

Chapter 19 Amendments related to Short Term Rentals

From: Sec. 19-302 Words And Phrases Defined

Short Term Rental (“STR”). The use of all or part of a legally-existing dwelling unit for short-term rental to a person or family unrelated to the owner or lessee of the unit, for consideration, for periods of less than one month.

Sec. 19-309 Special Use Classes

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3. Short Term Rentals.

A. Permitted Short Term Rentals. In any zone, existing single-, two-, and multi-family structures may be used as Short Term Rentals upon the issuance of a Short Term Rentals Permit for the premises pursuant to Chapter 11, Article II, Section 11-210. Notwithstanding anything to the contrary in this section, Planning Board review of Short Term Rentals as a Special Use Class shall not be required when the Code Office is the designated Permitting Authority pursuant to Chapter 11, Article II, Section 11-210(2).

B. Prohibited Short Term Rentals. No person may offer for rent, rent, operate, or otherwise use any parcel in the City of Rockland for Short Term Rentals if:

(1) Such person has not secured or maintained a valid Short Term Rentals Permit for the premises; or

(2) The accommodations are a detached accessory building, recreational vehicle, trailer, tent, or other mobile residential equipment other than a mobile home.

Chapter 11 Amendments related to Short Term Rentals

2. Short-Term Rentals Permit.

A. Purpose. The purpose of the Short-Term Rentals Permit is to authorize the use of legally-existing single-, two-, and multi-family structures for the accommodation of short-term guests, for compensation, for periods of less than one month, while ensuring the safety of the occupants and minimizing the impact of such use on the surrounding neighborhood. Short-Term Rentals Permits and the revenue they make available to homeowners helps makes Rockland affordable for persons on fixed or limited incomes; enhances and diversifies accommodations available to visitors and tourists; and provides travelers with affordable accommodations from which to explore Rockland and the Midcoast region. If not made the subject of appropriate, limited regulations, however, the use of residential properties for short-term rentals may create adverse impacts on surrounding residential uses including, without limitation, increased levels of traffic, parking demand, light and glare, and noise. Such impacts are deleterious to the public health, safety, and welfare of the neighborhood and the City because they impair the livability and desirability of Rockland neighborhoods for year-round residential uses.

B. Definitions. For the purposes of this Subsection¹:

(1) Family. Two or more persons related by blood, marriage, civil union or adoption who reside together as a single housekeeping unit, sharing common kitchen and bathroom facilities. A “family” for zoning purposes may also consist of (1) two or more persons related by blood, marriage, civil union, or adoption and no more than three additional person who are not related, or (2) no more than three unrelated persons, who occupy a dwelling unit as a single housekeeping unit, sharing common kitchen and bathroom facilities.

(2) “Minimum Stay Period” means the minimum number of nights for which a Short-Term Rental may be rented to guests. Guests may stay for less than the minimum stay period provided that the STR remains vacant until the end of the minimum stay period. *(For example, if the minimum stay period is four (4) nights, this does not preclude rental to guests for two (2) nights, provided the unit remains unrented for the two (2) subsequent nights before being occupied again as a short-term rental.)*

¹ See Ch. 19, Art. III, Sec. 19-302 for definitions of words and phrases not defined herein.

(3) "Owner-Occupied" describes a dwelling unit that is such owner's primary residence and is occupied, including overnight, by such owner when any part of the structure is rented as a short-term rental.

(4) "Short-Term Rental" ("STR") means the use of all or part of a legally-existing dwelling unit for rental to a person or persons unrelated to the owner or occupant of the unit, for consideration, for periods of less than one month, as follows:

(a) Short-Term Rental – 1 ("STR-1") means either:

- (i) an owner-occupied single-family structure in which not more than one bedroom is rented or offered for rent to one person or one family for periods of less than one month, or
- (ii) a dwelling unit in a two-family structure in which one unit is occupied by the owner of the entire structure that is rented or offered for rent by one person or one family for periods of less than one month.

(b) Short-Term Rental – 2 ("STR-2") means either:

- (i) a single-family structure that is not occupied by its owner that is rented or offered for rent to one person or one family for periods of less than one month, or
- (ii) one dwelling unit in a non-owner occupied two-family structure rented or offered for rent to one person or one family for periods of less than one month.

(c) Short-Term Rental – 3 ("STR-3") means one dwelling unit in a multi-family or mixed-use structure that is rented or offered for rent to one person or one family for periods of less than one month.

C. Permit Required. Effective November 1, 2016, no person shall operate a Short-Term Rental without first obtaining annually a one-year permit therefor from the Code Enforcement Office.

D. Eligibility. The City Clerk may accept applications for Short-Term Rentals from only those persons who are eligible to apply, as follows:

- (1) Short-Term Rental Permits may not be granted to a renter, lessee, or other party who is not the owner of the proposed short-term rental or the owner's property manager, and no renter or lessee of a dwelling unit may sub-let the rented or leased premises as a short-term rental;
- (2) Where the proposed short-term rental is a single-family structure, the applicant must demonstrate in the application either that (a) the structure is the applicant's primary residence, (b) the applicant's primary residence is at another residence within the City of Rockland, or (c) the applicant has contracted with a property manager with its principal place of business in Rockland, Thomaston, Owls Head, Rockport, or Warren, Camden, Hope, Cushing or St. George, which contract requires such property manager to provide around-the-clock on-site response capacity to address complaints arising from the short-term rental of the structure;
- (3) Where the proposed short-term rental is an approved accessory apartment, the applicant must demonstrate in the application that the applicant owns and maintains his/her primary residence at the primary structure on the same lot to which the short-term rental is accessory;
- (4) Where the proposed short-term rental is a unit in a duplex or two-unit condominium, the applicant must demonstrate that the applicant owns and maintains his/her primary residence in the other unit in the duplex or two-unit condominium, or if such unit is not the primary residence of the applicant, that the applicant either (a) maintains his/her primary residence elsewhere in Rockland or has contracted with a property manager with its principal place of business in Rockland, Thomaston, Owls Head, Rockport, or Warren which contract requires such property manager to provide around-the-clock on-site response capacity to address complaints arising from the short-term rental in the structure.

E. Application Fee. The City Council may establish a non-refundable application fee for Short-Term Rental Permits, and/or a permit fee which may include a graduated fee schedule on the basis of the number of rooms of the facility and/or other criteria.

F. Notice. Within seven (7) days of receipt of a complete application for a Short-Term Rental Permit, the City Clerk shall submit the application to the Code Enforcement Officer and, by U.S. Mail, First Class, provide notice of such application to the owner(s) of record of abutting parcels, including owner(s) of record of parcels located directly across a street or other way from the subject parcel, at least seven (7) days prior to issuing such license. Such notice shall include the name, address, and telephone number of the person(s) responsible for management of the STR. Notice is effective upon mailing.

G. Permitting Authority; Review Criteria. The authorized Permitting Authority shall grant, grant with conditions, or deny applications for Short-Term Rental Permits, applying the level of review criteria ("Review Level") as defined below, consistent with Table 11-210(2), no sooner than fourteen (14) days after the Clerk mails notice of such application to abutters pursuant to Subsection E and no later than thirty (30) days when the Code Enforcement Officer is the Permitting Authority, or sixty (60) days when the Planning Board is the Permitting Authority. When the application is for the renewal of a current Short-Term Rental Permit and the permittee is in compliance with this and other applicable Ordinances, the City Clerk may grant an administrative

extension of such current permit for up to thirty (30) days when reasonably necessary to allow the continuance of the accommodations during the permit review and renewal process. All Short-Term Rentals are also subject to the Additional Requirements set forth in Subsection G.

Review Level I:

Applicant shall provide satisfactory evidence of current insurance providing coverage for the use of the premises as a short-term rental and for bodily injury and property damage sustained or caused by the owner, guests, and others admitted to the premises. Evidence of such insurance must be available for inspection at all times while a unit or structure is used as a STR, and Applicant shall cause the City to be named as a certificate holder for each such policy.

Applicant shall provide the name, address, and telephone number of the person(s) who will be responsible for management of the STR.

Applicant shall provide two on-site parking spaces for a single-family structure and three on-site spaces for a two-family structure.

Applicant shall not currently be in violation of any applicable law, ordinance, or regulation relating to a short-term rental, lodging house, bed and breakfast establishment, hotel or motel, or other commercial residential facility.

Review Level II:

Applicant shall demonstrate compliance with applicable² building, fire prevention, and life safety codes upon inspection by the Code Enforcement Officer and Fire Chief or their designees.

Applicant shall provide satisfactory evidence of current insurance providing coverage for the use of the premises as a short-term rental and for bodily injury and property damage sustained or caused by the owner, guests, and others admitted to the premises. Evidence of such insurance must be available for inspection at all times while a unit or structure is used as a STR, and Applicant shall cause the City to be named as a certificate holder for each such policy.

Applicant shall provide the name, address and telephone number of the person(s) who will be responsible for management of the STR.

Applicant shall provide two on-site parking spaces if a single-family structure; one and one-half on-site parking spaces for each dwelling unit in a two- or multi-family structure.

Applicant shall not currently be in violation of any applicable law, ordinance, or regulation relating to a short-term rental, lodging house, bed and breakfast establishment, hotel or motel, or other commercial residential facility.

When the Planning Board is the Permitting Authority under Table 11-210(2), it shall grant, condition, or deny the application by taking into consideration the following factors: location, character and natural features of the site and adjoining property; fencing and screening; landscaping, topography, and natural drainage; traffic hazards, vehicular access, circulation and parking; pedestrian circulation; signage, and lighting; compatibility with existing uses; availability of necessary public services; and compliance with applicable requirements of all City ordinances.

Planning Board review of the STR is only required for initial applications, applications where the property at which an STR is located has changed ownership, or applications after an STR license has been suspended. Otherwise, for STR license renewals, the Code Office shall be the Permitting Authority.

Table 11-210(2)

² See Chapter 4 – Buildings, Inspections & Enforcement.

Type of Accommodation	Type of Structure	Minimum Stay Period	Permitting Authority in Residential AA, A, and B Zones	Permitting Authority in Other Zones	Review Level
STR-1	Single-Family (rental of one room in owner-occupied structure or one unit in an owner-occupied two-family structure)	1 night up to less than 1 month	Code Office	Code Office	I
STR-2	Single-Family (whole house)	1-3 nights up to less than 1 month	Planning Board	Code Office	I
	Two-Family (one unit rented monthly and one unit rented less than one month)	1-3 nights up to less than 1 month	Planning Board	Code Office	I
STR-3	Multi-Family or Mixed Use	1-3 nights up to less than 1 month	Planning Board	Planning Board	II

H. Additional Requirements. In addition to the standards set forth in Section 11-106 and other applicable law, ordinance, or regulations, the following criteria shall apply to applications for Short-Term Rentals:

- (1) The occupancy classification of a single-family structure, or a unit in a two-family or multi-family structure, used as a STR shall be in compliance with that of a "one-family dwelling" as described in Chapter 24 § 24.1.1.1 of NFPA 101 Life Safety Code/2012;
- (2) Short-term rentals shall be to a single individual or family;
- (3) The maximum occupancy (for STR-2) shall be limited to two people per existing bedroom plus no more than two additional children under the age of twelve;
- (4) Provided that there are approved fire separations between dwelling units in an existing duplex or condominium structure, each unit under separate, unrelated or affiliated ownership shall be considered a single-family structure for the purposes of Short-Term Rentals Permit provisions. New condominium units established after October 1, 2015, may not be used for Short-Term Rentals;
- (5) Multi-family dwellings must be a permitted use in the zone in which it is located in order to rent any unit as a STR-3;
- (6) An approved functional sprinkler system is required in any multi-family dwelling in which a single unit is used as a STR-3;
- (7) No detached accessory building, recreational vehicle, trailer, tent, or other mobile residential equipment other than a mobile home may be permitted or rented as a short-term rental;
- (8) The use of a dwelling unit as a STR does not violate any applicable condition of municipal approval, covenant, or other lawful restriction on the use of the parcel;
- (9) Notwithstanding anything to the contrary in Section 19-315, signage identifying, advertising, providing wayfinding, or otherwise relating to the use of a dwelling as a STR is not permitted, either on- or off-site;
- (10) The Permittee must maintain accurate, up-to-date records of all rental transactions in the STR, including the number of guests and the duration of their stays. Such records must be available for review by the Code Enforcement Officer upon request;
- (11) The Permittee must post in plain sight to visitors near the entrance a Notice that identifies the name, address, phone number(s), e-mail address, and emergency contact of the operator of the STR, and, when the STR is not subject inspection by the City's Code Enforcement Officer and Fire Chief pursuant to Table 11-210(2), the following disclaimer:

NOTICE

The Operator of these accommodations, [print permittee's name] has been granted a City of Rockland Short-Term Rentals Permit, Permit No. _____, pursuant to Rockland Code of Ordinances, Ch. 11, Art. II, Sec. 11-210(2). THE GRANTING OF THIS PERMIT DOES NOT CONSTITUTE A FINDING BY THE CITY OF ROCKLAND OR OTHER CODE ENFORCEMENT AUTHORITY THAT THE PREMISES ARE IN COMPLIANCE WITH APPLICABLE BUILDING, PROPERTY MAINTENANCE, FIRE PREVENTION, LIFE SAFETY, OR OTHER APPLICABLE CODES OR REGULATIONS. No inspection for compliance with such regulations has been conducted, and none is required for Operator to acquire a Short-Term Rental Permit or to conduct that business at these premises so long as the Operator's use of the premises is in conformance with and does not exceed the scope of the Short-Term Rentals Permit;

- (12) The Permittee must assure that each advertisement of the STR includes Permittee's City of Rockland Short-Term Rentals Permit number;
- (13) Renters of short-term rentals may not sublease any portion of the short-term rental to another person, family, or entity; and
- (14) The Permittee shall maintain permit eligibility in conformance with Sec. 11-210(2)(D) continuously during the permit period.
- (15) No food prepared at the STR may be served by or on behalf of the Permittee to guests without current state certification for such food service, when required.

I. Complaints. Complaints regarding STRs filed with the Police Department shall be brought to the attention of the Code Enforcement Officer as soon as practicable. Any person may also file a complaint with the Code Enforcement Officer. The Code Enforcement Officer shall establish and maintain a log of all complaints for each STR received and substantiated by the City. The Code Enforcement Officer shall seek the correction of all substantiated complaints by the Permittee.

J. Suspension, Revocation, or Denial of Permit. The Permitting Authority may deny any Short-Term Rental Permit upon failure of the applicant to meet all regulations set forth in this section. When, in the judgement of the Code Enforcement Officer, the nature and/or number of complaints warrants further review of the STR, he shall provide a report of the same to the City Council for its consideration. The City Council may condition, suspend, or revoke a Short-Term Rental Permit, following a public hearing, on the basis of the licensee's non-compliance with any applicable law, ordinance, or regulation, or license certification, condition, or criteria.

3. Penalties.

A. Operation Without Permit. Whoever operates a lodging house or, after November 1, 2016, a short-term rental without a license or permit therefor shall be penalized with a fine of five hundred dollars (\$500) for the first offense and additional fines of one thousand dollars (\$1,000) for each additional offense, to be recovered upon complaint before the Maine District Court in Rockland, for the use of the City. Each rental of any room or other short-term rental shall constitute a separate offense.

B. Violation of Law, Ordinance, or Regulation. A lodging house licensee or short-term rental permittee who violates any applicable law, ordinance, or regulation and who, following notice by the Code Enforcement Officer fails to abate such violation within the period prescribed shall be penalized with a fine of two hundred and fifty dollars for each such violation, to be recovered upon complaint before the Maine District Court in Rockland, for the use of the City. Each day such violation is allowed to continue shall constitute a separate violation.

C. In addition to or instead of such penalty(ies), in the sole the discretion of the City, the City may seek an injunction prohibiting the operation of the lodging house or short-term rental until the offense or violation shall have been abated.

4. Transitional Provisions. Notwithstanding anything to the contrary herein, the provisions in this Ordinance Amendment relating to the permitting of short-term rentals, and penalties for violations of such provisions, shall be implemented as follows:

A. Reservations.

(1) Persons or entities who operated a short-term rental in Rockland at any time between January 1, 2015, and December 31, 2015, which STR is not of a type that may be permitted as a STR-1, STR-2, or STR-3, and who received reservations for short-term rentals at the same premises between January 1, 2016, and May 31, 2016, may honor such reservations and provide such short-term rentals without a permit therefor. No new reservations for short-term rentals may be accepted after the effective date of this ordinance unless such rentals were offered for rent in 2015 prior to December 31, and would fall within

the definition of a STR-1, STR-2, or STR-3.

(2) Persons or entities who operated a short-term rental in Rockland at any time between January 1, 2015, and December 31, 2015, which STR, if permitted, would fall within the definition of a STR-1, STR-2, or STR-3, and who receive reservations for short-term rentals at the same premises for dates between January 1, 2016, and prior to October 30, 2016, may honor such reservations and provide such short-term rentals without a permit therefor.

B. Registration. All parties operating Short-Term Rentals prior to November 1, 2016, are required to register each such Short-Term Rental with the Code Office, utilizing a form therefor provided by the Code Office and providing the requested information, including address, operator, level of occupancy, and emergency contact information. So long as a short-term rental complies with either provision A(1) or A(2) above and registers with the City, an STR permit shall not be required from the City until after October 31, 2016.

C. Permitting. Notwithstanding the foregoing registration requirement, the Code Office shall make applications to operate STR-1, STR-2, and STR-3 accommodations available as of the effective date of this ordinance.

Eff. Date: 05/11/16