

# Fayette Short-Term Rental Licensing Ordinance

## SECTION I – GENERAL

**Title:** This Ordinance shall be known and may be cited as the “Fayette Short-Term Rental Licensing Ordinance.”

**Authority:** This Ordinance is enacted pursuant to the enabling provisions of Article VIII, Part 2, §1 of the Maine Constitution, the provisions of Title 30-A MRS, §3001 (Home Rule), §4364-C, sub§2 (Municipalities May Regulate Short-Term Rentals), and §4452-3B.

**Purpose:** The purpose of this Ordinance is to require the registration and licensing of short-term rentals operating in the Town of Fayette.

Protection of natural resources and wildlife habitat, and preservation of our peaceful environment are key values that guide the town’s development. This ordinance is designed to balance the desire of property owners to engage in short-term rentals with the desire of residents to preserve the peace and unique character of their neighborhoods; to recognize that short-term rental activity may contribute to the local economy; to prevent degradation of natural resources and habitat; to protect the safety of visitors and residents alike, and to support state housing goals designed to increase sustainable and affordable housing opportunities.

**Applicability:** The provisions of this Ordinance shall apply any of the following at which overnight accommodations are rented for a tenancy of less than thirty (30) consecutive calendar days:

1. Permanent single family, duplex, or multi-family dwelling unit(s), or any portion thereof that is not an Accessory Dwelling Unit (ADU)
2. A single campsite
3. A bunkhouse advertised either separately or together along with an associated dwelling unit

The following are excluded from the provisions of this Ordinance:

1. Commercial Lodging
2. Campgrounds
3. Dormitories
4. Congregate living facilities

**Effective Date:** The effective date of this Ordinance shall be July 1, 2024. All short-term rentals must be in compliance and licensed by January 1, 2025.

**Conflicts with Other Ordinances:** In the event of a conflict between the provisions of this Ordinance and any applicable State or local law, ordinance, or regulation, the more restrictive provision shall be imposed. The issuance of any license pursuant to this Ordinance shall not relieve the owner of the obligation to comply with all provisions of any other municipal

ordinances or any other applicable laws or regulations pertaining to the use and occupancy of the property on which it is located.

**Validity and Severability:** Should any section of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

**Availability:** A certified copy of this Ordinance shall be filed with the Town Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at a reasonable cost to be charged to those making the request. A copy of this Ordinance shall also be posted on the Town of Fayette’s website.

**Amendments:** An amendment to this Ordinance may be adopted by a majority vote of the legislative body (Town Meeting). The Town Clerk may reorganize this Ordinance for clarity at any time.

**Administration:** The license shall be administered by the Code Enforcement Officer (CEO) or other persons as designated by the municipal officers (Select Board).

**Appeals:** The initial denial or revocation of a Short-Term Rental License may be appealed to the municipal officers (Select Board) within 30 days of such determination.

**Application Fee:** All applications for a Short-Term Rental License shall be accompanied by fees as set by the municipal officers (Select Board), with a maximum fee of \$200 for first time applications, and a maximum fee of \$100 for each renewal application.

Fees are nonrefundable and shall be paid to the Town of Fayette. If the application is denied, and no appeal is filed within 30 days, the applicant may request that the fee be refunded.

The town will charge a penalty fee not to exceed double the license fee for properties that are not licensed by February 1 of the calendar year. Penalties will not apply to licenses applied for after February 1 for newly established short-term rentals.

## **SECTION II – DEFINITIONS**

**Accessory Dwelling Unit (ADU):** a self-contained dwelling unit located within, attached to, or detached from a principal dwelling unit on the same parcel, as designated by the Code Enforcement Officer.

**Bunkhouse:** A detached bedroom having no plumbing which is an accessory to the short-term rental.

**Campground:** any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles, or other shelters.

**Campsite:** an area of land which is not associated with a campground, but which is developed for repeated camping, and which may include but not be limited to a parking area, fire pit, or tent platform.

**Commercial Lodging:** The use of lands, buildings, or structures maintained or advertised as a place where sleeping accommodations are furnished that offers stays that are temporary in nature and the intent and result of which activity is the production of income. A short-term rental of up to one residential dwelling unit on a lot at a time is exempted from this definition.

**Dwelling Unit:** Any part of a structure which, through sale or lease, is intended for human habitation by a single household, including single-family and multifamily housing, condominiums, apartments, and time-share units.

**Short-Term Rental (STR):** A dwelling unit (or portion thereof) or campsite that is rented to renters/guests for a period of less than 30 consecutive days.

### **SECTION III – LICENSING CRITERIA**

**License:** As of January 1, 2025, no STR shall be advertised or operated without first obtaining a Short-Term Rental License, to be renewed on an annual basis.

Only one STR may be rented at a time on each parcel of land. Applicants may obtain a license for multiple short-term rentals per parcel but may not rent them simultaneously under this license agreement. Simultaneous rentals are considered Commercial Lodging and must be approved as outlined in the Fayette Land Use Ordinance.

An accessory dwelling unit, permitted or constructed after July 1, 2024, may not be utilized as an STR, and shall not qualify for a license. If an ADU was used as an STR before the enactment of this ordinance, it may be considered for licensing if documentation demonstrating this prior use is provided.

Upon receipt of an approved license, a copy of said license, with emergency contact information, shall be provided to all direct property abutters by the STR owner or manager within 15 days of license issuance, with proof of delivery provided to the CEO.

The license to operate shall terminate upon sale of the property.

**Application Process:** Application materials are available on the town website and in the town office. In order to secure an approved license by January 1, forms must be submitted, together with the license fee, by December 1 of the prior year. The Code Enforcement Officer will issue a license within 14 calendar days after determining the application is complete and meets the standards of this Ordinance. All licenses expire on December 31st of each year. Licenses and accompanying fees for the next year will be accepted beginning October 1 for the subsequent term.

In addition to the license application, the following attachments must be submitted with the initial application, and as indicated by the CEO thereafter, before the application can be determined to be complete:

1. A copy of the plot plan showing the location of the STR, location of all parking, and

- location of the leach field associated with the dwelling unit.
2. Floor plan drawing showing the general layout of the rental. This floor plan must show bedrooms, hallways, emergency exits, and the locations of carbon monoxide detectors, smoke detectors, and required fire extinguishers.
  3. Copy of anticipated advertisement for property, which shall include advertising platform(s), maximum occupancy, parking limits, and Performance Standards applicable to guests/renters.
  4. Copy of septic design (HHE-200), if requested, and any required septic inspection results, or receipts for biannual pumping.

### **Performance Standards:**

1. Short-Term Rental owners shall be responsible for ensuring that emergency contact information is clearly and conspicuously posted in the rental unit. This shall include:
  - a. The names and 24-hour numbers and email addresses of the property owner(s) and/or manager(s) who can be at the rental within two hours of a complaint or emergency situation, if their presence is required.
  - b. Emergency and non-emergency numbers for police/fire/ambulance. The E-911 address associated with the rental shall be displayed next to this information.

The owner shall also be responsible for ensuring that the Code Enforcement Officer has updated emergency contact information for each STR. This information may be used by neighbors and public authorities in the event of complaints or emergencies.

2. The following life safety measures shall be met:
  - a. Smoke detectors must be installed in the hallway within three feet of each bedroom, in any basement area in which heating systems may be installed, and in the “living room area,” if applicable. At least one smoke detector shall be installed on each floor.
  - b. At least one carbon monoxide detector must be installed on every floor.
  - c. Fire extinguishers must be provided, of the correct classification, near ovens, stoves, and any potentially flammable heating system.
  - d. Life jackets matching boat occupancy limits shall be provided for any watercraft which are made available for use by the owner(s) or manager(s).
  - e. Physical address will be visibly displayed on the property to direct guests and emergency personnel.
  - f. Safe and responsible use of all appliances and utilities, including but not limited to gas stoves, gas grills, wood stoves, fireplaces, privies, septic systems, potable drinking water, composting systems, and fire pits, must be ensured.
  - g. All applicable fire permits shall be obtained for any outdoor burning.
  - h. Directions on response to a smoke, carbon monoxide, or septic pump alarm sounding must be provided.
3. Dark Sky Compliant Lighting Fixtures
  - a. All outside lighting fixtures must be shielded to provide only essential lighting for safety and security.

- b. No illumination or glare may be directed upward or extend beyond the property boundary.
- 4. STR owners shall be responsible for complying with all applicable federal, state, and local statutes, laws, ordinances, rules, and regulations.
- 5. All STRs shall have access to adequate wastewater facilities, as determined by the designated Local Plumbing Inspector (LPI).

The Code Enforcement Officer may impose limits on how many bedrooms are permitted to be advertised based on the capacity of the existing system.

Short-Term Rental owners within a Shoreland Zoning District as indicated on the Town of Fayette's Land Use District Map must have the septic system pumped at least once every two years when the short-term rental or home is occupied for 180 days or more annually.

For existing subsurface wastewater disposal systems, each short-term rental unit must:

- a. Have a septic design (HHE-200) on file at the Town Office; OR
  - b. If no design can be produced, the applicant must have the system pumped and inspected by an Onsite Sewage Disposal System Inspector<sup>1</sup> before the license will be issued. The results of the inspection shall be provided to the Code Enforcement Office. An inspection identifying a failing system will result in a denial of the license. Applicants may reapply once the system has been brought back into compliance.
6. In addition to any rules the owner may apply within their rental agreement, the following "Good Neighbor Standards" shall be incorporated to guide the behavior of guests. The standards must be clearly posted in each rental unit. Short-term rental owners operating a campsite must document how they are providing this information to their guests. The owner is responsible for enforcing these standards:
- a. Quiet hours, in which voices, music or other noise must not be audible beyond the property boundary or on water bodies, are in effect:  
10PM to 7AM Sunday evenings – Friday mornings; and 11PM to 8AM Friday evenings through Sunday mornings. Exceptions are made for temporary necessary noises.
  - b. Septic System Education: Septic systems are fragile and cannot handle materials other than human waste and toilet paper. ALL other waste, sanitary or otherwise, must be discarded in the trash.
  - c. Pet Control:
    - i. All pets must be leashed or kept under voice command at all times whenever outside.
    - ii. Barking must be kept under control.
    - iii. All solid pet waste, both on and off the rental property, must be collected and disposed of in trash containers.

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<sup>1</sup> certified by the Maine Department of Health and Human Services Division of Environmental and Community Health

- d. Lake Protection:
    - i. No soaps or other pollutants are allowed directly or indirectly in water bodies.
    - ii. Any watercraft and trailers supplied by tenants (owned or leased):
      - 1) Must be inspected for plant matter with all removed prior to boats being placed in water bodies and again upon removal.
      - 2) If required, boats must be registered.
      - 3) Owners will supply each rental with “The Boater’s Guide to Maine Boating Laws and Responsibilities,” published by the Maine Department of Inland Fisheries and Wildlife.
      - 4) No wake zones must be strictly adhered to.
  - e. Wildlife and Habitat Protection:
    - i. Loons, ducks, turtles, beaver, and other inhabitants of water bodies must be enjoyed from a distance and not harassed.
    - ii. No plant life or minerals (including stones) may be removed from a shore or water area.
    - iii. State licenses must be obtained for fishing and/or hunting.
  - f. Lighting: Outdoor lighting should only be turned on as needed to protect dark skies, discourage Browntail moths from nesting, and preserve neighborhood serenity.
  - g. No fireworks are allowed.
7. Trash containers must be provided for renters:
- a. Trash must be emptied at least once per week when the unit is occupied.
  - b. Recycling containers must be provided, and contents recycled.
8. Parking:
- a. The advertisement for an STR must state how many parking spots the property will accommodate.
  - b. Parking must be off the traveled way and shall not impede the flow of traffic.

#### **SECTION IV: Complaints/Penalties/Revocation**

Failure to comply with any requirement of this Ordinance shall result in the issuance of a “Notice of Violation” from the Code Enforcement Officer. If the violation is not addressed within the time period established in the Notice, the Code Enforcement Officer may require that the STR not be rented until the violation is corrected.

Violations discovered by the Local Plumbing Inspector shall be corrected in the most immediate time frame possible.

The license to operate a short-term rental shall be revoked if there are (3) three complaints that are not resolved to the satisfaction of the CEO.

When the above does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the CEO, are hereby directed to institute any

and all actions and proceedings, either legal or equitable, including the imposition of fines, that may be appropriate and necessary to enforce the provisions of this ordinance. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this ordinance and recovering fines without court action. Such agreements shall not allow use to continue unless there is clear and convincing evidence that the use was conducted as a result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith. The Select Board shall be kept informed of all steps involved in enforcement proceedings.

Fines: Any person, including but not limited to the rental owner or the owner's agent, who has 3 complaints that are not resolved to the satisfaction of the CEO may be fined accordingly:

The minimum penalty of a specific violation shall be \$100 per day, with a maximum penalty of \$5,000 per violation.