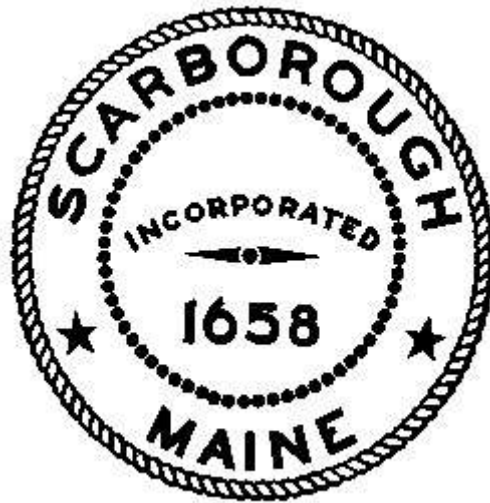


**CHAPTER 1005**

**TOWN OF SCARBOROUGH**

**INNKEEPERS LICENSE ORDINANCE**

**ORDINANCE**



**Adopted June 21, 2006**  
**Amended 10/17/2007**  
**Amended 04/16/2008**  
**Amended 11/01/2017**

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**Section 1. Purpose**

The purpose of this Ordinance is to regulate the establishments providing lodging to travelers and other for compensation in the Town of Scarborough. The regulations are essential to insure that all establishments providing these services are in compliance with Title 30-A, §3811 – 3814 or the Maine Revised Statutes, all local ordinances and building regulations and that local property taxes and local fees are paid in full for the year prior to the issuance or renewal of a license.

**Section 2. Definitions**

As used in this Ordinance, the terms listed below shall have the meanings described below. The definitions in this Ordinance are exclusive to this Ordinance, and are independent of and have no bearing on terms used in the Zoning Ordinance of the Town of Scarborough. (amended 10/17/2007)

**Innkeeper:**

A person who keeps an inn, hotel, motel, lodging or rooming house, cabins or cottages to provide lodging to travelers and others for compensation. (amended 10/17/2007)

**Lodging or Rooming House:**

A building that provides sleeping accommodations for 16 or fewer persons on either a transient or permanent basis, with or without meals, without separate cooking facilities for individual occupants. Bed and breakfast occupancies with more than 3, but fewer than 17, occupants are considered lodging and rooming houses. (amended 10/17/2007)

**Hotel:**

A building or groups of buildings under the same management in which there are sleeping accommodations for more that 16 person and primarily used by transients for lodging with or without meals. This definition also includes an inn, club, motel, bed and breakfast or any other structure meeting this definition. (10/17/2007)

**One and Two Family Dwellings:**

Buildings containing not more than two dwelling units in which each dwelling unit is occupied by members of a single family with not more than three persons outside the family, if any, accommodated in rented rooms. (10/17/2007)

**Cottage or Cabin:**

A room or group of rooms in a self-standing structure containing sleeping, cooking and bathroom facilities and rented to travelers or other short-term occupants for compensation. As used in this definition, the term “short-term occupants” means persons renting the cottage or cabin for a term of less than three months. (10/17/2007) (04/16/2008)

**Family:**

One or more persons occupying a building or a portion of a building and living as a single housekeeping unit, as distinguished from a group occupying an inn, hotel, motel, lodging or rooming house, cabin or cottage. (10/17/2007)

**Section 3. Applicability**

This ordinance is applicable to innkeepers of hotels, motels, lodging and rooming houses, dormitories and owners of three or more cottages or cabins in a single or adjacent parcel. Single and two family dwellings are exempt from this ordinance as are dormitories of charitable, educational, or philanthropic institutions. (10/17/2007)

**Section 4. License Required**

All innkeepers must be licensed annually in order to operate within the Town of Scarborough.

**Section 5. Application Process**

**A. New Applications**

New applicants may apply at any time during the year. Applications for a license shall be procured from the Town Clerk, completed and signed by the applicant and filed with the Town Clerk, and when submitted to the Town Council shall bear the recommendation for approval or disapproval with reasons noted by the Code Enforcement Officer, the Police Chief, the Fire Chief and the Tax Collector.

A license shall be granted if the property in question complies with all Federal, State and local laws and the applicant demonstrates that the premises will be conducted in a healthful and sanitary manner so as not to jeopardize the public health, safety and welfare and that the applicant is not delinquent in the payment of any taxes or fees owed to the Town of Scarborough. A new license, when granted, shall be valid until May 31<sup>st</sup>, immediately following said granting of said license, except that new licenses granted during April and May shall be valid until May 31<sup>st</sup> of the following calendar year. (amended 10/17/2007)

**B. Renewal Licenses**

An existing license may be renewed by the Town Clerk, provided that the holder of the existing license makes application for renewal on or before May 31<sup>st</sup>. If the holder applies for renewal on or before May 31<sup>st</sup>, the existing license shall remain in effect until final action on the renewal application. Otherwise, the existing license shall expire on May 31<sup>st</sup> and an application for a new license must be filed. For renewal applications filed on or before May 31<sup>st</sup>, the Clerk shall process and issue renewal licenses in the same manner as the Town Council processes and issues new licenses, except that no public hearing is required for a renewal. The Clerk may renew a license only if the Clerk is satisfied that the application meets all the requirements of this ordinance. If the Clerk is not satisfied that the application meets all the requirements of this ordinance, the Clerk shall refer the application to the Town

Council, which shall process the application in the same manner as an application for a new license. (amended 10/17/2007)

### **C. Public Hearing**

The Town Council shall hold a public hearing prior to all applications for new innkeepers' licenses. Notice of the hearing shall be posted in at least two public places and shall be advertised in a local daily newspaper, at least seven (7) days prior to the hearing, both at the expense of the applicant.

### **Section 6. Investigation of Applicant** [amended 11/01/17]

Upon receipt of each application request for an Innkeepers License the following shall occur:

- (a) The Code Enforcement Officer, or her/his designee, shall verify that the premises comply with all applicable ordinances of the town including, but not limited to, the building code, electrical code, plumbing code and zoning ordinance and shall report her/his findings in writing to the Town Clerk; and,
- (b) The Fire Chief or her/his designee shall inspect the proposed location to determine if all laws, ordinances or regulations concerning fire and safety have been satisfied and shall submit her/his report in writing to the Town Clerk; and,
- (c) The Police Chief or her/his designee shall investigate the application and shall report her/his findings in writing to the Town Clerk; and,
- (d) The Tax Collector shall submit a report to the Town Clerk on any delinquencies or payments due the Town at the time the license is requested or renewed; and,
- (e) The Town Clerk shall review the application and other documents and determine whether such documents comply with all of the requirements of this article and shall report such findings in writing to the Town Council.

### **Section 7. License Fees**

The fee payable for an innkeepers' license shall be as specified in Chapter 311, the *Schedule of License, Permit and Application Fees* established by the Town Council.

### **Section 8. Suspension, Revocation of License**

An Innkeepers license may, after notice and public hearing, be suspended or revoked by the Town Council for non-compliance with the ordinances, statutes, and regulations of the Town of Scarborough and the State of Maine.

### **Section 9. Reinstatement of License**

An Innkeepers license may, at any time after the suspension of the license, make an application in writing for the reinstatement of the license to the Town Clerk and such application shall be submitted to the Town Council as per Section 4 above.

### **Section 10. Penalty**

Any violation of this ordinance shall be punishable by a fine of not less than three hundred dollars (\$300) for the first offense and not less than five hundred dollars (\$500) for the second and subsequent violation which shall be recovered for the use of the Town of Scarborough. Each day that such unlawful act or violation continues shall be considered a separate offense. In addition, the Town may seek recovery of costs and any other legal and equitable remedies as may be available to the Town.

### **Section 11. Repeal of Prior Ordinances**

This Ordinance repeals and replaces the ordinance entitled “Fee for Innkeepers or Victualer’s License Ordinance” enacted by special town meeting, May 3, 1947 and amended through September 6, 1995.