considered late and will be subject to a late fee at a rate established by the Selectboard.
- C. License Procedure.
 1. All applications, and associated fees, for short-term rental licenses shall be filed with the Town on forms provided for that purpose.
 2. Applicants shall provide all of the information requested on the short-term rental registration application form, including but not limited to, the following information:
 - Owner’s, or owner’s representative’s, contact information
 - Property information
 - Number of short-term rental guests allowed
 - Emergency contact information for owner, or for owner’s representative
 - Number of dwelling units available on the property
 - Evidence of right, title, and interest in the property

3. Anytime that a short-term rental application or renewal application is submitted for a property, the short-term rental applicant shall certify on the short-term rental application that the proposed short-term rental property is in compliance with the short-term rental standards in this ordinance and with all applicable ordinances of the Town.
 4. A proposed short-term rental may only be licensed by the owner of the proposed short-term rental unit, or by a representative of that owner who has been authorized in writing to represent that owner in regard to a short-term rental application.
 5. Non-refundable fees for a short-term rental license/license renewal shall be as adopted, by order of the Board of Selectmen for the Town of Tremont, and may be amended from time to time. Such fee must be submitted with the license form at the time of application and/or the renewal of the license.
 6. A license number will be given to each dwelling unit licensed. Licenses are limited to the dwelling unit for which they are issued, and shall not be transferable to a different dwelling unit(s).
- D. Inspection. The Code Enforcement Officer may inspect the proposed, or currently licensed, short-term rental property to determine compliance with the short-term rental standards. However, said inspection shall not be required as a condition of license issuance or renewal, and notice of such an inspection shall be given to the owner at least 24 hours prior to such an inspection.
- E. Transferability. Short term rental licenses issued under this ordinance shall be transferable to a new owner as of the day the new owner acquires possession of the property and shall expire at the end of that same calendar year.
- F. Notice. The short-term rental license holder must post a notice that identifies the short-term rental license number and the name, address, telephone number(s), and email address of the owner of the short-term rental, and/or the short-term rental owner's local contact person, and the maximum number of short-term rental guests allowed. This notice shall be posted in plain sight inside near the entrance of each dwelling being used as a short-term rental.

VI. Standards

At the time of issuance of a short-term rental license, and at all times during the continuance of a short-term rental license, all short-term rentals shall, in addition to being in compliance with all ordinances of the Town, be in compliance with following standards.

- A. The property taxes and any other applicable town fees associated with the short-term rental property shall not be in arrears;
- B. Street numbers, if applicable, shall be compliant with Town 911 standards.
- C. Smoke alarms. Smoke alarms shall be installed in each bedroom, outside each separate area used for sleeping, and on each story of the short-term rental unit (including in basements and in habitable attics).
- D. Carbon Monoxide Detectors. Carbon monoxide detectors shall be installed in compliance with Title 25 of the Maine Revised Statutes, as may be amended from time to time (25 M.R.S. § 2468, as am.).
- E. Fuel Gas Detectors. Fuel gas detectors shall be installed in compliance with 25 M.R.S. § 2469, as am.
- F. Portable fire extinguishers. At least one appropriately sized portable fire extinguisher shall be mounted in a prominent location within the short-term rental unit.
- G. Parking. Short-term renters and their guests are prohibited from parking in a manner that impedes access by emergency vehicles to the short-term rental property or to any other property in the neighborhood. The total number of vehicles allowed at the short-term rental shall be limited to the number of off-street parking spaces designated for them by the owner. At a minimum there shall be 2 parking spaces for each short-term rental. Garage parking spaces not allowed for short-term renter use shall not be used to meet this short-term rental parking requirement.
- H. Trash shall be removed from the short-term rental unit on at least a weekly basis while the property is being rented as a short-term rental.
- I. Occupancy limits. The maximum occupancy of a short-term rental shall be limited to no more than two short-term renters per bedroom, plus two additional short-term renters total for the entire unit. By way of example, the maximum capacity for a three-bedroom short-term rental is eight short-term renters (*i.e.*, three bedrooms multiplied by two short-term renters, plus an additional two short-term renters, for a total of eight short-term renters).
- J. Advertising. It shall be unlawful to advertise occupancy or use of a short-term rental that has not been first licensed as a short-term rental. Notwithstanding the foregoing, however, licensed short-term rentals in good standing may advertise for beyond the current licensing year. For the purposes of this section, 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 a short-term rental in the Town, as may be viewed through various media including, but not limited to, newspapers, magazines, flyers, handbills, television commercials, radio, signage, direct mail, websites, social media, or text messages.

VII. Violations, Penalties, Enforcement

A. Violations and Enforcement

1. Violation of operating without a registration. It shall be a violation of this Ordinance for any person to advertise for rent, rent, or operate a short-term rental without a valid license.
2. Violation of registration. The Code Enforcement Officer shall enforce the provisions of this Ordinance and the terms and conditions of licenses issued hereunder, and the Code Enforcement Officer shall investigate all alleged violations of this Ordinance or of said licenses. If after investigation, the Code Enforcement Officer finds that any provision of this ordinance or any term or condition of any such license is being violated, written notice of such violation shall be given to the owner and/or to any other person responsible for such violation by certified mail, return receipt requested. Such a notice shall describe the nature of the violation and the action that needs to be taken within a reasonable time (as determined by the Code Enforcement Officer) to correct the violation. A copy of such notice shall be submitted to the Selectboard and shall be maintained as a permanent record.

B. Fines and Penalties

Owners in violation of this Ordinance shall be subject to fines and penalties as set forth in a penalty schedule established by the Selectboard. Each day of each violation shall be considered a separate violation (e.g., the fine for being in violation for ten days would be ten times the fine for being in violation for one day). Any such fines or penalties may be in addition to any suspension or revocation imposed in accordance with other provisions of this ordinance.

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.

C. Appeals

In accordance with the process outlined in the Board of Appeals Ordinance, the Board of Appeals may, upon written application of an aggrieved party received by the Town within 30 days of any decision or enforcement action which interprets this Ordinance, hear an appeal from such a decision. For purposes of this section, the term "decision" is limited to an order, decision, or enforcement action made in writing by the Code Enforcement Officer.