

Lucerne-in-Maine Village Corporation SHORT-TERM RENTAL REGISTRATION ORDINANCE

1. Title

This Ordinance shall be known and may be cited as the “Short-Term Rental Registration (STR) Ordinance of the Village of Lucerne, Maine” and shall be referred to herein as “The Ordinance.”

2. Purpose

The Village of Lucerne herein referred to as the Village, recognizes the desire of some property owners to rent their legal residential unit(s) as short-term rentals. At the same time, property owners in the vicinity of existing short-term rentals have raised legitimate concerns about quality of life and continued enjoyment of their properties due to the inherently transient nature of short-term rentals. It is the intent of this Ordinance to allow the continued, reasonable, short-term rental of legal residential properties in the Village, while minimizing the negative impacts said short-term rentals generate upon abutting and neighboring residential properties. This Ordinance also serves to consider the environmental impact of said rentals on Shoreland Zoning and natural resource areas within the boundaries of the Village.

3. Authority

This ordinance is enacted pursuant to the home rule authority granted to the Village in accordance with the provisions of Title 30-A M.R.S.A. § 3001 and § 4364-C.

4. Definitions

Dwelling Unit - A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family, including provisions for living, sleeping, cooking, and eating; *any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments.*

Short-Term Rental (STR) - The use, control, management or operation of a legally-existing dwelling unit, in whole or in part, for dwelling, sleeping or lodging purposes, that is rented, for compensation, directly or indirectly, to a transient occupant(s) for a period of no more than 28 consecutive days or one calendar month, whichever is less.

Note: A rental period of 30 days does not negate it as a STR.

A short-term rental does not include legally existing dwelling units that are rented no more than twice per calendar year and for less than a total of 14 days in a calendar year.

Non-Owner-Occupied Short-Term Rental— A dwelling unit that is not occupied by the owner when any part of the dwelling unit is rented as a short-term rental.

Owner-Occupied Short-Term Rental - A dwelling unit that is occupied by the owner when any part of the dwelling is rented as a short-term rental.

Property Management Company - any management company or co-host, employed/contracted by the owner of the short-term rental property, who is involved in the day-to-day management of the property.

Transient Occupant - any person or a guest or invitee of such person, who, in exchange for compensation, occupies or is in actual apparent control or possession of residential property, which is either: 1) registered as a short-term rental property, or 2) satisfies the definition of a short-term rental property, as such term is defined in this chapter. It shall be a rebuttable presumption that any person who holds themselves out as being an occupant or guest of an occupant of the short-term rental is a transient occupant.

Seasonal - A property which is habitable only from April 1 to November 1 because it has water-service available only seasonally and is occupied only seasonally. These structures typically do not contain insulation, or whole house heating, rating or capacity to support year-round occupancy.

Year-Round - A property habitable throughout the calendar year because it has suitable septic, heat source(s), insulation, rating and capacity for year-round occupancy.

5. Registration; Annual Renewal Necessary

No dwelling unit may be rented, or otherwise held out as being available for rent as a short-term rental, without first registering the same with the Village in a manner consistent with this Ordinance.

A short-term rental registration is valid for a period of one (1) year from the date of issue. A short-term rental registration must be renewed annually and also must be re-registered upon any change in ownership or management of the dwelling unit.

Registration Applications, which shall be prepared and made available by the Code Enforcement Officer, will include a questionnaire to be completed and will provide all information required to demonstrate compliance with the performance standards contained in the Ordinance, as well as the following materials:

A. Proof of Ownership, Current Status of Property Taxes, Insurance. Provide documentation to support ownership of the property / dwelling unit, including a specific rental property policy for the short-term rental. Provide documentation if the property / dwelling unit is held in another form of ownership such as an LLC or corporation.

B. Copy of Plot Plan and Form HHE 200 / Septic Site Plan. Provide documentation showing the location of the short-term rental, the location of all parking spaces required by Section IV(C) of this Ordinance, and the location of the leach field associated with the

dwelling unit, and if applicable, the proximity of the dwelling to lakes, ponds, rivers and other bodies of water, both natural and man-made. Such plot plans may be hand drawn or created using the GIS data compiled and maintained by the Village, and supplemented with documents on file with the Village.

C. Floor Plan Drawing. Provide documentation showing the general layout of the short-term rental. This floor plan must show bedrooms, bathrooms, hallways, kitchen, emergency exits / points of egress, and locations of carbon monoxide detectors, fire detectors, and required fire-extinguishers. Such floor plans may be hand drawn.

D. Events and Camping. If RV or tent camping is permitted on the property, the Code Enforcement Officer must be informed of said camping and additional permits may be required. If hosting an event, an event application must be submitted at least 30 days prior to the event and a separate permit may be required per event.

E. Rental Methods, Maximum Occupancy, Dates of Rental Availability, Property Management. Provide the listing methods employed to market the short-term rental, including property links to social media platforms (Facebook Marketplace, Instagram, etc.), rental platforms (Airbnb VRBO, booking.com etc.), rental property website. List the maximum published occupancy for the short-term rental and the time frame it is available (year-round, seasonal, date to date, etc.). Provide contact information for any Property Management Company or Co-Host involved in the management of the short-term rental(s).

F. Application / Registration Fee(s). Non-refundable fees for a short-term rental property shall be adopted, by order of the Village of Lucerne Board of Overseers and may be amended from time to time. Such fee(s) must be submitted with the Registration Application and at the time of Permit approval and renewal.

G. Acknowledgements. Registrants will sign the Acknowledgements Section of the Registration Application confirming the veracity of the information provided and agreeing to abide by the regulations set out in the Ordinance.

H. Multiple Short-Term Rental Properties. In the case where the owner hosts more than one (1) short-term rental dwelling unit, the required information in Section V (A, B, C, D, E, F,G,) must be completed for each Short-term rental unit. Fee(s) (Section V (F) will be assessed for each dwelling unit.

Once submitted, all Registration Applications shall be reviewed by the Code Enforcement Officer and / or Planning Board for completeness. Once deemed complete, the Code Enforcement Officer shall either accept, accept with conditions, or deny each Application.

Upon acceptance of the Application, all applicants will receive a copy of the following:

- Village Short-Term Rental Registration Ordinance
- Signed Village Short-Term Rental Registration Application

- Certificate of Short-Term Rental Registration from the Village
- Respecting the Neighborhood Flyer

The Permit must be prominently displayed in the rental property and the Flyer should be made available to renters/guests.

6. Performance Standards

All short-term rentals within the Village shall comply with the following performance standards:

A. Emergency Contact. The dwelling unit's owners must provide an Emergency Contact who is able to respond within three hours (24 hours per day) to complaints regarding the condition, safety, or operation of the short-term rental or the conduct of guests and must be able to take such remedial action on behalf of the owner, or as otherwise allowed by law, to resolve such complaints.

B. Occupancy Limits. Occupancy within a short-term rental is limited to a maximum of two (2) guests per legally permitted bedroom (as determined by the Code Enforcement Officer and Licensed Plumbing Inspector) plus an additional two (2) guests. Total Bedrooms must be supported by the septic system design water-flow.

1. All short-term rentals must show compliance, as per the local plumbing inspector, that the existing subsurface wastewater disposal system (SSWD) is an operational and properly functioning system designed for the proposed occupancy of the short-term rental.
2. All short-term rentals must provide access to potable water.

C. Parking. The dwelling unit's owner must provide off-street parking for all vehicles permitted at the rental. All on street parking is prohibited, including in any manner that impedes access to emergency vehicles to the property or any other dwelling in the neighborhood.

D. Trash Disposal. The dwelling unit's owner must provide trash containers for household trash. Trash bags must be tied securely and placed in provided containers. The dwelling unit owner shall ensure that the trash is removed from the property a minimum of once per week.

E. No Serving of Food by Owner. No food shall be prepared for, or served to, short-term rental guests by the owner in a manner that would require a victualer's license from the Village or an eating establishment license from the State of Maine.

F. Habitability of Dwelling Unit. A dwelling unit may not be rented as a short-term rental if the same has not received a permit for a STR from the Code Enforcement Officer, has been declared a "dangerous building" by the Village of Lucerne Board of Overseers, as defined by state law, or has otherwise been declared to be unfit for human habitation by the Local Health Officer.

G. Distribution of Respecting the Neighborhood Flyer. A copy of a “Respecting the Neighborhood Flyer” shall be posted in a conspicuous location in the short-term rental. The owner shall direct guest attention to said flyer prior to occupancy. Certified STR’s will receive updated copies each year, as amended.

H. Maintained Vehicle Access. All private roads and driveways leading to the property shall be maintained, plowed, graded, etc. while in use to the satisfaction of the Village of Lucerne.

I. Yearly Inspection. All dwelling units will be inspected at the time of the initial application and then every 5 years subsequently. In the event there are any concerns or issues noted at the first inspection, a second inspection will take place no longer than one year later and within a timeframe deemed appropriate by the CEO. Additional inspections may be required if issues discussed under Section 7 arise.

J. Environmental Impact. If it is deemed by the Licensed Plumbing Inspector that the septic information on file for a given short-term rental property, including but not limited to those located adjacent to lakes, ponds, rivers and other natural and man-made water bodies, is unconfirmed or outdated, the property owner is responsible for obtaining an updated septic inspection of the property’s waste water management system, confirming it meets current code and is safe to function within resource protected and shore-land zones for the maximum occupancy indicated on the Registration Application.

7. **Complaints, Penalties, Violations, Enforcement**

A. Complaints Concerning Short Term Rentals. All complaints regarding short-term rentals shall be brought to the attention of the Code Enforcement Officer through the completion and submission of a Citizen Complaint Form. Anonymous complaints are not permitted, documentation to support the complaint will be supplied where possible. Any complaints filed as explicit harassment or otherwise as abuse of process may be appealed by the short-term rental registrant as defamatory. Any complaints that involve potential illegal activity or safety concerns or significantly interrupt a resident’s ability to reside in their home or immediate neighborhood may be reported to the relevant authorities including Hancock County Sheriff’s Office and / or the Maine Warden’s Service. The Code Enforcement Officer shall establish and maintain a record of all complaints received for each short-term rental that are investigated by the Code Enforcement Officer. The Code Enforcement Officer shall seek to obtain voluntary compliance through the correction of all substantiated complaints by the short-term rental registrant. A list of complaints and any resolutions shall be reported to the Board of Overseers at their monthly meetings.

B. Suspension or Revocation of Registration. If, in the opinion of the Code Enforcement Officer, a violation of this Ordinance exists and cannot be resolved within a reasonable time period, and if the nature and / or number of complaints warrants further review of the registration, the Code Enforcement Officer shall provide a report to the Village of Lucerne Board of Overseers for review and consideration. If the violation

requires public review, said Board will announce the issue as an agenda item for the next Board meeting and the Board may condition, suspend, or revoke a Certificate of Short-Term Rental Registration on the basis of the dwelling owner's non-compliance with this Ordinance.

Any decision of the Board of Overseers as described above may be appealed to the Maine Superior Court within thirty (30) days of that decision, consistent with the Rule 80B of the Maine Rules of Civil Procedure. Registrants who have previously had registration(s) revoked pursuant to this article shall be allowed to be registered in the future only by order of the Board of Overseers.

C. Violations and Enforcement. Any licensee of a short-term rental who is found to be in violation of any applicable law, ordinance, regulation, or license condition shall, following notice by the CEO, abate such violation within the time period prescribed in the notice of the violation. Penalties for violations occurring at a licensed short-term rental shall be assessed per day, per violation, in accordance with 30-A M.R.S.A. § 4452.

NOTE: Current penalties include fines of not less than \$100 nor more than \$2500 per violation for each day that the violation continues. However, in a resource protection district, the maximum penalty is increased to \$5000 (38 M.R.S.A. section 4452).

Should any licensee of one or more short-term rental properties fail to abate or remedy any violation occurring at the short-term rental in the time and manner described in the notice of violation, then the Village may file a complaint in Maine District Court pursuant to M.R. Civ.P. 80K and pursue all remedies and monetary penalties available to the Village.

8. Appeal

An aggrieved party may appeal a decision by the CEO to grant, deny, revoke, or suspend, a short-term rental license within 30 days of the CEO's decision as provided by 30-A M.R.S.A. section 2691(3)(F).

A. Administrative Appeals. When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a "de novo" hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a "de novo" capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments.

If the Board of Appeals determines that the record of the Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact-finding.

B. Appeal Procedure

a. Making an Appeal

- i. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in Section 16(H)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
- ii. Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:
 1. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.
 2. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
- iii. Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
- iv. The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application unless this time period is extended by the parties.

b. Decision by Board of Appeals

- i. A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.
- ii. The person filing the appeal shall have the burden of proof.
- iii. The Board shall decide all administrative appeals and variance appeals within thirty-five (35) days after the close of the hearing and shall issue a written decision on all appeals.
- iv. The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and municipal officers.

C. Appeal to Superior Court. Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

D. Reconsideration. In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

The appeal of a reconsidered decision to the Superior Court must be made within fifteen (15) days after the decision on reconsideration.

9. Severability.

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

10. Conflicts with Other Ordinances

This Ordinance shall not repeal, annul or in any way impair or remove the necessity of compliance with any other ordinance, rule, regulation, permit or provision of law. Whenever the requirements of this Ordinance conflict with the requirements of any other lawfully adopted ordinance, rule, regulation, permit or provision of law, the most restrictive shall apply.

Presented at Public Hearing on Jul 29, 2025

Presented at Annual Meeting:

Adoption Date: