

**TOWN OF OLD ORCHARD BEACH
ORDINANCE ESTABLISHING MORATORIUM
ON HOTEL/MOTEL CONDOMINIUM CONVERSIONS**

WHEREAS, Town staff have recently received a number of inquiries and applications concerning the conversion of existing hotels or motels into condominiums; and

WHEREAS, such conversions raise a number of concerns related to the public health, safety and welfare, including, but not limited to adequacy of parking and compliance with zoning, building, electrical, plumbing, and life safety codes; and

WHEREAS, the Town's current ordinances do not provide an adequate mechanism to review conversions of existing hotels/motels to condominium hotel/motels for regulatory compliance prior to such conversions; and

WHEREAS, the Town's existing ordinances are inadequate to prevent the potential for serious public harm from the improper development or occupancy of condominium hotel/motels; and

WHEREAS, the Town Council concludes that, in order to have a reasonable opportunity to review and upgrade existing Town ordinances, a moratorium on the conversion of existing hotels or motels to condominium hotel/motels is necessary to protect the public health, safety and welfare; and

WHEREAS, during the period of this Moratorium, the Town will work on developing appropriate land use regulation concerning Condominium Hotels/Motels; and

NOW THEREFORE, pursuant to the authority granted to it by 30-A M.R.S. § 4356, be it hereby ordained by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled, as follows:

1. DEFINITIONS.

As used in this Ordinance, the following terms have the following meanings:

“Condominium Hotel/Motel” means a hotel or a motel in which some or all of the guest rooms are owned as a condominium. “Condominium” means a condominium as defined in the Maine Condominium Act, at 33 M.R.S.A § 1601-103(7).

“Condominium Unit” means a unit as defined in the Maine Condominium Act, at Section 1601-103(26).

“Hotel” means a hotel as defined in the Old Orchard Beach Zoning Ordinance, at Section 78-1.

“Motel” means a motel as defined in the Old Orchard Beach Zoning Ordinance, at Section 78-1.

2. CONVERSION AND CREATION OF CONDOMINIUM HOTEL/MOTELS PROHIBITED.

During the time this Ordinance is in effect, no person shall establish, construct, develop, or convert any existing hotel or motel to a Condominium Hotel/Motel or create any new Condominium Hotel/Motel.

3. APPLICATIONS NOT TO BE ACCEPTED OR ACTED UPON.

During the time this Ordinance is in effect, no official, officer, board, body, agency, agent or employee of the Town of Old Orchard Beach shall accept, process or act upon any application for any approval, including but not limited to a building permit, certificate of occupancy, site plan review, conditional use, or any other approval, relating to the conversion of an existing hotel/motel to a Condominium Hotel/Motel or the creation of a new Condominium Hotel/Motel. No person shall establish, construct, or development a Condominium Hotel/Motel that was not approved by the Town prior to the effective date of this Ordinance.

4. ENFORCEMENT, VIOLATION AND PENALTIES.

This Ordinance shall be enforced by the Code Enforcement Officer of the Town of Old Orchard Beach. Any person who violates this Ordinance shall be subject to civil penalties and

other remedies as provided in 30-A M.R.S.A. § 4452. If a condominium hotel/motel is created in violation of this Ordinance, each day such use continues to exist constitutes a separate violation.

5. EFFECTIVE DATE.

This Ordinance takes effect immediately upon adoption and shall expire on the 180th days thereafter, unless earlier extended, repealed or modified by the Old Orchard Beach Town Council.

6. APPLICABILITY.

Notwithstanding the provisions of 1 M.R.S.A. § 302, this Ordinance shall apply to any proposal to convert an existing hotel or motel to a Condominium Hotel/Motel or to create a new Condominium Hotel/, whether or not an application or proceeding to establish or expand said use prior to the enactment of this Ordinance would be deemed a pending proceeding.

7. SEVERABILITY.

Should any section or provision of this Ordinance be declared by any court to be invalid, such a decision shall not invalidate any other section or provision.