

CITY OF BELFAST CITY COUNCIL
TUESDAY, SEPTEMBER 5, 2023
Public Hearing and Second Reading
Proposed Ordinance Amendment Short Term Rental Registry

Format of Amendment: Language/text in **black font** is existing language in the ordinance that is proposed to be changed by this amendment. The language/text proposed to be added to the existing ordinance is shown in **Red Font**, and a ~~Red Strike~~ is the proposed language/text that was rejected. Language/text proposed to be deleted from the existing ordinance is shown in ~~Blue Strike through Font~~. Staff notes to the Council are highlighted in **Green Text**.

PROPOSED ORDINANCE AMENDMENTS SUBPRT. A. (City Council)

CHAPTER 14 BUSINESS

Article X Short-Term Rentals

DIVISION 1 Generally

Sec. 14-380. Purpose of article

The purpose of this article is to establish a procedure and standards for the City to annually monitor the number of short-term rentals operating in the City. The City finds it is in the public health, safety, and economic welfare to understand the impact short-term rentals may have on the City.

Sec. 14-381. City Council order

The City Council grants the Planning and Codes Department staff the right and the Code Enforcement Officer the powers to enforce a short-term rental registry on their behalf.

Sec. 14-382 Other applicable codes

All short-term rental dwelling units shall be subject to all local ordinances, including applicable sections in Chapter 72. Housing and Lodging require annual registration.

PROPOSED ORDINANCE AMENDMENTS SUBPRT. B. (Planning Board)

CHAPTER 66 GENERAL PROVISIONS

Sec. 66-1 Definitions.

Hotel

~~See "Motel."~~

A building in which lodging, or meals and lodging, are transient in nature and offered to the general public for compensation and which ingress and egress to and from the rooms are made primarily through an inside lobby or office and offer no less than four rooms for rent.

Motel

~~A building or group of detached or connected buildings used for lodging by the traveling public, in return for payment. The term "motel" shall include "hotel."~~

A building or group of buildings in which lodging is transient in nature and offered to the general public for compensation and where entrances to rooms are made directly from the outside of the building and offer no less than four rooms for rent. Motels include terms such as sporting camps and cottages.

CHAPTER 72 HOUSING AND LODGING

Article I. In General

Sec. 72-1 through Sec. 72-50. (Reserved)

Article II. Short-Term Rental Registration

Division 1. Generally

Sec. 72-51 Purpose of the article

The purpose of this article is to establish a procedure and standards for the City to annually monitor short-term rentals. The City finds it is in the public health, safety, and economic welfare to understand the impact short-term rentals may have on the City.

Sec. 72-52 Definition

Local Contact Person:

An individual who is personally available by telephone and/or in person who has the authority to address issues that may arise in a timely manner.

Management Company:

A person or business that maintains and operates a short-term rental unit but does not own the unit and has an agreement from the property owner to operate the unit.

Nonowner Occupied STR:

An advertised STR where the owner of the rental unit does not live on the same premise as the advertised unit.

Owner Occupied STR:

An advertised STR is where the owner of the rental unit lives on the same premise as the advertised unit.

Short-term Rental:

A short-term rental is a residential dwelling unit that is advertised or intended for use for rent of less than 28 consecutive days. A short-term rental is not a State or City licensed lodging establishment, such as but not limited to a hotel, motel, or bed and breakfast.

Short-term Rental registry:

A city database of all residential dwelling units advertised for rent for less than 28 consecutive days.

STR:

An STR is an abbreviation for short-term rental.

Sec. 72-53. Ordinance Enactment.

The enactment of the short-term rental registry requirement shall take place immediately upon adoption by the City Council. ~~no more than 120 days after the City Council adopts this amendment. Once the short-term rental ordinance is enacted, property owners will have an additional 120 days to register their short-term dwelling units before any after the fact fees are applied.~~ However, initial registration shall not be required until November 1, 2023.

The City shall notify property owners of the short-term rental registry by placing an ad in the local newspaper and by including a notice of the registry requirements in the direct mailing for property taxes as soon as possible after enactment.

Sec. 72-54. Penalty

A property owner operating and/or advertising a short-term rental unit within the City without the required short-term rental registration shall be subject to a civil penalty of \$100 per day for all days of operation without the required registration as set forth in 30-A M.R.S. 4452.

Sec. 72-55. through 72-100 reserved

Division 2. Registration

Sec. 72-101. Planning and Codes Department responsible

The City Council hereby grants to Planning and Codes Department the right to monitor the STR registry and the Code Enforcement Officer the right on the Council's behalf to issue, deny, and revoke any STR registration.

Sec. 72-102. Display

A registration issued by the Planning and Codes Department shall be required for all short-term rental units that meet the City's definition of a short-term rental unit. All registered short-term rental units must display the approved registration inside the unit.

Sec. 72-103. Registration Requirements

1. Dwelling units that are required to be registered.

- (a) Any residential STR dwelling unit located within the bounds of the City of Belfast must register the dwelling unit with the Planning and Codes Department.
- (b) Any lodging establishment already licensed with the State and City is exempt from this provision.
- (c) Any person renting out their primary residence or a room that is part of their primary residence is exempt from this provision.
- (d) Any person renting out a residential dwelling unit that is not their primary residence but is located on the same property as their primary residence is required to register the dwelling unit or units.

2. Application required

The applicant must submit an application to apply for the short-term rental registry. The Planning and Codes Department is responsible for creating the application and may amend the application as needed.

3. Initial and renewal registration

(a) Initial registration.

Any property owner or management company on behalf of the property owner wanting to operate a short-term rental unit must register the short-term rental unit with Code Enforcement Officer before advertising or renting said short-term rental unit.

(b) Registration Renewal

Any property owner or management company on behalf of the property owner already registered as a short-term rental unit who wishes to continue operating beyond the expiration of the registration period must apply for and obtain a registration renewal.

4. Registration time period

A short-term rental registration is valid for one year from ~~February~~ November 1 to ~~January~~ October 31 of the following year. ~~An applicant has 60 days past February 1 to renew the registration.~~

Sec. 72-104 Issuance

The Code Enforcement Officer shall approve the issuance of the initial registration or the renewal registration upon receipt of a complete application and payment of fees.

Sec. 72-105. Fees

1. Registration Fee

Each application for short-term rental registration, initial or renewed, must be accompanied by a fee in the amount to be set by the City Council. No application will be considered without payment of such fee.

The Council supports a \$50 registration fee. Staff will update the fee schedule after the adoption of this amendment.

2. After the Fact Registration Fee

If a person or management company does not register a short-term rental unit or does not renew the yearly registration requirement, then the after the fact registration fee is \$100 shall be applied as set by the City Council.

Sec. 72-106. Transfer

No registration is assignable or transferable.

Sec. 72- 107 Suspension or revocation

The Code Enforcement Officer may suspend or revoke the short-term rental registration due to noncompliance with any part of the City Code of Ordinances.

Sec. 72-110 through 72-140 (reserved)

Division 3 Appeal

Sec. 72-141. Zoning Board of Appeals

Any owner or operator of a short-term rental unit may appeal any written decision of the Code Enforcement Officer to the Zoning Board of Appeals per Sec. 102-131.