

History: Adopted by the Saco City Council on _____.
General References

Business Registration - See Chapter
132

Life-safety code - See Chapter 102

Building Code - See Chapter 73

Section 173-1 Purposes and Findings.

The City of Saco has been blessed with a beautiful beach and beachfront residential community. Running from Camp Ellis to the border of Old Orchard Beach at Kinney Shores, Saco's beachfront is a historic, vibrant and diverse community. The area, bounded by the Saco River, a wildlife refuge of national significance, a State Park, as well as the Goosefare Brook estuary, is an ecological marvel. It is one of the most desirable places in the City to both live and visit. Many people visit summer after summer, enjoying the opportunity to live, even temporarily, in this wonderful beachfront community.

Comprehensive zoning and wetlands rules protect this area by limiting growth and development. Presently this is the City's most restrictive zone, in part so that its beauty and unique residential atmosphere is adequately preserved. The City recognizes however that many properties in the area have a long history of being rented for the summer season. And because many of these seasonal rentals are "grandfathered" legal non-conforming uses, they can not be prohibited. Moreover, many property owners in the beachfront area have come to depend on the supplemental income generated by these seasonal rentals. Thus while such rentals are beneficial to particular property owners, they are simultaneously a burden upon the residential character of the area and produce an impact on a sensitive environment.

Of particular concern to the City is that seasonal rentals are occurring in properties which were designed and built as single family homes not as transient rental units. Further many of these properties were built years before life-safety and building codes came into enactment. The City believes and has found that seasonal rentals, no matter where found, pose a substantial safety risk to our visitor-guests. No City official has ever inspected those legally non-conforming properties for adequate ingress/egress, for fire extinguishers, for smoke detectors, for adequate electrical systems, etc. The City presently inspects every multi-unit building, hotel, motel, bed and breakfast in the City but has never inspected seasonal rentals. The Council believes that the mere fact that properties in our community are rented only for a short season does not mean that life-safety review and compliance is unnecessary. On the contrary, given the age and date of construction of many of these homes, inspection is of

great import, and should begin as soon as possible.

Finally, the Council has found that not only are there more seasonal rentals occurring than previously believed, but that no limitations on occupancy are in place. In one recent case, the City learned of a single family home being advertised as sleeping fourteen (14). Such overburdening of properties places lives in jeopardy, and effects surrounding residences adversely. The Council believes such use of property, regardless of location within the City, poses a risk to our visitor-guests.

Therefore, the Council has found and determined that the welfare of visitor-guests to our community requires the City license, review and inspect lawful non-conforming properties offered for seasonal rental. Therefore, pursuant to the City's Home Rule authority 30-A M.R.S.A. Section 3001 as well its inherent powers to protect the health, safety and welfare of those within its borders, the City enacts the following ordinance provision:

Section 173-2 APPLICABILITY

- 1.A. THOSE COVERED.** Any person, entity, business, partnership, corporation, etc. which leases or rents any property for any portion of a calendar year less than four (4) months in duration shall secure a seasonal rental license from the City Clerk ("The Clerk"). This ordinance applies to all properties whether that portion of time is broken into a monthly, weekly or daily rental period of time.
- 2.B. THOSE EXCLUDED.** Those motels, hotels, bed and breakfasts already regulated by other parts of the City's ordinances are exempt from the conditions of this ordinance.
- 3.C. DAILY RENTALS PROHIBITED.** Unless the subject property is permitted as a bed and breakfast or motel or hotel, no property owner may rent any seasonal property on a per day basis. Such rental is a violation of this ordinance and shall subject the violator to a fine of no less than \$100.00 per day for each violation.

Section 173-3 STANDARDS FOR ISSUANCE AND RENEWAL

(**REVIEW BY CLERK.** The Clerk shall review all applications for seasonal a rental licenses. No license shall be granted by the Clerk until the owner-) applicant has satisfied the following conditions:

- 1 Completed all requests for information required by the Clerk.
- 2 All personal property taxes are current and paid.
- 2 All other City fees or charges such as sewer user fees, etc. are current and

3 paid.

4 The applicant is a lawful, use in the zone, including a lawful non-
conforming use.

5 A first time applicant has satisfactorily complied with all fire code, building
code and life-safety code requirements required by the Fire Department and
Code Enforcement Office, including Life Safety Code 101 and the BOCA
Property Maintenance Code. Renewal applicants shall not need to meet this
condition unless Section 173-5(c) applies and it is a fifth anniversary
renewal.

6 The applicant has not violated license conditions in the past without
adequate cause or explanation.

7 The City has received less than three (3) documented complaints regarding
the premises within the prior year.

8 The Assessor has inspected the premises and properly assessed the
property as income-producing for personal property tax purposes.

FEE AND LICENSE FORM. The fee for the first license shall be \$100.00. Said
(fee is to recover the cost of review and inspection by the Fire Department
b and Code Enforcement Office. The fee each year thereafter shall be \$10.00.
) The license shall bear the name, address and telephone number of the
property owner, the address of the property or properties covered, the
permitted period of seasonal rentals and the maximum number of guests
permitted to remain overnight in the subject premise(s). The license form
shall be uniform among applicants, and shall be determined by the Clerk.

STANDARDS FOR DENIAL. If the Clerk finds substantial and credible
(evidence that one or more of the above conditions (Part (a) above) have not
c been met by the applicant or have been violated, then the Clerk shall deny
) the applicant a license. However, the applicant may request a re-review and
re-inspection after an initial denial of license. If the applicant subsequently
corrects, abates, meets or otherwise satisfies the above conditions, the
Clerk shall then issue the applicant a license for seasonal rentals. If the City
re-inspects or reviews the applicant's facilities an additional \$50.00 charge
shall be paid upon issuance of the license. Under all circumstances, the
Clerk shall provide to the applicant all material supporting the decision to
deny a license.

TIME FOR REVIEW. The Clerk shall make a determination under part (a) of
(this Section in a period of 21 days. Only if the Fire Department or Codes
d Officer is unable to complete their inspection within 21 days, may the Clerk
) issue a conditional license.

RENTALS WITHOUT A LICENSE. Any person, entity, business, partnership (or corporation which leases or rents any property for any portion of a e calendar year less than four (4) months in duration, whether said period is) broken into monthly, weekly or daily rentals, without a license, shall be in violation of this ordinance punishable by a fine of not less than \$100.00 per day for each violation.

SAFETY INSPECTIONS. The City through its Fire Department and Code (Enforcement Office shall inspect every applicant. The City shall assure f compliance with those codes set forth below in Section (g). If a property) has one or more deficiencies, those shall be cited, and the owner given an adequate and defined period of time to correct or abate the defect. If the owner-applicant fails to correct or abate the defect, the property owner shall not lease or rent the property thereafter until compliance has been secured. The City shall charge a fee of \$50.00 for the cost of re-inspections conducted under this section.

INCORPORATION BY REFERENCE. This ordinance incorporates by (reference the following life-safety codes of the City already in force and g effect, and any successor to said codes: Life-Safety 101 (See Chapter 102,) Article II) BOCA Property Maintenance Code (See Chapter 73).

Section 173-4 REVOCATION OR SUSPENSION OF LICENSE

GROUND. A license for seasonal rental may be suspended or revoked (upon a determination of the existence of one (1) or more of the following a grounds, provided there is serious and substantial incidents warranting) suspension or revocation:

1 Knowingly making an incorrect or false statement of a materiel nature on the application form; or failure to supply any additional documentation required or reasonably necessary to determine whether such license is issuable, or failure to pay any fee required hereunder;

2 The license holder has caused or suffered more than two (2) or more documented and serious breaches of the peace on the premises; or

3 The premises presents a clear danger to the public; or

4 The license holder has willfully violated a provision of this chapter or other ordinance of the City of Saco; or

5 Personal property taxes, sewer user, access or hook-up fees are due and owing to the City, and are determined to be in arrears as of the date of the license request; or

The license holder has repeatedly violated and/or failed to correct and

6 comply with the standards set forth in the City's fire and life-safety codes and ordinances as described in Section 173-3(f).

7 The licensee or the licensee's agent has permitted, caused or suffered more guests in the premises than permitted by the license on more than one (1) occasion.

8 The license holder has allowed, suffered, permitted or encouraged an over occupancy of the property (occupancy greater than permitted by license) on more than two (2) occasions.

COMPLAINTS. Any individual or City official can file and/or initiate a (complaint against a license holder. All complaints received shall be promptly forwarded to the property owner at their address of record, and) any response from said owner or their agent shall be kept and maintained by the clerk for future consideration along with the underlying complaint when and if the owner seeks to renew their license.

STANDARDS FOR SUSPENSION OR REVOCATION. If the Clerk finds (substantial and credible evidence that one or more of the conditions described in Section 173-4 (a) have been met, then the Clerk shall notice) the license holder of the problem and they shall have seven (7) days to correct or abate the situation. The City shall re-inspect the premises at the end of seven (7) days. If the license holder has failed to correct or abate the problems cited by the City, then the Clerk shall suspend the license. The Clerk shall provide all materials supporting the decision to the aggrieved party.

Section 173-5 TERM OF LICENSE

(EXPIRATION. All licenses shall expire one year from the date of issuance.)

a)

RENEWALS. License holders may renew their license each year but must (re- apply to the Clerk per Section 173-3. The fee for a license renewal shall be \$10.00. The applicant seeking renewal must meet all of the qualifying) conditions set forth in Section 173-3. In processing applications, the Clerk shall give precedence to license renewals over the issuance of new licenses.

5 YEAR INSPECTIONS. At five (5) year intervals from the first Fire/Life- (Safety inspection, the City shall conduct a follow-up Fire/Life-Safety) inspection as described in Section 173-3(f). The fee for such re-inspections shall be \$50.00

Section 173-6 APPEALS

TIME PERIOD. An appeal to the City Council may be taken by any person
(aggrieved by the denial, suspension or revocation of a license by the Clerk
a by filing a notice of appeal within thirty (30) days of the final decision. Every
) appeal should be in writing and shall state the basis for the appeal. The City
Council shall hear the appeal within two (2) weeks after the filing of the
appeal and may affirm, reverse or modify the decision appealed from.

EVIDENCE. On appeal, the Council shall review the decision of the Clerk to
(determine whether the decision was based upon substantial evidence and
b in compliance with the standards of the chapter. The Council may take
) additional evidence with respect to such decision or action and if additional
testimony or evidence is taken shall determine the appeal upon all of the
evidence presented.

APPEAL FROM CITY COUNCIL. Any person aggrieved by the Council's
(decision on appeal may appeal to the Superior Court in accordance with
c the provisions of Maine Rule of Civil Procedure 80B.
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Section 173-7 ASSIGNMENT OF LICENSES

ASSIGNMENT. A license for seasonal rentals may not be assigned,
(pledged, sold or otherwise transferred by the license holder to any other
a person, business or entity. The license belongs solely to the original
) applicant, and shall remain in the applicant's name for the duration of the
license.

VIOLATION OF ORDINANCE. If any person, business or entity transfers or
(attempts to transfer their license, such act shall result in immediate
b termination of the license. Any subsequent rental after said termination
) shall be a violation of this ordinances punishable by a fine of not less than
\$100.00 per day on each violation.

Section 173-8 DISPLAY

DISPLAY. The license holder shall display at all times their license in a
(place and manner visible to those individuals renting, leasing or occupying
a the premises. A copy of the license shall be kept in a window visible from
) the street for inspection by the Codes Officer and the Assessor.

VIOLATION. The failure to display a license for seasonal rentals is a
(violation of this ordinance punishable by a fine of \$100.00 per day for each
b violation.
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Section 173-9 ENFORCEMENT

BY SUMMONS. The City shall enforce this ordinance by civil citation and
(summons deliverable by the Saco Police Department or the Code

a Enforcement Officer.

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(FINES. Any and all fines or penalties secured as a result of violations of this ordinance shall be payable to the City's General Fund.

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Section 173-10 REGISTRATION

Those persons, businesses, corporations or entities who require a seasonal rental license pursuant to this chapter need not secure a business registration as required under Chapter 132 of this Ordinance. A license issued pursuant to this Chapter shall constitute registration as required by Chapter 132 and compliance with the terms of this chapter shall constitute compliance with the terms of Chapter 132.

Section 723. Seasonal Rental of Dwelling Units (Amended 2/7/2000)

1. Seasonal rentals of single-family, two-family, and multi-family dwelling units, to the extent which they are permitted elsewhere in this ordinance, may be rented for periods of six days to four months. Rental of dwelling units longer than four months is not considered a seasonal rental and is not regulated by this section. Both the rental of dwelling units as part of a house swap, and the renting of a dwelling unit for care taking purposes at a rent which is substantially below the market rent, are not considered a seasonal rental and are not regulated by this section.

7-43 Article 7 - Standards of Performance

2. In addition to the standards of the Zoning Ordinance, seasonal rentals shall comply with the City's "Seasonal Property Rental" ordinance.

3. Only single family, two-family, and multi-family dwelling units within the area east of Seaside Avenue and Camp Ellis Avenue and areas within 400 feet to the west of the centerline of these streets may be rented or leased as a seasonal dwelling.

4. Any dwelling unit rented as a seasonal dwelling shall be occupied by only one family and shall not be sub-let or sub-rented in-whole or in-part to another party.

5. Properties approved by the City as seasonal dwellings shall not include facilities and accommodations that would serve to circumvent this ordinance by creating independent or semi-independent suites of rooms that might be rented separately. Such facilities and accommodations might include but are not limited to, kitchen facilities or partial kitchen facilities, microwave ovens, hot plates or other cooking devices, multiple laundry facilities, additional cable television connections or independently metered utilities, additional sinks and other plumbing, additional entrances beyond those customary in a dwelling unit, and entrances which are separate from common areas of the dwelling unit and allow a room or suite of rooms to be occupied separately from the unit as a whole.