Be it hereby ordained by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the Town of Scarborough Ordinances are amended as follows:

The following ordinance is adopted as shown below in underline:

CHAPTER 1020 SHORT-TERM RENTAL REGISTRATION

A. Purpose

The purpose of this ordinance is to authorize and require the annual registration of the use of a legally existing residential dwelling offered for the accommodation of short-term guests, for compensation, for periods of less than 28 consecutive days. The registration program allows for the historical practice of short-term rentals in coastal areas and serves to limit the impacts on neighborhoods outside of coastal areas within the Town of Scarborough.

Persons or entities wishing to establish a short-term rental within the Town of Scarborough shall first register with the Scarborough Town Clerk and shall be subject to the provisions of this Ordinance and Chapter 405 Zoning Ordinance.

B. Applicability and Permitted Short-term Rentals

Effective *TBD, 2026*, no person shall advertise, operate, or rent a short-term rental without first registering the short-term rental unit(s) with the Town of Scarborough.

Short term rentals are only permitted in legally existing dwelling units or habitable space within a legally existing dwelling unit, or habitable space in a building or structure accessory to a legally existing dwelling unit.

Short-term rentals are not permitted in accessory dwelling units nor in the dwelling on the same lot as an accessory dwelling unit approved per Chapter 405 Zoning Ordinance, Section IX.J Performance Standards Accessory Units.

Short term rentals are not permitted in sheds, tents, recreational vehicles or other similar accessory structures.

Individual spaces within a single non-owner occupied dwelling may not be rented out to separate parties at one time.

Hotels, motels, licensed campgrounds, bed and breakfasts and lodging houses are exempt from the registration and other requirements of this chapter.

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C. Definitions

Section VI Definitions of the Town of Scarborough Chapter 405 Zoning Ordinance shall apply in addition to the following:

Advertising: Any form of communication for marketing that is used to encourage, persuade, or manipulate viewers, readers, or listeners into contracting for goods and/or services as may be viewed through various media, including but not limited to newspapers, magazines, flyers, handbills, television commercials, radio, signage, direct mail, websites, social media or text messages.

Habitable Space: A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

Short-Term Rental Guest: Any person who rents, registers, occupies or has the right to occupy a dwelling unit for less than 28 consecutive days.

D. Registration Application Requirements

Complete registration and/or renewal applications shall require the following information from the applicant to be considered complete:

- Name of all owners of the short-term rental and contact information, including the owners' addresses, telephone numbers, and email addresses;
- Street address and map/lot number of the short-term rental property;
- Type of property for rent;
    - Dwelling in its entirety
    - Portion of a dwelling
    - Other habitable building or structure or portion thereof
- Whether or not the short-term rental is owner or non-owner occupied;
- Maximum planned occupancy;
- Expected duration of short-term rental status; year-round or seasonal;
- Emergency contact for Town emergency purposes;
- Safety compliance acknowledgement and verification;
- Good Neighbor Ordinance acknowledgement;
- Parking requirement acknowledgement and provide the number of off-street parking spaces provided for the short-term rental.

E. Registration Requirements: General Standards

The short-term rental registration shall be displayed at all times in a conspicuous place in the interior of the short-term rental that identifies the short-term rental registration number, and the name, address, phone number(s), and email address of the owner of the short-term rental, and/or the owner's local contact person. In addition, a reference to the Good Neighbor Ordinance rules must be posted in all rentals.

F. Registration Requirements: Safety Compliance

All short-term rental properties shall comply with the following building safety requirements.

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Smoke alarms shall be installed in the following locations:

- In each bedroom
- Outside of each separate sleeping area in the immediate vicinity of the bedrooms.
- On each additional story of the dwelling, including basements and habitable attics.

If a house has an attached garage or a fuel-fired appliance, a carbon monoxide detector is required in the following locations:

- Outside of each separate dwelling unit sleeping area in the immediate vicinity of the bedrooms.
- On every occupiable level of a dwelling unit, including basements (excluding attics and crawl spaces).

Fuel gas detectors shall be installed in every room containing an appliance that combusts propane, natural gas or any liquefied petroleum gas

At least one portable fire extinguisher in ready condition shall be mounted in a prominent location.

G. Registration Requirements: Inspections Required

Anytime that a short-term rental application is submitted for a property, the short-term rental applicant shall certify on the short-term rental application that the proposed short-term rental property complies with the short-term rental standards above.

A safety inspection shall be provided by the Town within 45 days of the initial registration and once every three to five years thereafter, to determine compliance with the short-term standards above. If the short-term rental ownership changes, the inspection timing shall start over from the initial timing.

The short-term rental owners shall have 30 days to correct any safety compliance requirements described herein.

H. Registration Requirements: Good Neighbor Ordinance and Parking

All short-term rental tenants and owners shall adhere to the Town of Scarborough Good Neighbor Ordinance standards.

On street parking by Short-term Rental tenants or guests is prohibited per Chapter 601 – the Town of Scarborough Traffic Ordinance.

I. Registration Fees

Registrations shall include a non-refundable initial registration fee or a registration renewal fee for each short-term rental as described on a fee schedule established by Town Council.

J. Registration Authority and Procedure

The Town Clerk shall have the authority to issue a short-term rental registration. The Town Clerk, or the Town Clerk's designee, shall review all applications for completeness and accuracy and in the order that they were received.

In the event that the Town Clerk determines that a submitted application is not complete, the Town Clerk shall notify the Applicant within ten (10) business days that the application is not complete and shall inform the Applicant of the additional information required to process the registration.

Upon submission to the Town Clerk, an application shall be distributed to the Code Enforcement Officer, the Police Chief, the Fire Chief, and the Town Assessor for their review and recommendation for approval or disapproval with reasons noted.

A registration shall be granted if the short-term rental use is permitted in the proposed structure in accordance with Chapter 405 Zoning Ordinance and this Chapter, the applicant has verified the premises will be maintained in a healthful and sanitary manner, there are no outstanding code violations on the premises and the applicant is not delinquent in the payment of any taxes or fees owed to the Town of Scarborough.

K. Registration Expiration and Renewal.

Registration, when granted, shall be valid until December 31st, immediately following registration, except that new registration granted during November and December shall be valid until December 31st of the following calendar year.

Renewal applications must be submitted at least 45 days prior to the date of expiration of the annual registration. An application for the renewal of an expired registration shall be treated as a new application.

As long as existing non-owner occupied Short-Term Rentals renew by December 31st of each year, they will continue to remain registered. Failure to renew by the deadline will result in losing registration and being placed at the bottom of the waitlist if one exists.

Short-term rental registrations may not be granted to a renter, lessee, or any other party who is not the owner or authorized owners' agent of the proposed short-term rental unit(s).

Registrations are not transferable to a new owner. Any change in ownership shall require a new registration.

Registrations are limited to the dwelling unit for which they are issued and shall not be transferable to a different dwelling unit.

L. Transitional Provisions

Special Exception Required: Owners or entities who operated a legally existing residential dwelling unit as a short-term rental prior to the effective date of this chapter in a zoning district where short-term rentals must receive special exception approval shall qualify for exemption from this requirement if they provide an affidavit or other sworn statement by the owner, along with documented evidence certifying that the premises were previously used for short-term rental use by one or more tenants for a period of less than 30

consecutive days per tenancy and for at least 14 total days in a calendar year in 2025 and register by December 31, 2026. If these conditions are met, the requirement for special exception shall be waived. Annual registration shall be required each subsequent year and no special exception shall be required so long as the short-term rental does not change ownership.

Short Term Rental Not a Permitted Use: Owners or entities who operated a legally existing residential dwelling unit as a short-term rental prior to the effective date of this chapter in a zoning district where short-term rentals are not a permitted use, must provide an affidavit or other sworn statement by the owner, along with documented evidence certifying that the premises were previously used for short-term rental use by one or more tenants for a period of less than 30 consecutive days per tenancy and for at least 14 total days in a calendar year in 2025.

Such owners or entities are required to register by December 31, 2026. This initial registration period shall be valid for a period of 12 months until December 31, 2027, at which time the short-term rental use must cease.

M. Violations and Penalties

Violations of this chapter include, but are not limited to, the following:

- Providing false or misleading information on an application, or renewal application, for a short-term rental registration;

For the violation of operating and/or advertising the rental of a short-term rental without a valid registration, the violator may be penalized with a per day fine of $100 for the first offense and an additional per day fine of $150 for each additional offense, to be recovered upon complaint to Maine District Court or Superior Court, for use of the Town.

For any other violation of this chapter, the violator may be penalized with a fine of $100 per day for each such violation, to be recovered upon complaint to Maine District or Superior Court in Portland, for use of the Town.

All violations shall be reported to and validated by the Code Enforcement Officer.

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