

NOTICE OF PUBLIC HEARING
MUNICIPAL OFFICERS OF THE TOWN OF
OLD ORCHARD BEACH

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on September 19th, 2023, at 6:30 p.m. to consider the following:

TOWN OF OLD ORCHARD BEACH ORDINANCE ESTABLISHING A MORATORIUM
ON SHORT TERM RENTALS

WHEREAS, residential dwelling units have increasingly been advertised and operated as Short Term Rentals throughout the Town of Old Orchard Beach (“the Town”); and

WHEREAS, no specific regulation governing Short Term Rentals exists under the Town of Old Orchard Beach’s Zoning Ordinances; and

WHEREAS, Short Term Rentals raise a number of concerns related to public safety and welfare, including, but not limited to, potential adverse effects on the fabric of residential neighborhoods and impacts of transient occupation on adjacent residents, and the inability to maintain housing availability for long-term residents; and

WHEREAS, under Section 18-33 of the Town’s Code of Ordinances, any person who owns, operates, or conducts a business, including seasonal rental units, temporary seasonal housing, and year round housing, must obtain a license from the Town Council pursuant to the Fee Schedule in Appendix A of the Code, which does not list Short Term Rentals as a stand-alone category; and

WHEREAS, there have been an increasing number of dwelling units operating as a Short Term Rentals;

WHEREAS, the Town’s current ordinances do not provide an adequate mechanism to regulate and prevent the potential for serious public harm from the increase in Short Term Rentals throughout the Town; and

WHEREAS, the Town's existing ordinances do not provide an adequate mechanism to regulate and control Short Term Rentals and are inadequate to prevent the potential for serious public harm from the continued use of residential property as Short Term Rentals; and

WHEREAS, the Town needs a reasonable amount of time to study the land use implications of Short Term Rentals and to develop reasonable regulations governing the licensing, permitting, location, and operation of Short Term Rentals and their operation; 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 term has the following meaning:

“Short Term Rental” means any building or structure, or portion thereof, that is offered or provided to a guest or guests to be used for living or sleeping for a fee for less than 30 consecutive days, with the exception of motels, hotels, bed and breakfast, inns, overnight cabins, and campgrounds. Short-term rental units may be whole house, duplexes, multifamily, apartments, condominiums, condominium hotels/motels, and individual rooms or individual units in homes, duplexes, multifamily, apartments, condominiums, and condominium hotels/motels.

2. **APPLICABILITY.**

This moratorium shall apply to the issuance of all new business licenses for Short Term Rentals which are requested or arise on or after the effective date of the Ordinance, in the following Zoning Districts only:

- Residential 1 District (R-1)
- Residential 2 District (R-2)
- Residential 3 District (R-3)
- Residential 4 District (R-4)
- Single Family Private Dwelling District (R-5)
- Rural District
- Planned Mixed Use Development

Notwithstanding the provisions of 1 M.R.S.A. § 302, this Ordinance shall apply to applications or requests for business license for Short Term Rentals, 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. No person may establish, operate, or rent a Short-Term Rental without a business license during the time this Ordinance is in effect.

This Ordinance does not apply to renewal applications for existing licenses, or for license applications for the operation of Short Term Rentals in dwelling units in which there was a transfer of title and ownership within the year prior to the effective date of this Ordinance.

3. **PROHIBITION.**

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 business permit, building permit, certificate of occupancy, site plan review, conditional use, or any other approval, relating to the establishment, or operation, of a Short Term Rental, other than renewals of existing licenses. No person shall establish or operate a Short Term Rental within the Town of Old Orchard Beach that was not approved and licensed by the Town prior to the effective date of this Ordinance, other than an application for renewal of an existing license, or for license applications for the operation of Short Term Rentals in dwelling units in which there was a transfer of title and ownership within the year 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 Short Term Rental is operated in violation of this Ordinance, each day such use continues constitutes a separate violation.

5. **EFFECTIVE DATE.**

This Ordinance takes effect immediately upon adoption and shall expire on the 181st day thereafter, unless earlier extended, repealed or modified by the Old Orchard Beach Town Council.

6. **SEVERABILITY.**

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

Per Order of the Municipal Officers this 5th day of September, 2023.

A True Copy

Attest:

s/Kim McLaughlin
Kim M. McLaughlin, Town Clerk